

Edenfield Community Neighbourhood Forum

H66 - Land West of Market Street, Edenfield

Masterplan / Design Code (Version V24 - Randall Thorp - June 2024) (V5 - RBC)

Representations

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Appendices

1. Extract of map of Public Rights of Way in Edenfield
2. Examples of references in the MDC to Edenfield as a village
3. Commentary on HCM and the Road Safety Audit appended thereto
4. Strategic Policy ENV1: High Quality Development in the Borough

NOTE: The following documents are submitted concurrently with, and should be considered as part of, these representations:

1. Letter dated 12 July 2024 from SK, and
2. Neighbourhood Plan and AECOM Design Code, currently the subject of ‘Regulation 16’ consultation by RBC.

Key Issues

The Masterplan and Design Code are not fit to be approved. The key issues include

- Proposed density of development (over 20% more than Local Plan contemplated) and suggested building materials do not relate well to site H66's surroundings.
- Lack of protection of views to Grade 2*-listed Parish Church and to the countryside.
- Design Code prepared by renowned experts for emerging Neighbourhood Plan has been disregarded.
- No programme of implementation and phasing of development, which Local Plan requires - risk of chaos from multiple developments in a small village at the same time.
- No comprehensive infrastructure delivery schedule, also required by Local Plan.
- Various deficiencies in the Transport Assessment need to be addressed.
- Inadequate provision of replacement parking for lost on-street spaces.
- Masterplan and Transport Assessment are so inter-connected that the latter needs to be agreed before the Masterplan is approved.
- Off-site car park east of Burnley Road and accompanying play area are poorly located and would harm the Green Belt. Their appropriateness should have been considered in the Local Plan process.
- It is not clear that sustainable drainage can be safely accommodated.
- Foul drainage arrangements are unclear.
- Masterplan does not accord with the National Planning Policy Framework or policies in the Local Plan.
- The Masterplan and Design Code are badly presented - numerous errors, misleading statements, misrepresentations and falsehoods urgently require correction.

These matters are considered in detail in the following representations.

Section 1

Section 1 Interpretation, Summary Reasons for Rejection and Background

1.1 Interpretation, abbreviations and definitions

in these representations, extracts of national planning policy or the Local Plan are coloured blue, and expressions and abbreviations have the following meanings, unless otherwise apparent from context -

Section or paragraph number followed by 'above' or 'below' - a Section or paragraph of these representations

APM - access protection marking

CE PS - Church of England Primary School

DAS - Design and Access Statement submitted with the TW application

dph - dwellings per hectare

ECNF - Edenfield Community Neighbourhood Forum

Executive Summary - Executive Summary in the MDC (pages 08 and 09)

H66 - the site allocated for housing by the Local Plan under reference H66 Land West of Market Street, Edenfield

ha - hectares

HCM - Highways Consideration of Masterplan, described at paragraph 1.3.12 below

LAP - Local Area for Play

LEAP - Local Equipped Area for Play

LCC - Lancashire County Council

LLFA - Lead Local Flood Authority

Local Plan - Rossendale Local Plan adopted by RBC on 15 December 2021

MDC - Masterplan and Design Code dated June 2024 (Version V24) and presented by Randall Thorp that is the subject of consultation and these representations

Northstone - Northstone Development Limited, an associated company of Peel

NPPF - National Planning Policy Framework (updated on 20 December 2023)

page, with a number - unless otherwise stated, a page of the MDC

Peel - Peel L&P Limited or an associated company

Peel application - planning application reference 2023/0396 submitted to RBC by Northstone for the construction of 50 dwellings in the northern portion of H66

Planning Statement - Planning Statement (Including Heads of Terms, Waste Management Strategy and Affordable Housing & Parking Provision Statements) submitted in 2022 with the TW application

Policies Map - map published by RBC and titled 'Adopted Policies Map - Rossendale Local Plan 2019 to 2036'

Policy - a Policy of the Local Plan

PPG - Planning Practice Guidance, promulgated by the Government

PROW - Public right(s) of way

RBC - Rossendale Borough Council

SCI - Statement of Community Involvement, dated July 2022 and submitted with the TW application

SHLAA - Strategic Housing Land Availability Assessment

SK - SK Transport Planning Limited

SPD - Supplementary Planning Document

SSP - site-specific policy in the Local Plan for H66

Strategic Policy - a Strategic Policy of the Local Plan

SUDS - Sustainable Drainage System(s)

TRO - traffic regulation order

TW - Taylor Wimpey

TW application - planning application reference 2022/0451 submitted to RBC on behalf of TW for the construction of 238 dwellings in the central portion of H66

1.2 Summary Reasons to Reject the MDC

Table 1 below summarises deficiencies in the MDC which require its rejection.

Row	Section or Paragraph of Representations	Contrary to National Policy; or to Local Plan Strategic Policy (SP), Policy (P), SSP or paragraph; OR Fault in MDC	MDC page, and/or reason to reject MDC
1	1.3.1 and 4.2	MDC misrepresentation	Page 21 - false statement of community consultation
2	1.3.7, 2.1, 2.2, 2.8 and 3.1.1	SSP	MDC driven by TW and Peel applications, does not demonstrate comprehensive development
3	1.3.10, 3.1.2 to 3.1.6, 3.3.2 and 10.9.4	SSP	MDC does not apply to whole of H66. Doubtful whether all owners are involved, because MDC, having previously misrepresented an owner's involvement, does not state on whose behalf it was prepared or which owners support it
4	2.8	MDC omission	No planned road network for the whole site
5	2.8	MDC omission	No overall provision for landscaping and open space
6	2.8	MDC omission	No assessment of developer contributions
7	2.8, 3.2.1 to 3.2.6.4, 3.2.7.1 to 3.2.8.11 and 3.3.2	SSP	Pages 08 and 58 to 68 - no programme of implementation and phasing; infrastructure delivery schedule addresses only highways and does that inadequately
8	3.2.6.5	Paragraph 41, explaining (SP) SS Spatial Strategy	Development must grow incrementally from south
9	3.2.8.2.1	MDC omission	Pages 47 to 49 and 64 to 68 - insufficient information about TROs
10	3.2.8.2.1 to 3.2.8.2.5, 11.2.1, 11.2.2 and 11.13	Unsound evidence base leads to misrepresentation by the MDC	Pages 42, 43, 46 and 90 - lost street parking spaces are under-stated. Unwarranted assumptions and a false promise underpin parking proposals, which lack clarity
11	3.2.8.2.4, 10.1, 10.9.1, 10.9.7, 10.10	NPPF, paragraphs 152, 153 and 155	Page 61 - no certainty of planning permission for car park/LAP east of Burnley Road in Green Belt
12	3.2.8.3	MDC fails to identify suitable routes	Page 61 - construction traffic routed along unsuitable residential roads
13	3.2.8.4	MDC omission	Page 60 - no construction works management strategy
14	3.2.8.5.1	MDC omission	Pages 49, 60, 65, 67 and 68 - effect of one-way Exchange Street on traffic on Highfield Road has not been thought through
15	3.2.8.5.2	MDC unclear	Pages 49 and 67 - plans unclear about right turn from Market Street into Exchange Street
16	3.2.8.6	MDC misleads	Page 60 - unrealistic and/or unenforceable promise to repair highway damage

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17	3.2.8.7 to 3.2.8.9	MDC misleads	Table on page 61 completely unfit for purpose
18	2.6, 3.2.3, 3.2.6.2, 3.2.9 and 3.2.10	SSP	Denying the need for site-wide MDC or an implementation and phasing programme is attempted subversion of the Local Plan
19	3.2.1.1 and Section 11	MDC omission	Pages 46 - 49 and 64 - 68, Developers' Transport Assessment is inadequate
20	3.2.12	MDC omission	Pages 58 and 59 ignore LCC demand for financial support for X41 bus service
21	3.2.13 and 8.4.1 to 8.4.4	MDC poor draft	Pages 07, 39, 45, 55, 58 and 59 conflict about emergency access between TW and Methodist Church land. Full, accurate information needed
22	3.3.1 to 3.3.3, 6.4 and Sections 13 to 15	NPPF, paragraph 134 Local Plan, paragraph 12 and SSP (SP) SS: Spatial Strategy (SP) ENV1 High Quality Development in the Borough, paragraph 234	Design Code inadequate and riddled with errors and does not reflect local aspirations
23	4.1 to 4.6 & 6.4	NPPF, paragraph 134	Page 21 - inadequate community engagement
24	4.8.1 to 4.8.4.3 and 6.4	MDC error	Page 21 - insufficient weight given to Design Code forming part of emerging Neighbourhood Plan, which should be applied in MDC
25	4.8.4.1 to 4.8.4.5	SSP including paragraphs 120 and 125; (SP) SS Spatial Strategy including paragraphs 30 and 38; (SP) SD2 Urban Boundary and Green Belt including paragraphs 50 and 51; (SP) ENV1 High Quality Development in the Borough; and (P) ENV3 Landscape character and Quality MDC misrepresentation	Page 21 - MDC chooses to misinterpret 'Urban Local Service Centre'
26	4.8.3.2 and 5.3	MDC poor draft	MDC must conform with AECOM Design Code
27	4.1, 4.2 and 5.2	MDC misrepresentation	Pages 18 and 21 - inaccuracies in MDC must be struck out
28	Section 6	NPPF paragraphs 131, 134, 135, 139 and 159 and PPG	Pages 14 and 15 - MDC contrary to national planning policy and PPG. Lack of stakeholder engagement vitiates MDC
29	6.1, 6.2 and 6.5	MDC error	Pages 14 and 15 cite obsolete NPPF and PPG
30	6.7 and 6.8	(SP) ENV1 High Quality Development in the Borough	MDC pays no regard to Strategic Policy ENV1
31	7.1	MDC misrepresentation	Page 42 - nonsense claim that MDC can create Green Belt boundary

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32	7.1 and 7.2	MDC misrepresentation	Pages 42 and 74 - not acknowledging existing defined and defensible Green Belt boundary
33	7.1 and 13.2.2 to 13.2.6	MDC error	Pages 42 and 74 are inconsistent. Confusion <i>re</i> boundary treatment at Green Belt interface
34	7.2	MDC error	Page 43 - Map incorrectly locates existing LEAP
35	7.3.1, 14.8.1 and 14.8.2	MDC poor draft	Approach of pages 10 and 36 to appreciation of heritage assets is simplistic
36	7.3.1	MDC misleads	Vision (page 10) wrongly suggests valued buildings are located throughout H66
37	7.4.1	MDC misrepresentation	Visual Context (page 26) Impact on view from east wrongly denied
38	7.4.2 and 7.4.4	MDC misleads	Visual Context (page 26) MDC downplays view from Market Street and selects photographs that do not do justice to the views
39	7.4.3	MDC omission	Visual Context (page 26) Design Influences should refer to more viewpoints and be carried into Design Code
40	7.5 and 9.2.2	Local Plan paragraphs 30, 38, 50, 51, 120 and 125; (SP) SS Spatial Strategy; (SP) SD2 U.B. & G.B; (SP) ENV1 High Quality Development in the Borough; and (P) ENV3 Landscape character and Quality	Failure to require removal of large mound of spoil would have adverse impact on openness
41	7.6	SSP (criterion 6)	Page 09 - lack of site-wide ecological assessment
42	7.7	MDC poor draft	Page 54 and 108 - minor changes required to Code MP 01
43	7.8.1	(P) HS16 Self Build and Custom Built Houses MDC omission	Pages 72 and 108 - in Code US 01 add reference to Policy HS16
44	7.8.1	(P) HS16 Self Build and Custom Built Houses MDC omission and error	Page 72 - lacks information about location and phasing of self-build / custom-built dwellings Page 93 - MDC mis-states Policy HS16
45	7.9, 14.2.9 and 14.14.2	Local Plan paragraphs 30, 38, 50, 51, 120 and 125; (SP) SS Spatial Strategy; (SP) SD2 U.B. & G.B; (SP) ENV1 High Quality Development in the Borough; and (P) ENV3 Landscape character and Quality	Page 92 - delete support for high ridge and steep roof pitch, which are not typical of the locality and which would have adverse impact on openness. Prioritise policy imperatives of maintaining openness and having regard to local context.
46	7.10	MDC poor draft	Pages 42 and 72 must clarify <i>baseline analysis</i>

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47	7.10	MDC poor draft	Page 42 must clarify <i>strategic design principles</i>
48	7.11.1 and 7.11.2	MDC omission	Pages 93 and 110 - Code HB 02 (internal daylight and privacy distances) fails to specify the relevant Local Plan policies
49	7.11.3 and 7.11.4	(SP) ENV1 High Quality Development in the Borough and (P) HS8 Private Outdoor amenity space	Pages 93 and 110 - Homes and Buildings Codes need to embed and elaborate on Policies
50	8.1	MDC misleads	Plan on page 32 exaggerates extent of shops, school and community facilities
51	8.2	MDC unclear	Pages 86 and 110 - Code MO 04 must clarify reference to <i>A secondary street</i>
52	8.3	MDC error	Page 85 proposes estate roads of less than adoption standard
53	8.5 and 8.6	MDC error	Page 38 calls a bridge for vehicles a <i>footbridge</i>
54	8.5 to 8.8 and 12.1	MDC misleads	Pages 38 and 58 do not identify clearly and distinguish public and private rights of way
55	8.5 to 8.10	MDC error	Pages 07 and 55, and LCC, propose interference with private rights of way
56	8.8 and 9.1.1	MDC error	Page 42 and the plan on pages 07 and 55 misname Chatterton Hey
57	8.8, 12.1 and 12.2	MDC misrepresentation	Pages 07, 55 and 84 - basic misunderstanding of availability of FP126 and FP127 for cycling
58	8.11.1 to 8.11.5	MDC misrepresentation	Plans on pages 07, 45, 55 and 58 propose vehicle access to development at Alderwood by the existing driveway, which LCC has declared unsuitable
59	9.1.1 to 9.1.3	MDC omission	Pages 42 and 72 - Area Type Codes omit promised guidance about dry stone walls but should provide for their protection in a Code
60	9.2.1 to 9.2.3	(P) ENV5: Green Infrastructure networks	Page 42 needs to commit to ensuring Policy compliance, to be included in a Nature Code. Policy ENV5 should be mentioned at page 16
61	9.3.1 and 9.3.2	SSP	Page 09 fails to specify landscaping throughout H66, including interface with existing dwellings
62	9.3.2	MDC misrepresentation	Claim (page 09) - existing <i>landscape features are retained throughout</i> is contradicted by proposal (plan on page 43) to fell trees near Church Lane
63	9.4	MDC omission	Page 42 must provide for protection of land drainage rights, to be included in a Code
64	9.5	MDC omission	Page 42 lacks detail of blue infrastructure and requirements for their treatment

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65	9.6	MDC omission	Plan on page 43 fails to show all watercourses within H66 or the green infrastructure marked on the Policies Map
66	9.7	MDC omission	Plan on pages 07 and 55 fails to show the green infrastructure in H66 marked on Policies Map
67	9.8	MDC misrepresentation	Page 43 (plan) - inappropriate off-site references
68	9.9	MDC unclear	Page 42 - <i>biodiversity net area</i> is unclear
69	Section 10	NPPF, paragraphs 152, 153 and 155 (P) TR4 Parking	Car park/LAP east of Burnley Road is contrary to national and local policy and must be deleted
70	10.0 to 10.2, 10.6, 10.7.1 to 10.7.4, 10.9.2, 10.9.3	MDC misrepresentation	Car park/LAP east of Burnley Road - need for parking/set down/pick-up facility exaggerated, not demonstrated evidentially and not justified
71	10.0, 10.6, 10.8	MDC omission	Car park/LAP east of Burnley Road involves further loss of street parking
72	10.0, 10.6, 10.8	MDC unclear	Car park/LAP east of Burnley Road - insufficient information about dimensions, layout, surfacing, drainage, lighting, maintenance and continued availability
73	10.1	MDC error	Car park/LAP east of Burnley Road is beyond purview of MDC
74	10.3		Car park/LAP east of Burnley Road involves encroachment into Green Belt, which should have been raised during Local Plan process
75	10.4		Car park/LAP east of Burnley Road - local transport infrastructure to be properly planned, not provided <i>ad hoc</i>
76	10.6, 10.8	MDC misrepresentation	Car park/LAP east of Burnley Road endangers traffic and pedestrians
77	10.7.5	MDC misleads	Purported justification in Peel application for Car park/LAP east of Burnley Road includes a new footpath, seen by school as a security risk
78	10.8	MDC misrepresentation	Car park/LAP east of Burnley Road - developer benefits and community pays as landowner would set cost off against s 108 contributions
79	10.9.1 and 10.9.7	NPPF, paragraphs 152, 153 and 155 (P) TR4 Parking	Car park/LAP east of Burnley Road - no certainty that it would receive planning permission. MDC must not pre-empt that decision
80	10.9.6	MDC error	Car park/LAP east of Burnley Road is inimical to promotion of active travel to and from school
81	10.10	MDC misrepresentation	Car park/LAP east of Burnley Road - misrepresented as <i>in accordance with Local Plan</i>

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82	10.10 and 10.11	MDC error	Pages 19, 22, 72 and 108 - US Code cannot apply to uses outside allocation. Delete US 03
83	10.13	MDC misrepresentation	Location of LAP east of Burnley Road does not meet accepted LAP criteria - see page 82
84	10.14 and 10.15	(P) TR4 Parking	Car park/LAP east of Burnley Road contravenes all seven criteria in Policy TR4
85	11.1.1 to 11.1.8		HCM is integral to MDC and therefore needs to be approved when MDC is approved
86	11.1.7		There is no limit to content of MDC
87	11.1.8	MDC errors	Transport - see Appendix 3 and SK submissions
88	11.2	MDC error	Page 46 - proposed car park areas off Burnley Road, Market Street and Exchange Street wrongly described as <i>highway improvements</i>
89	11.2.1	MDC error	Page 46 - car parks off Market Street and Exchange Street wrongly described as <i>off site</i>
90	11.2.2 and 11.13	MDC unclear	Pages 42, 43 and 90 - ambiguity whether car park on Market Street will be provided.
91	11.3	MDC omission	Pages 48 & 64/66 fail to account for H65 access
92	11.3	MDC error	Pages 49, 65 and 67 - maps fail to show Pilgrim Gardens development accurately
93	11.4	MDC unclear	Maps at pages 47 to 49 and 64 to 68 lack key to colours and symbols and fail to show existing and proposed TROs clearly. 'No parking' in labels is not a TRO expression
94	11.5		Pages 46 to 49, 66 and 67 - coloured chippings seem pointless
95	11.6		Pages 46 to 49, 66 and 67 - 'Gateway' features unnecessary, dangerous, not at village entrances
96	11.7.1		Pages 46 to 49, 66 and 67 - Loss of street parking would inconvenience residents
97	do.		Pages 46 to 49, 66 and 67 - Loss of street parking would be detrimental to businesses
98	11.7.2		Pages 49, 65 and 67 - Exchange Street build-out and bollard would block deliveries to butcher
99	11.7.3.1 and 11.7.3.2	MDC omission	Pages 48, 49, 66 and 67 - Nonsense not to extend proposed prohibitions of waiting to replace adjoining APMs
100	11.8		Pages 46 to 49, 66 and 67 - disabled residents harshly affected by loss of street parking

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101	11.9.1, 11.9.2 and 11.10	S 17, Crime and Disorder Act 1998 NPPF, paragraph 135 f); PPG; (SP) ENV1: High Quality Development in the Borough	Pages 46, 49 and 67 - concealing car park on TW land with a mound and providing only low-level lighting would facilitate crime. It is also contrary to Site Wide Code PS 01 (Pages 83 and 109)
102	11.11	(P) TR4: Parking	Pages 46, 49 and 67 - car park on TW land not policy-compliant in other respects
103	11.1.1.4 and Appendix 3. See also the representations by SK.	MDC evidence base is unsound, with numerous faults in HCM	<ul style="list-style-type: none"> Errors and unwarranted assumptions in computation of replacement parking provision Misconception of Anwyll's involvement Textual errors and incorrect identification of roads Failure to address hazards at Exchange Street/Highfield Road junction Vital information omitted Ill-considered traffic regulation proposals and intention to develop, even if the relevant Orders are not made Based on out-of-date survey data, underestimate of proposed dwellings and incomplete traffic accident information TW access would not safely accommodate a standard refuse collection vehicle
104	12.3.1 to 12.3.4	MDC errors	Unacceptable discrepancies between page 43 plan, page 50 plan and plan on pages 07 and 55
105	12.3.5	MDC unclear	Page 50 lacks clarity about new north-south pedestrian/cycle route
106	12.4	MDC omission	Page 84 cites LTN 1/20 wrongly and fails to translate principles into Site-Wide Code
107	Section 13	SSP, criterion 8	Safe accommodation of SUDS not demonstrated - NH and LLFA approval required
108	13.1	MDC poor draft	Page 74 forbids essential and/or desirable removal of vegetation
109	13.3.2	MDC error	Nature Code NA 05 (pages 76 and 109) prescribes separate outfalls for adjacent parcels
110	13.3.3	MDC omission	Foul drainage requirements (page 76) need to be carried into a Site Wide Code
111	2.8 and 13.3.4	MDC omission	Flood risk and drainage issues not addressed
112	13.3.5 and 13.3.6	MDC error	Page 76 confuses Phase numbers
113	13.3.6	MDC omission	Page 77 plan requires caption and full key
114	13.4.1 to 13.4.3	SSP, criterion 8 MDC misleads	Page 09 wrongly claims ground conditions and land stability are accounted for

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115	13.5	MDC omission	Effect of widening A56 on SUDS not considered
116	13.6	NPPF, paragraph 180 e)	MDC needs to show how stability of new build will be assured
117	13.7.1		Pages 78 and 109 - BNG should be assessed by requirements at time of planning approval
118	13.7.2	MDC error	Page 78 cites statute incorrectly
119	13.8	MDC poor draft	Pages 38 and 42 and the plan on page 39 mistake watercourse for a spring
120	13.9	MDC error	Page 39 - map omits shading
121	13.10	MDC omission	Pages 75 and 109 should forbid planting of non-native species
122	14.1 to 14.2.3, 14.3.1 to 14.4, 14.12 and 14.13	(SP) ENV1 High Quality Development in the Borough explained in paragraph 233	Pages 98, 100 and 104 - Area Types propose inappropriate building materials
123	14.2.2 and 14.2.3	MDC misrepresentation	Page 100 - Village Streets Area Type description is inaccurate
124	14.2.4 and 14.2.5	MDC misrepresentation	Page 100 - Reasoning and influences for Massing in Village Streets Area Type are ill-founded
125	14.2.6 to 14.2.8	SSP including paragraphs 120 and 125; (SP) SS Spatial Strategy including paragraphs 30 and 38; (SP) SD2 Urban Boundary and Green Belt including paragraphs 50 and 51; (SP) ENV1 High Quality Development in the Borough; and (P) ENV3 Landscape character and Quality	Page 100 - High density of Built form of Village Streets Area Type does not respond to context and does not maintain openness
126	7.11.4, 14.2.9 and 14.14.2	SSP including paragraphs 120 and 125; (SP) SS Spatial Strategy including paragraphs 30 and 38; (SP) SD2 Urban Boundary and Green Belt including paragraphs 50 and 51; (SP) ENV1 High Quality Development in the Borough; and (P) ENV3 Landscape character and Quality	Page 100 - buildings of more than two storeys in Village Streets would not maintain openness; reasoning ignores impact on Alderwood Grove

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127	14.2.10	SSP including paragraphs 120 and 125; (SP) SS Spatial Strategy including paragraphs 30 and 38; (SP) SD2 Urban Boundary and Green Belt including paragraphs 50 and 51; (SP) ENV1 High Quality Development in the Borough; and (P) ENV3 Landscape character and Quality	Page 100 - Village Streets Area Type is poorly conceived, unjustifiable, illogical, unresponsive to context, detrimental to residential amenity and contrary to policy
128	14.4, 14.8.3 and 14.15	MDC omission	Pages 36, 38, 98, 100, 102 and 104 - Area Types must protect all, not just 'glimpsed', key views
129	14.5 to 14.6.4, 14.8.1, 14.8.2, 14.9 and 14.10	SSP (criteria 4 and 5 ii)	Pages 08, 36, 38, 98 & 100 and 104 - Area Types fail to protect heritage assets and safeguard setting
130	14.5 to 14.6.4, 14.10	SSP (criterion 5 ii)	Pages 08, 98, 100 and 104 - Area Types fail to protect views to and from Parish Church
131	14.4 and 14.6.1 to 14.6.5	MDC omission	Pages 42, 43, 45, 98, 100 and 104 - Views to west not protected, hills wrongly called <i>distant</i>
132	14.7	MDC misleads	Page 101 - misleading image of Village Streets
133	14.11	Local Plan paragraph 125 MDC error	Page 102 - MDC wrong to suggest Chatterton South need not be high quality throughout
134	14.14.1 and 14.14.2	MDC omission	Pages 98, 100, 102 and 104 - Area Types too lax about houses of more than two storeys
135	14.16	MDC unclear	Pages 98 and 100 - unacceptable lack of detail about front boundary railings
136	14.17	MDC omission	MDC fails to acknowledge/promote local tradition of development in small batches
137	Section 15	(P) HS2 Housing Site Allocations	Too dense. Pages 44, 98 & 100/2/4 - all Area Types propose higher density than Local Plan
138	15.2.1	MDC error	Page 44 confuses developable and gross areas.
139	15.8.2	MDC omission	Map on page 30 omits Pilgrim Gardens houses
140	15.10	MDC error	Page 104 confuses relative densities of Edenfield Core and Edenfield North
141	15.11	MDC misleads	Page 44 misleads about overall density
142	Section 16	MDC omission	Equality Impact Assessment required
143	Section 17	MDC misrepresentation	Pages 09 and 44 falsely claim MDC commits to making school extension land available
144	Section 18	NPPF, paragraph 147 (P) SD4 G B Compensatory Measures SSP (Criterion 7)	Pages 09 and 51 - Green Belt compensatory improvements misunderstood, not addressed adequately

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145	19.1	MDC error	Plans on pages 07, 39, 42 and 55 mis-name Chatterton Hey
146	19.2	MDC misleads	Plan (pages 07 and 55) omits LAPs
147	19.3	SSP, explained at paragraph 127	No strategy for promoting public transport; failure to require travel plan/s
148	19.4	MDC omission	Impact of construction on flora and fauna not mitigated
149	19.5	MDC omission	No detailed risk assessment for potential environmental hazards
150	19.6	MDC omission	Contaminated land - no remediation strategy
151	19.7 and 19.8	MDC misleads	Page 108 - Codes MP 01, PH 01 and PH 02 wrongly said to be site wide Codes referred to within the Design Code
152	19.9	MDC poor draft	Page 89 - spurious apostrophe
153	20.1	MDC omission	MDC fails to address impact of construction on residents and provide for redress
154	21.1 to 21.5		Conclusion: MDC lacks holistic approach; not policy-compliant. Desire for progress does not justify a flawed document. Reject

Table 1: Summary of reasons to reject the MDC

1.3 Background

1.3.1 A local consultation of sorts was conducted on behalf of TW in June/July 2022. This is misrepresented in the MDC (page 21, second paragraph) as being '*related to the whole H66 allocation*', when in reality it was only for the land of TW and the Methodist Church. ECNF pointed this out in January 2023, August 2023, November 2023 and June 2024 in response to the consultations on previous versions (V7/V8, V13, V17 and V23) of the MDC, and it is deeply and increasingly regrettable that the MDC perpetuates the error (please refer to Section 4 below).

1.3.2 TW, apparently with the support of Anwyl who were instructed by the Methodist Church, submitted to RBC in Autumn 2022 Version V7 of the MDC for H66, which was taken out of the Green Belt and allocated for housing in the Local Plan. In the central portion of H66, TW own a large part and other potential developers are the respective owners of Alderwood and the former Vicarage. The Methodist Church, no longer represented by Anwyl, own the southern portion. The northern portion is in two separate ownerships: Peel L&P and Mr Richard Nuttall, neither of whom was involved in preparing Version V7.

1.3.3 TW's portion of H66 is the subject of the TW application. The documents supporting the TW application included Version V7 of the MDC, dated 3 October 2022. RBC committed, rightly, to putting the MDC to consultation, and launched a concurrent statutory consultation about the TW application.

1.3.4 Notably, Version V7 stated by whom, but not on whose behalf, it was prepared. Version V7 included the logo of Peel L & P on the first two pages, as well as those of TW and Anwyl, thereby dishonestly giving the impression that it was endorsed by Peel.

1.3.5 On the RBC website pages relating to the consultation about the Masterplan and Design Code, but not on the RBC website pages relating to the TW application, Version V7 was replaced by Version V8 dated 30 November 2022 which omitted the Peel L & P logo. Version V8 still did not state unequivocally on whose behalf it was produced. RBC's website page introducing the Masterplan and Design Code advised that the document was amended to

- *Remove Peel Land and Property's logo from the cover/introduction;*
- *Make it clear that Peel Land and Property did not input into the document; and*
- *Correct a small number of typing errors.*

1.3.6 In Version V8 a paragraph was added on the unnumbered page 8 in bold print:

Peel have not had input to this document as they were not in a position to engage when it was produced. This is confirmed in the Masterplan at Fig. 2.1.

1.3.7 Version V13 of the MDC was received by RBC in June 2023 and was the subject of consultation. It did not state on whose behalf it was prepared. Around the same time a raft of revised documents was submitted in support of the TW application, which RBC also put out to consultation. There are two basic objections to that approach by TW. One is that the Masterplan and Design Code need to be settled first. Then, informed by those agreed documents, applications for planning permission can be considered. It was difficult to escape the conclusion that the MDC was drafted to fit the planning application. Secondly, a repeat consultation in duplicate, which TW forced on RBC, was calculated to cause confusion, particularly among the general public, not all of whom are familiar with the intricacies of planning law and procedure.

1.3.8 Version V17 of the MDC was received by RBC in September 2023 and was the subject of consultation. It did not state on whose behalf it was prepared or which owners supported it.

1.3.9 Version V23 of the MDC was received by RBC in April 2024 and was the subject of consultation. RBC identified it as Version 4. It did not state on whose behalf it was prepared or which owners supported it.

1.3.10 Version V24 of the MDC was received by RBC in June 2024 and is the subject of these representations. It does not state on whose behalf it was prepared or which owners support it. RBC has identified it as Version 5 and offers the following "brief description of the latest amendments":

- Revised wording on Neighbourhood Plan / Policy Section noting that it has now been issued for consultation (Reg 16 stage)
- Revised highways / access drawings (to deal with slightly relocated bus stop)
- Revised section on SuDS in terms of text and inclusion of indicative drainage strategy showing likely surface water outfall locations, foul drainage connections and locations for above and below ground SuDS solutions & addition of point 6 in the Checklist at Appendix 2
- Slightly amended text in relation to land adjacent to Primary School on Masterplan

1.3.11 More particularly the changes affect the following pages:

front cover - new logo

the next following page - preparation details

05 - section page numbers

07 and 55 - 'educational need' added to school expansion land caption

09, criterion 9 - 'can' changed to 'shall' in Compliance column

72 - Code US 03 re-worded

These changes are meant to convince that the MDC commits to making the land available

18 - column 1 revised to soften the attack on ECNF, but there is no change to column 3 on page 21

19 - the 'wheel' is reproduced more clearly

42 - 'generally' deleted from penultimate paragraph

76 - Centre column: new first and third paragraphs, LLFA deleted from second paragraph

New 77 (new plan) and 79 (photographs), with renumbering of pages formerly 77 to 117

108, formerly 106 - revised Code US 03

114, formerly 112 - new question 6 in checklist

Maps at pages 47 to 49 and 64 to 68 have been re-labelled, although the wording of the labels is the same. Southbound bus stop on Blackburn Road now shown further north

Back cover, now showing Randall Thorp's name, new logo and a strapline, which apparently begins with the noun *Asses*

1.3.12 What RBC describe as "the latest version of the Transport Assessment associated with the [MDC] (V5)" has also been published. Produced by Eddisons and headed 'Highways Consideration of Masterplan', the document is undated. Some content is familiar, and some pages contain material said to have been generated in June 2024.

1.4 The following representations address Version V24/V5 as a whole and the HCM. They demonstrate how the MDC is contrary to planning policy in many respects and deficient in many others and must therefore be rejected.

Section 2

Section 2 Masterplan for whole of H66 is a policy requirement

2.1 H66 was removed from the Green Belt and allocated for housing despite considerable opposition. Part of RBC's justification was that allocating it for housing presented the opportunity to masterplan a large site. A key topic in Strategic Policy SS: Spatial Strategy (paragraph 30) is:

- **Strategic Green Belt releases** for housing are proposed in Edenfield. The development in Edenfield creates the opportunity to masterplan a substantial new addition to the village that would have a limited impact on the openness of the Green Belt.

In the Explanation of Strategic Policy SD2: Urban Boundary and Green Belt, paragraphs 50 and 51 of the Local Plan state

- **50** At Edenfield the justification for Green Belt release particularly relates to the strong defensible boundary of the A56 and the opportunity to masterplan the site to produce a high quality planned housing development that minimises impact on openness. There is strong market demand in the area
- **51** Masterplanning or, for smaller sites, the development of a design framework, will be expected to demonstrate how the design of the scheme minimises impacts on openness such as through the location of development within the site; the scale of the buildings and appropriate landscaping

2.2 Accordingly, the Local Plan included a SSP, which begins by stipulating:

Development [of H66] for approximately 400 houses would be supported provided that:

1. The comprehensive development of the entire site is demonstrated through a masterplan with an agreed programme of implementation and phasing;
2. The development is implemented in accordance with an agreed design code

2.3 The SSP includes an Explanation for those provisos, at paragraphs 120, 121 and 126, as follows:

120 Exceptional circumstances have been demonstrated to support the release of this land lying between the A56 and Market Street in Edenfield from the Green Belt. The area is very open in character and allows views of the surrounding hills and moors and will require a well-designed scheme that responds to the site's context, makes the most of the environmental, heritage and leisure assets, and delivers the necessary sustainability, transport, connectivity, accessibility (including public transport) and infrastructure requirements.

121 Rossendale Council therefore requires a Masterplan and will work in partnership with key landowners and key stakeholders, including the Edenfield Community Neighbourhood Forum, to ensure a Masterplan is prepared.

126 In light of the site's natural features and relationship to surrounding uses, development is likely to come forward in a number of distinct phases. The infrastructure associated with the overall development and each individual phase will be subject to the production of a phasing and infrastructure delivery schedule to be contained in the Masterplan. Site access will be a key consideration.

2.4 Having set much store by the opportunity to masterplan a large site and used that as a reason for removing the site from the Green Belt, RBC will wish to uphold the SSP and the commitment in paragraph 121 to ensuring the preparation of a masterplan covering H66 in its entirety.

2.5 It has been suggested that the respective landowners are not minded to co-operate on producing a masterplan and that the RBC cannot force them to do so. That may be the case, but it does not dispense with the need for a masterplan.

2.6 If any of the respective landowners anticipated difficulty in preparing a site-wide masterplan, they should have flagged this up at the Examination of the Local Plan. None of them did so, the Inspectors approved the policy, and the Plan was duly adopted. Even then it was open to the landowners to challenge the Plan in court, if they believed the requirement for a site-wide masterplan rendered the Local Plan unsound. The developers must not be allowed to subvert the Local Plan by defying its requirements.

2.7 Any disinclination of the landowners to produce a comprehensive masterplan need not frustrate development of H66. RBC itself can organise the production of a masterplan. As the site was promoted by RBC for housing development, it would not be inappropriate for RBC to take the lead on this, particularly in view of RBC's stated commitment at paragraph 121 of the Local Plan (see paragraph 2.3 above), to ensure that a masterplan is prepared.

2.8 A comprehensive masterplan for the whole of H66 is a Policy pre-requisite for development, and the lack of one would have at least six undesirable consequences:

1. No planned highway network for the whole site. Piecemeal development risks creating ransom strips that could impede development on the rest of H66.
2. No clear overall surface water drainage system for the whole allocation.
3. No clarity about foul drainage arrangements.
4. No overall landscaping plan including open space provision.
5. No indication as to how the necessary developer contributions might be determined, apportioned and agreed.
6. No programme of phasing and implementation.

Section 3

Section 3 MDC fails to meet the requirements of a Masterplan and Design Code for H66

3.1 Comprehensive development of the entire site

3.1.1 The masterplan must demonstrate **the comprehensive development of the entire site** - criterion 1 of the SSP (paragraph 2.2 above).

3.1.2 It might reasonably be expected that any proposed MDC would not be submitted until all site owners had been given the opportunity to participate and that the MDC would state that this had been done and indicate exactly which potential developers do or do not support it.

3.1.3 This is especially important, given that TW were exposed for having allowed the use of another owner's logo without permission on a previous iteration of the MDC (paragraphs 1.3.4 and 1.3.5 above). However, the MDC contains no such statement. Indeed, the MDC does not specify on exactly whose behalf it is put forward.

3.1.4 It appears that the former Vicarage and land occupied therewith have not been considered in the process. Now that the Local Plan has allocated that land for housing as part of H66, the MDC needs to allow for the possibility of its development, including access and the number of dwellings that might be accommodated with or without demolition of the existing building.

3.1.5 That is demonstrated by the purported list (page 22) of *Current ownership and control for the 'developable' areas of the H66 allocation* where there is no reference to the land at the former Vicarage.

3.1.6 It is obvious that, if the MDC is confined to the land whose promoters are currently active in pursuing planning permission, it does not and cannot demonstrate an achievable **comprehensive development of the entire site**.

3.2 Phasing and infrastructure delivery schedule

3.2.1 With the MDC must be an agreed programme of implementation and phasing. An infrastructure delivery schedule is also required. See criterion 1 of the SSP and paragraph 126 of the Local Plan (reproduced at paragraphs 2.2 and 2.3 above).

3.2.2 Pages 58 to 68 consider phasing. Pages 58 and 59 purport to identify five phases of housebuilding, but in truth they simply identify five ownerships with so-called Key Deliverables and an indication of how long each phase might take. They do not address the stages in which the development might be implemented. Indeed, Page 58 says about Phasing:

The masterplan demonstrates the independent nature of each developer's landholding, ensuring that each parcel can be delivered independently without prejudicing any other.

As a result, the ordering of development phases may be varied or delivered (sic) simultaneously.

3.2.3 That does not constitute compliance with, and is no substitute for, the fundamental SSP requirement for a Masterplan with an agreed programme of implementation and phasing. It flagrantly disregards the SSP provisions and the reasons for them, as set out at paragraphs 2.2 and 2.3 above.

3.2.4 The Executive Summary claims (page 08) to address fully criteria 1 and 2 of the SSP. Page 06 claims that the MDC

[presents] a phasing and implementation strategy.

Unless a free-for-all counts as a strategy, those claims are false.

3.2.5 Phasing Code PH 01 (pages 58 and 108) does not deal at all with phasing as such - it is confined to requiring delivery of so-called *Key Deliverables* associated with each phase. There needs to be provision for development to proceed in a specified order with a requirement that, until a specified milestone in each stage has been reached, the next stage shall not commence. It also needs to make clear at what stage the affordable housing, green spaces and play areas shall be developed. This is particularly important, as there is evidence that elsewhere TW have pressed on with housebuilding to the exclusion of open space and play area provision and have delayed the provision of affordable housing.

3.2.6.1 The MDC therefore runs completely counter to the SSP requirement for the Masterplan to be accompanied by an agreed programme of implementation and phasing. Not the least concern is the need to avoid the pressure on site accesses, concurrent excavations in the highway, build-up of traffic and workers' parked vehicles associated with four or five adjacent construction sites on H66. Simultaneous developments in different parts of H66 are likely to cause traffic chaos in the village.

3.2.6.2 RBC flagged this up, and the response - in the Table of Developers' Responses to RBC's comments (which was put to consultation at the same time as Version V17 of the MDC) - was breathtaking in its arrogance and defiance of the Local Plan policies that were determined after an exhaustive process of consultation, examination and refinement:

. . . .we reiterate that each parcel can be delivered independently without prejudicing any other, and therefore the phasing could change/overlap without significant impact. As such, there is no need (or policy requirement) to specify time periods, and it is not reasonable or practical for a multi phase, multi ownership allocation to commit to this at this stage of the process anyway.

If the developers truly believed that it was unreasonable or impractical for a multi-phase, multi-ownership allocation to be subject at the outset to a programme of phasing and implementation, then they should have argued against the policy at the Examination and then challenged the policy in the High Court on the basis that it was so unreasonable as to render the Local Plan unsound. They did not do so and must now abide by the policies of the Local Plan.

3.2.6.3 That Table uses the expression '*to specify time periods*', but that is not what the Policy requires. A programme of phasing might identify the order in which development takes place and then set triggers or milestones at which the next phase might start.

3.2.6.4 In any case the detriment that the policy seeks to avoid is not, or not only, that delivery of one parcel might prejudice another, but the adverse cumulative impact on a small village from concurrent developments on a large allocation site.

3.2.6.5 Nor does the MDC conform with paragraph 41 of the Local Plan, explaining Strategic Policy SS: Spatial Strategy and saying of H66 (incorrectly referred to as H62):

This will be perceived as the main block of settlement within Edenfield, growing incrementally north and will to fill (sic) the gap between the A56 and the linear settlement along Market Street, to create a stronger Green Belt boundary and settlement edge.

To conform with the Local Plan, the basis of the phasing must therefore be that development of H66 will begin in its southernmost part.

3.2.7.1 Page 58 goes on to state:

The phasing and implementation of the supporting highways improvements is addressed in the following pages, along with the management of construction traffic and an indicative timetable for the allocation coming forward.

The highways improvements are part of infrastructure delivery, and it causes confusion to apply the expression 'phasing and implementation' to them when that expression is used in the Local Plan to apply to the actual housebuilding.

3.2.7.2 Infrastructure may be taken as including (but not limited to) new and improved roads, water supply, wastewater collection, electric power supply, gas supply, education facilities and health facilities. Of these, only highway matters are considered, and inadequately at that, by the MDC.

3.2.8.1 Before the infrastructure delivery schedule can be settled, it is necessary to identify all the new roads to be provided and all the alterations required to the existing roads (including TROs for proposed additional prohibitions and restrictions of waiting and one-way traffic schemes), arising from the entire development of H66. Any proposed TRO would of course be subject to consultation and consideration of any objections. Only when the issues regarding roads have been fully addressed can the road infrastructure and compensatory car parking be included in the infrastructure delivery schedule, which would deal with all the matters indicated at paragraph 3.2.7.2 above and which would be linked to the programme of phasing and implementation.

3.2.8.2.1 As regards TROs, in view of the lack of clarity of the maps at pages 47 to 49 and 64 to 68, ideally the MDC would include or be accompanied by a summary schedule of current TROs applicable to Exchange Street, Gincroft Lane, Alderwood Grove, East Street, Church Lane, Guide Court, the B6527 (between Market Place and the A56 bridge) and Burnley Road (from the junction with B6527 to 21/23 Burnley Road), and all the additional TROs that development of H66 and the land east of Burnley Road would require. These details, of current and projected TROs, would include speed limits, one-way traffic and measurements of lengths of sides of roads on which waiting is or would be prohibited or restricted and hours of operation. The schedule should then go on to show the calculation of how many on-street parking places would be lost with each proposed prohibition and restriction. A poor person's version of such a schedule is to be found in the HCM - see paragraph 3.2.8.2.3 below.

3.2.8.2.2 Page 46 implausibly asserts (emphases by ECNF):

*Whilst proposed parking restrictions will be introduced at several locations along Market Street, the **three proposed off-street parking areas** will result in an increase in overall parking provision in the area of circa 8 spaces. **These replacement parking spaces** will be **provided when the main access into Phase 1A is constructed** and therefore within the initial phases of development and prior to the occupation of the new homes.*

In other words, all three parking areas will be provided when the main access to TW's land is constructed. The indicative programme of implementation (whilst not being the most reliable document) on pages 62 and 63 shoots that possibility down. It shows for 2025/2026:

Completion of site access & S278 works for Phases 1 and 2 (all works in blue, red and green boxes on plans on P.64-67, except for the works to and removal of on-street parking on Exchange Street) with residential construction commencing

It seems unlikely that the highway authority would wish to construct the proposed car park off Burnley Road or the one on TW's land. Indeed, page 63 essays a definition:

A s278 agreement is an agreement with the Local Highway Authority to agree the details of works to be undertaken within the adopted highway.

Those car parks would therefore be outwith the scope of section 278 works and outwith the scope of the words in parentheses. The HCM and MDC thus have no timetable for commencement of construction of those car parks and when they might become available. Nor is there any such timetable in relation to the proposed car park on the Methodist Church land. The indicative programme slates

Completion of Exchange Street Works (remaining works within green box on P.65/67) if required,

for 2027/2028 and 2028/2029, but “Exchange Street Works ‘ does not seem apt to cover on-site works. The indicative programme is silent about the Methodist Church land, except to identify 2028/2029 for first residential occupation. In short, the indicative programme does not indicate how the assertion at page 46 will be delivered - what it does indicate is that there is no prospect of fulfilling the promise.

3.2.8.2.3 How is that surplus of *circa eight spaces* calculated? In the HCM there is a ‘back of an envelope’-type calculation of the loss of street parking availability set against the proposed off-street provision. See Appendix 3 hereto, paragraphs 1 to 8. It

[anticipates] that there will be an increase in provision of circa 6-9 spaces along the corridor.

However, it understates the loss of spaces outside 157 and 159 Market Street by two and overstates the latest capacity of the proposed car park off Burnley Road by two. That reduces the anticipated increase to 2-5. It takes no account of any new prohibition of waiting on Exchange Street. It assumes 10-12 spaces will be available on the Methodist Church land. It also makes the very bold assumption that a new car park will be permitted in the Green Belt (see paragraph 3.2.8.2.4 below), without which the increase of 2-5 would turn into a deficit of 38-41 spaces.

3.2.8.2.4 It cannot be assumed that the proposed off-street parking area east of Burnley Road in Green Belt would receive planning permission (see Section 10 below). That immediately casts doubt on whether it can be provided when the H66 access from Market Street is constructed or at all. The MDC is based on the unwarranted assumption that sites within H66 might be developed concurrently.

3.2.8.2.5 The MDC claims (page 90) that

Car parking will . . . Include kerbside visitor/community parking in appropriate agreed locations (with the level of new parking provision to exceed that displaced as a result of the development),

but it seems improbable that the developers can deliver the supposed new parking in a timely manner, if ever. See also paragraph 11.2.2 below.

3.2.8.3 The question of construction traffic access to the Methodist Church land requires further consideration. Page 61 says its route will be “South”. That is vague but suggests a route along one or more of Exchange Street, Highfield Road, The Drive and Eden Avenue. None of those residential roads is suitable for construction traffic. This needs to be revisited, and a solution found to avoid detrimental impacts on the community.

3.2.8.4 Page 60 provides:

Further detail of how construction works will be coordinated (sic) and managed, including ensuring that construction traffic and deliveries avoid peaks of intense usage in the village (such as school drop off / pick up), can be agreed through Construction Management Plans for each phase of the Masterplan.

The MDC needs to provide clarity on this issue and not to defer consideration. Furthermore, in the absence of evidence, it may be doubted whether co-ordinated detailed Plans would be achievable, effective or enforceable. Nor is it clear how a failure to agree such Plans would be managed.

3.2.8.5.1 Page 60 promises that the

one-way system on Exchange Street [will] be delivered prior to construction [on the Methodist Church land] along with the associated access junction.

One issue ignored by the MDC and HCM is that, if Exchange Street is made one-way from Market Street up to its junction with Highfield Road, as the plans on pages 47, 49, 65 and 67 show, before the Methodist Church site parking area or site road is open for public use, northbound traffic on Highfield Road will come to an effective cul-de-sac with no room to turn, as a right turn into Exchange Street will be prohibited and a left turn will lead to an immediate dead end beyond which there is no public vehicular right of way. Other issues with this junction are noted at paragraphs 14 to 18 and 39 to 48 of Appendix 3 to these representations.

3.2.8.5.2 The unexplained colouring of the central hatching on Market Street near the Exchange Street junction in the plans on pages 49 and 67 begs the questions whether this represents some physical barrier to turning right into Exchange Street and, if so, what alternative route is contemplated.

3.2.8.6 Page 60 provides also:

Any damage that is incurred to the highway network within Edenfield during the construction of H66 will be repaired at the cost of the developer group (with the condition of the existing network to be surveyed at the outset so this can be accurately monitored).

This sounds just too good to be true, and probably is. How is Edenfield defined? **Any damage?** Must the damage be attributable to the development of H66? If so, must it be attributable to a particular site within H66, or will the 'developer group' take collective responsibility? Who exactly are the 'developer group'? Does 'highway network' include street furniture? How and against whom can this promise be enforced?

3.2.8.7 Phasing Code PH 02 (pages 60 and 108) provides:

All construction traffic and off-site highways improvements will be delivered in line with the construction and infrastructure phasing table, unless otherwise justified and agreed with the Local Highway Authority.

3.2.8.8 In that Code 'accordance' might be a more suitable word than 'line', but it is questionable any way what is meant by 'construction and infrastructure phasing table'. The MDC includes:

- a Phasing and associated key deliverables table at pages 58 and 59
- a different table, also captioned 'Phasing and associated key deliverables' at page 61, which is very limited, and
- an Indicative programme of implementation at page 63, which, being indicative only, is not of value

none of which is clearly a 'construction and infrastructure phasing table'.

3.2.8.9 The Table at page 61 seems to be an attempt at a highways improvements schedule, although it is captioned 'Phasing and associated key deliverables'. It is completely unfit for purpose. For example,

- The column headings are unintelligible.
- Peel is unlikely to permit Mr Nuttall to use its bellmouth: the Peel application rules out access from its land to his.
- Mr Nuttall's pending planning application could be granted as soon as he completes a satisfactory planning obligation, and he would not be obliged to wait for the Peel L&P car park.
- Access *via* the drive to Alderwood is totally unsuitable for construction traffic - see paragraph 8.11 below.

3.2.8.10 Pages 62 and 63

[give] an indicative timeline for the implementation of the allocation in terms of housing delivery and the associated infrastructure works. This recognises that all phases can be delivered independently and/ or simultaneously, subject to the infrastructure phasing provisions set out.

Little reliance can be placed upon the timeline, being merely indicative. Furthermore, it defies the fundamental SSP requirement for a Masterplan with an agreed programme of implementation and phasing. as noted at paragraphs 3.2.1 to 3.2.7.2 above. Page 63 purports to estimate annual housing completions, but without a programme of implementation and phasing that is no more than guesswork.

3.2.8.11 What does emerge from pages 62 and 63 is that the MDC envisages simultaneous development of more than one owner's land and that the new car parks will not be ready until development of the respective sites with which they are associated is well under way, thus doing nothing to relieve the pressures of an untold number of construction workers' parked vehicles.

3.2.9 Without a strong framework of a programme of implementation and phasing and a comprehensive infrastructure delivery schedule, the effect of planning applications for different parts of H66 cannot be assessed. It must be emphasised that H66 was allocated as one site for development by the Local Plan, that none of the owners objected to that or to the SSP or challenged the Local Plan in the High Court, and that it is contrary to Local Plan policy for the development of any part of H66 to be approved before a Masterplan and Design Code with a programme of phasing and implementation and infrastructure delivery schedule has been approved by RBC.

3.2.10 Developers' disregard and indeed denial of the requirements for an implementation programme and infrastructure delivery schedule are an attempted subversion of the Local Plan which has been through a democratic process of consultation, examination and refinement. That attempt must be rejected by RBC outright. There is evidence across the country that developers, particularly TW, fail to deliver on road infrastructure, which is a huge risk in a large development. RBC must be alert to prevent such a situation here.

3.2.11 ECNF has concerns about some of the transport assessment work to date - please see Section 11 below.

3.2.12 The so-called '*Key deliverables*' on pages 58 and 59 appear not to be a comprehensive list of the monetary contributions that might be required by means of a planning obligation. For example, there is no mention of the financial support LCC are seeking for the X41 bus service.

3.2.13 An error on page 58 is to be noted. It states that there will be emergency access to Phase 1A via FP126, but the plans on pages 07 and 55 clearly show it will be via FP127.

3.3 No agreed Design Code

3.3.1 The SSP states:

The development [of H66 for 400 houses] would be supported provided that . . . 2. the development is implemented in accordance with an agreed design code.

One of the Local Plan Objectives (Spatial Portrait, page 12) is:

ensuring good design that reinforces Rossendale's local character.

Strategic Policy SS: Spatial Strategy includes:

Greenfield development will be required within and on the fringes of the urban boundary to meet housing and employment needs. The Council will require that the design of such development relates well in design and layout to existing buildings, green infrastructure and services.

Paragraph 234 of the Explanation of Strategic Policy ENV1 states:

Design briefs or design codes will be required for major development and other sites as appropriate to help deliver high quality proposals. The Council will work with developers to address the nature and scope of these documents. The Council will prepare a Design Guide SPD to provide specific advice to developers. An SPD addressing climate change will also be produced.

3.3.2 It is not stated in the MDC that all owners of land within H66 have been involved in its preparation. See paragraphs 3.1.2 to 3.1.5 above. Therefore, RBC's only proper course is to reject the MDC. No Masterplan and Design Code should be entertained by RBC unless it is stated to have, and has, given all the affected landowners the opportunity to participate, even if not all agree.

3.3.3 The Executive Summary (page 08) claims that the agreed design code in accordance with which development is to be implemented is fully addressed within the MDC. The Executive Summary refers to Sections 04 and 05 of the MDC, which are appraised at Sections 13 to 15 below.

3.4 Summary

3.4.1 The MDC does not meet the requirements of a site-wide Masterplan and should be rejected. It is not clear about which landowners have been involved in its preparation and about which of them support it. It does not cover the whole of H66 in sufficient detail. Nor is there an adequate programme of phasing and implementation and an infrastructure delivery schedule. A masterplan and a programme of implementation and phasing are specific policy requirements, as is a Design Code. Without them there can be no guarantee as to how the totality of the housing allocation can function adequately or be of good design.

Section 4

Section 4 Lack of Stakeholder engagement

4.1 Page 21 states under the heading 'Stakeholder Engagement':

This Masterplan and Design Code has been developed in consultation with the Local Planning Authority (LPA) and local stakeholders.

A public consultation exercise for the H66 Masterplan process was undertaken prior to the submission of a planning application for the Taylor Wimpey land. This public consultation exercise related to the whole H66 allocation, seeking to gain views on the overall Masterplan and agreeing high-level principles. The consultation provided the opportunity for local residents to provide feedback online and via post/phone. A webinar was also held for residents to ask questions of the Development Team. Local residents were informed about the consultation by a leaflet drop and a letter was also sent to local councillors.

4.2 TW's masterplan consultation leaflet, distributed in June 2022, declared that the subject land was the site promoted by Taylor Wimpey and Anwyl Land ("our site"), and the home page of the TW/Anwyl consultation website referred to the land "that is in Taylor Wimpey and Anwyl's control". It is therefore simply untrue to claim, as the MDC does, that a site-wide masterplan had been the subject of public consultation before the TW application was submitted. ECNF drew attention to this in their response to RBC's consultations on Versions V8, V13, V17 and V23 of the MDC, as well as in their observations about the SCI as part of their representations about the TW application. It is deplorable that, in an apparent desire to pursue their false narrative, the authors of the MDC have ignored the facts placed in front of them and doubled down on their original lie.

4.3 There is a lot more that is wrong with page 21 -

- It is not clear which, if any, local stakeholders were consulted, but no part of the MDC was developed in consultation with ECNF, which, as a local group concerned with town and country planning and established pursuant to statute, is obviously a stakeholder. RBC regard ECNF as a stakeholder - see paragraph 121 of the Local Plan, quoted at paragraph 2.3 above
- In turn that raises doubts about how much, if any, consultation actually took place with other stakeholders and RBC
- The TW consultation was about the TW and Anwyl sites only, not H66 as a whole - see paragraph 4.2 above
- There was no opportunity to respond by post
- It is not claimed that any responses during the consultation period were fed into the MDC - certainly ECNF's response was not.

4.4 Readers of the consultation leaflet and website pages (and the letter to RBC and LCC councillors and the press release) could not have used the postal address that has been said to have been available, as it was not published in those places. Unsurprisingly, zero letters were received (paragraph 3.3 of the SCI).

4.5 People who did not have access to, or who were not comfortable with using, a telephone or electronic device were thereby excluded.

4.6 The SCI claims that a dedicated email address was established to answer enquiries, although it does not claim that enquiries by email were actually answered. ECNF is aware of cases where an email enquiry received no response.

4.7 Page 21 refers to the Design Code's having been "reviewed and updated to address many of the comments made" by the Places Matter Design Review Panel in March 2023. Meanwhile it appears that many of the Panel's criticisms continue to apply, e.g., generic design, "one lump and wall of development", lack of integral green spaces, key views, lack of nuance of topography, suburban attitude, inferior building materials.

4.8.1 Page 21 claims

This Masterplan and Design Code also takes account of the AECOM Design Code Report within the emerging Neighbourhood Plan, albeit this has only been given limited weight, due to its early stage of production (it has not yet been subject to formal regulation 16 consultation) and the fact that it primarily focuses on the existing vernacular and characteristics of the village, rather than allocation H66 and Edenfield's elevation to 'Urban Local Service Centre' within the settlement (sic) hierarchy of the adopted Local Plan.

4.8.2 The statement that the emerging Neighbourhood Plan has not been subject to Regulation 16 consultation was and is incorrect. That consultation began early in the week commencing 17th June 2024, a fact that the MDC, having allegedly been checked on 21st June 2024 according to its second page, should have acknowledged. Indeed, page 21 contradicts page 18, which clearly states,

The Regulation 16 version of the Neighbourhood Plan was published for consultation on 18th June 2024 until 30th July 2024.

4.8.3.1 The Neighbourhood Plan and Design Code were initially prepared in the knowledge that the (then emerging) Local Plan allocated H66 for housing. After the Local Plan was adopted and prior to the Regulation 14 consultation, it was amended after discussion with RBC. In the light of responses to the Regulation 14 consultation and having further regard to the adoption of the Local Plan, the Neighbourhood Plan was again amended, and at ECNF's request AECOM reviewed and updated the Design Code.

4.8.3.2 The outcome is an up-to-date document, taking full account of relevant national and local policy, including a Design Code compiled by expert consultants of international repute, who are free of any vested interest and whose brief was not influenced by the need to produce a document that suited the client's preferred development. Developers may quibble about how much weight should be attached at this stage of the Neighbourhood Plan process, but the fact is that the emerging Plan and Design Code provide an authoritative benchmark against which the MDC may be assessed. The latest versions of the emerging Neighbourhood Plan and its Design Code, which are currently the subject of the Regulation 16 consultation, are submitted alongside these representations.

4.8.3.3 It is therefore simply wrong to imply that the current draft Neighbourhood Plan and Design Code are not primarily focused on the allocation of H66.

4.8.4.1 As regards the issue of whether Edenfield should be treated as urban or as a village, we note the comment at the top of page 8 of Places Matter's assessment dated 25 March 2023 of Versions V7 and V8:

You are forgetting about the things that make this sort of village attractive and showing a suburban attitude to what the new place will look like.

4.8.4.2 In any case the word 'Urban' in the expression 'Urban Local Service Centre' is not to be taken as a *carte blanche* for development. Edenfield is identified as an Urban Local Service Centre by Strategic Policy SS: Spatial Strategy, but that is on the strength of the services and facilities it offered in 2021 rather than its character. The following provisions in the Local Plan are to be noted.

- [The development in Edenfield creates the opportunity to masterplan a substantial new addition to the village \(ECNF emphasis\) that would have a limited impact on the openness of the Green Belt - Spatial Portrait, paragraph 30](#)

- [H66] will require a well-designed scheme that responds to the site's context - paragraph 120
- development must be of a high quality design using construction methods and materials that make a positive contribution to design quality, character and appearance - paragraph 125
- Paragraphs 50 and 51 (noted at paragraph 2.1 above)
- The Council will require that the design of [greenfield] development relates well in design and layout to existing buildings, green infrastructure and services - Strategic Policy SS: Spatial Strategy
- [Housing] development needs to take place . . . whilst retaining and strengthening Rossendale's special character and enhancing its valuable natural habitat - Explanation of Strategic Policy SS: Spatial Strategy, paragraph 38
- The Council will expect that the design of development on [H66] minimises the impact on the character of the area and addresses relevant criteria in policy ENV3 - Strategic Policy SD2: Urban Boundary and Green Belt
- Paragraph 120 (of the Explanation of the SSP) reproduced at paragraph 2.3 above
- Any proposed development must make a positive contribution to the local environment and consider the site's form and character . . . Development must be of a high quality design . . - paragraph 125 of the Explanation of the SSP
- All proposals for new development in the Borough will be expected to take account of the character and appearance of the local area . . . A . . . Design Code . . . should set out . . . the appropriateness of the development in the context of the area . . . - Strategic Policy ENV1: High Quality Development in the Borough
- The Council will expect development proposals to conserve and, where possible, enhance the natural and built environment, its immediate and wider environment, and take opportunities for improving the distinctive qualities of the area and the way it functions.
Development proposals which are in scale and keeping with the landscape character, and which are appropriate to its surroundings in terms of siting, design, density, materials, and external appearance and landscaping will be supported - Policy ENV3: Landscape Character and Quality

4.8.4.3 Thus, there are repeated references to the openness of the area, and the Local Plan demands that development of H66 responds to the site's context. Contrary to the MDC's assertion quoted at paragraph 4.8.1 above, it is therefore entirely appropriate for the emerging Neighbourhood Plan and accompanying Design Code to have regard to *the 'existing vernacular and characteristics of the village'*. Not to do so would simply not be in conformity with the Local Plan.

4.8.4.4 The suggestion that *Edenfield's elevation to 'Urban Local Service Centre' within the settlement (sic) hierarchy of the adopted Local Plan* outweighs its village character is contradicted by more than forty acknowledgments elsewhere in the MDC that Edenfield is a village - see Appendix 2 hereto.

4.8.4.5 For the above reasons the Design Influences on page 27 -

*Consistent roofing material across the site will assist in **embedding the development into the urban context*** [ECNF emphasis]-

are inappropriate.

Section 5

Section 5 No reason to limit weight given to the Design Code in the emerging Neighbourhood Plan

5.1 The MDC refers at page 18 to

the initial informal Regulation 14 consultation on a draft [Neighbourhood] Plan (and Design Code Report prepared by AECOM) undertaken in March and April 2023.

5.2 In fact there was nothing informal about that consultation, which was carried out by ECNF in strict accordance with the Neighbourhood Planning (General) Regulations 2012, as amended, and with the benefit of advice from RBC. ECNF condemns the misrepresentation and in its responses to Versions V13, V17 and V23 requested deletion of the word “*informal*”. The MDC cannot be approved whilst that misrepresentation persists.

5.3 Although the MDC (page 18) says that only

limited weight can be afforded to the policies within [the Neighbourhood Plan] at this stage,

ECNF submits that the MDC needs to be amended to conform with the AECOM Design Code - see paragraph 4.8.3.2 above.

Section 6

Section 6 MDC is contrary to National Planning Policy, to Planning Practice Guidance and to local policy

6.1 Page 14 of the MDC refers to NPPF, but to a version that was superseded on 20th December 2023. Differences in the current text are shown below in red.

NPPF was updated in September 2023. NPPF promotes a presumption in favour of sustainable development for both plan making and decision-taking (Paragraph 11).

*Section 12 of NPPF, "achieving well- designed **and beautiful places**", states (paragraph **126 131**) that 'good design is a key aspect of sustainable development, **creates better places in which to live and work and helps make development acceptable to communities**'*

*Paragraph **130 135** states, 'planning policies and decisions should ensure that developments:*

- Will function well and **add to the overall quality of the area**, not just for the short term but over the lifetime of the development;*
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); **and***
- Establish or **maintain a strong sense of place**, using the arrangements of streets, spaces, building types and materials to **create attractive, welcoming and distinctive places** to live, work and visit'. . . . [two further paragraphs]*

*Paragraph **131 136** requires 'planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible'.*

*Paragraph **134 139** emphasises that '**development that is not well designed should be refused**'.*

*Section 14 of NPPF, Meeting the Challenge of Climate Change, Flooding and Coastal Change (paragraph **154 159**), sets out that in order to plan for climate change, new development should be planned for in ways that:*

- a) Avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and*

- *b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards'.*

Section 15 of NPPF, *Conserving and Enhancing the Natural Environment*, (paragraph **174 180**) sets out how planning policies and decisions should contribute to and enhance the natural and local environment by:

- *'Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); ~~and~~*
- *Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of best and most versatile agricultural land, and of trees and woodland'. [Four more paragraphs, not quoted.]*

The Masterplan proposals presented within this document consistently follow the principles set out in NPPF.

6.2 Given that the MDC is said to have been checked on 21 June 2024 (second page of MDC), it is regrettable that it does not refer to the NPPF update of 20 December 2023.

6.3 The emboldened extracts in paragraphs 6.1 above and 6.4 below indicate areas in which the MDC fails to follow NPPF principles.

6.4 It is significant that the MDC does not quote paragraph 134 of NPPF, which provides:

. . . all [Design] guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area.

The absence of meaningful stakeholder engagement (Section 4 above) and the dismissal of the Design Code (Section 5 above) in the emerging Neighbourhood Plan, which fully reflects local aspirations, clearly demonstrate that the MDC does not conform with national planning policy.

6.5 Pages 14 and 15 purport to consider PPG, although they seem to be based on the Guidance for Design as published on 6 March 2014 rather than the current version updated on 1 October 2019. Emboldened in the extract below are the areas where the MDC does not measure up to the quotations from PPG:

*The design section of PPG establishes the **importance of high quality design** as part of wider sustainable development and considerations alongside NPPF policies*

*The guidance states that proposals should be **responsive to the local context**. It is established that highly sustainable, well- designed developments should not be refused where there are concerns about compatibility with existing townscape, unless proposals cause significant impact or material harm to heritage assets. **Great weight is given to outstanding design quality which raises the local design standard.***

*The guidance establishes that **good design can help schemes achieve social, environmental and economic gains** and that the following issues should be considered:*

- ***Local character (including landscape setting);***
- ***Safe, connected and efficient streets;***
- ***A network of green spaces (including parks) and public places;***

- *Development context;*
- *Crime prevention;*
- *Security measures;*
- *Access and inclusion;*
- *Efficient use of natural resources; and*
- ***Cohesive and vibrant neighbourhoods.***

*Acknowledgment is given to the value which is attributed to well designed places. The criteria establishing what a 'well designed place' should seek to achieve are: be functional; support mixed uses and tenures; include successful public spaces; be adaptable and resilient; **have a distinctive character; be attractive;** and encourage ease of movement.*

In relation to trees it is recognised that the interaction of trees and tree roots with built infrastructure, transport networks, buildings and utility services is complex and requires detailed interdisciplinary co-operation, with expert arboricultural or forestry advice. When considering street trees it is important to consider which species will best suit the highway environment in the long term, including associated infrastructure and utilities.

*Guidance is given on how buildings and the spaces between buildings should be considered. In terms of layout, developments should promote connections with the existing routes and buildings, whilst providing a clear distinction of public and private space. Care should be taken to design the **right form for the right place**, but the extent to which this is achieved can depend on architectural and design quality.*

It is considered that the proposed development of this site accords with PPG.

Crammed layout, disregard of landscape and local context, and lack of architectural and design quality actually make the MDC contrary to PPG.

6.6 At pages 16 to 18 the MDC considers Local Planning Policy. It says that SPDs from RBC that '*should be considered as part of the development of any planning application include Open space and play contributions*'. (It should have said "play equipment contributions".) It is curious that it does not mention RBC's Climate Change SPD. It acknowledges that

Other relevant guidance includes Compensation measures for Green Belt release.

6.7 Pages 16 to 18 confine reference to the Local Plan to Policy HS2 and the site-specific policy for H66. Nowhere in the MDC is Strategic Policy ENV1: High Quality Development in the Borough mentioned, although as the term 'Strategic' and the title suggest, it is crucial to the appraisal of any development proposal. This symbolises the priority which the MDC seems to give to high quality development responsive to context. The importance of compliance with ENV1 must be embedded in the MDC as a whole and in the Design Code in particular.

6.8 Strategic Policy ENV1 is set out *in extenso* at Appendix 4 hereto.

Section 7

Section 7 Content of MDC

7.1 Green Belt boundary It is nonsensical to claim (page 42):

The masterplan allows space to create a defined Green Belt boundary which will follow the route of the A56 to the west of the site. Existing vegetation along this edge of the allocation will be retained and enhanced with a new woodland structure planting which will frame the western extent of Edenfield, preventing encroachment of development into the lower slopes of the valley.

That paragraph must not remain in the MDC. The Green Belt boundary has been defined by the Local Plan. During the Examination of the Local Plan it was stated that the A56 itself would provide a strong defensible boundary for the Green Belt. (See, for example, paragraph 50 of the Local Plan reproduced at paragraph 2.1 above.) The boundary needs no further definition or defence. Encroachment of development into the lower slopes of the valley is already prevented by the A56 and the remaining Green Belt. Furthermore the proposal for a new woodland structure is inconsistent with the last two bullets on page 74 (see paragraphs 13.2.2 and 13.2.6 below).

7.2 The map on page 43 is unclear but seems incorrectly to include the words ‘*and play area*’ in the caption to the green patch between the south east boundary of TW’s land and Exchange Street.

7.3 Vision

7.3.1 The Vision on page 10 includes:

- *Retain and enhance the existing public footpath network . . . to enable the appreciation of locally valued buildings located throughout the allocation site and in the local context.*

The word ‘throughout’ is misleading: the fact is that there are only two substantial buildings (the former Vicarage and the private house Alderwood, both non-designated) located in H66, whilst one Grade II*-listed building (Parish Church) and two non-designated heritage buildings (Mushroom House and Chatterton Hey) are adjacent. As stated at paragraph 14.8.2 below, it is not necessary to enhance the footpath network to ‘*enable the appreciation*’ of the Church or desirable to do so in the case of private property.

7.3.2 In that bullet *and in the local context* adds nothing and is mere verbiage.

7.4 Visual Context

7.4.1 Page 26 is plainly wrong in stating:

There are limited views to the allocation site from rising land to the east of Edenfield due to topography and existing development within the village.

In fact H66 is clearly visible from much of the lengths of Footpaths 136, 137, 138, 140, 143 and 147 and Restricted Byway 277, all shown on the map at Appendix 1 hereto.

7.4.2 Page 26 adds that

. . . a circa 1.5m high stone wall [on Market Street] generally screens views of the undeveloped site from passing vehicles.

That very much depends on the height of the vehicle's seats. Moreover, an adult pedestrian's view of the site from the western footway is unimpeded, notwithstanding the impression given by the photograph from the eastern side of Market Street.

7.4.3 The 'Design Influences' box on page 26 should require development to retain visual appreciation of the landscape to the west from viewpoints outside as well as within the development, and this needs to be carried forward to the Design Code.

7.4.4 The caption to the lower photograph on page 26 "View across northern parcel from Blackburn Road" is wrong. Blackburn Road is seen in the middle distance. The camera position is no closer than Burnley Road.

7.5 Artificial mound The MDC fails to address the need to clear the mound of spoil created during construction of the bypass from the area to the west and north west of Mushroom House. It is unlikely to provide a firm foundation for housebuilding, and restoration of the natural contours is necessary to mitigate the loss of views resulting from the development, reduce the dominance of the new housing and mitigate loss of openness - see paragraphs 4.8.4.2 and 4.8.4.3 above.

7.6 Ecology Criterion 6 of the SSP requires that "an Ecological Assessment is undertaken with mitigation for any adverse impacts on the Woodland Network and stepping stone habitat located within the site" The Executive Summary (page 09) states:

The Masterplan accounts for known ecological constraints across the allocation site. The TW Phase 1 application includes a detailed Ecological Assessment, as will subsequent applications to allow detail to be refined/ agreed.

That does not disguise the fact that there is no site-wide ecological assessment, which is what criterion 6 demands.

7.7 A Landscape-led Masterplan Code MP 01 on pages 54 and 108 provides:

Future planning applications relating to the H66 allocation must be delivered in accordance with principles of The Masterplan

it is recommended that "Future" be deleted, and "The" changed to "this".

7.8 Self-build and Custom-built Houses

7.8.1 On pages 72 and 108, in Code US 01 -

Development across the entire allocation should achieve a range of housetypes and tenures, including affordable housing and self build homes in line with Policy HS3 of the Local Plan. The Council will monitor planning applications submitted across the allocation and take account of the fact that applications below 10 units could also deliver and provide suitable opportunities for residents that have registered on the Council's self build register -

"Policy HS3", dealing with Affordable Housing, should be changed to "Policies HS3 and HS16". According to Policy HS16: Self Build and Custom Built Houses, some 40 plots at least on H66 should, subject to site viability, be made available for sale to small builders or individuals or groups who wish to custom build their own homes. The MDC needs to identify the general location and the phasing of the affordable and self-build/custom-built homes. In particular it needs to identify whether or not the plots for self-build/custom-built will be distributed proportionally between the various ownerships and, if not, how they will be distributed numerically. Otherwise, the MDC will not comply with Local Plan policy.

7.8.2 Page 93 of the MDC misinterprets Local Plan Policy HS16 and is, in any case, inconsistent with Use Code US 01. It states:

Development proposals of over 50 dwellings should, where possible, make at least 10% of plots available for self-build in line with Policy HS16 in the Local Plan, subject to evidence of local demand within the Council's self-build register and site viability.

What Policy HS16 says is:

Developers of schemes comprising of 50 dwellings or over will be encouraged, where possible, to make at least 10% of plots available for sale to small builders or individuals or groups who wish to custom build their own homes. This will be subject to the Council's self-build register and site viability.

Page 93 thus wrongly excludes schemes comprising 50 dwellings and for no good reason introduces a gloss on Policy HS16 by adding the words '*evidence of local demand within*'.

7.9 Ridge height and roof pitch With the exception of the Pilgrim Gardens (site of former Horse & Jockey) development, on a brownfield site outside the former Green Belt and not subject to the stringent planning policy requirements now imposed on H66 by the current Local Plan, steeply pitched roofs are not typical of Edenfield. They make a building tall and dominant, with the result that it blocks long-distance views and increases the loss of openness, which as far as possible the MDC should aim to protect - see paragraphs 4.8.4.2 and 4.8.4.3 above and 7.11.3 below. Protection of views and openness and taking account of local character and appearance, as required by policy, must be prioritised over the dubious concept of an interesting roofscape. It is therefore necessary to delete the following bullet on page 92:

- *Variations in ridge height and roof pitch across the site should be utilised to create an interesting roofscape.*

7.10 Identity Page 72 states:

Development should create a distinctive new place that complements and enhances the character of Edenfield by drawing upon the baseline analysis as presented within this document.

In similar vein Page 42 declares:

. . . Masterplan is underpinned by a number of critical strategic design principles which have emerged from the baseline analysis process.

It is not made clear which pages of the MDC present the supposed '*baseline analysis*'. Nor is it clear where the '*strategic design principles*' are to be found or whether they are just the '*Design Principles*' on pages 42 and 43.

7.11 Internal daylight and Privacy Code HB 02 (pages 93 and 110) provides:

All homes should be designed to maximise internal daylight and have appropriate privacy distances in accordance with Local Plan policies.

7.11.1 It is not obvious which Local Plan policies the MDC is contemplating when it speaks of policies addressing internal daylight and privacy distances. Code HB 02 should specify the policies concerned.

7.11.2 In the Local Plan, only Policy HS8: Private Outdoor amenity space refers to privacy, but even then only in general terms and not to the specifics of distance. It requires all new residential development to provide useable private outdoor amenity space with an adequate level of privacy.

7.11.3 Strategic Policy ENV1: High Quality Development in the Borough, set out in full at Appendix 4 hereto, provides *inter alia*

All proposals for new development in the Borough will be expected to take account of the character and appearance of the local area, including, as appropriate, each of the following criteria:

- a) Siting, layout, massing, scale, design, materials, lighting, building to plot ratio and landscaping;
- b) . . .
- c) Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the amenities of the local area;
- d) The scheme will not have an unacceptable adverse impact on neighbouring development by virtue of it being over-bearing or oppressive, overlooking, or resulting in an unacceptable loss of light;- nor should it be adversely affected by neighbouring uses and vice versa . . .

7.11.4 The ‘Homes and buildings’ Codes need to embed and elaborate upon those principles of Policy HS8 and Strategic Policy ENV1. The Codes must not be confined to issues within the new development but must specifically control and minimise the impact of development on adjacent properties. This would be entirely consistent with the principle at page 38:

Existing housing both backs and fronts towards the site at various locations along the eastern site boundary. Proposed development should ensure that residential amenity of existing dwellings is protected

In this context it is noted that the TW application fails to mitigate the over-bearing and oppressive impact of the proposal on properties on the western side of Market Street and in Alderwood Grove.

Section 8

Section 8 Street Hierarchy, Estate Roads, Emergency Access, Rights of Way and Vehicle Movements

8.1 Street Hierarchy The green shading in the plan on page 32 exaggerates the extent of shops, school and community facilities along Market Street, Bury Road and Bolton Road North. There is no shop, school or community facility on either side of Bury Road/Bolton Road North between the Rostron Arms and Edenfield Mini Market (save for little-used Sparrow Park at the junction of those roads) and none on Market Street between Elizabeth Street and the Coach (formerly Coach and Horses) public house. The plan must be corrected.

8.2 Code MO 04 provides (page 86):

A secondary street will be provided along the controlled circulatory road link between Market Street and Exchange Street.

This is unclear. Ordinarily there will be no road link within H66 between those highways. If the controlled emergency access (see paragraphs 8.4.1 to 8.4.4 below) were in use, there would still be no link if the emergency precluded use of the normal access.

8.3 Estate roads By implication, the headings to the Table on page 85 suggest that secondary and tertiary roads are to be considered for adoption, private drives being expressly stated to be non-adoptable. It is therefore pointless to specify carriageway widths less than LCC's minimum adoption standard.

8.4.1 Emergency access Page 45 states:

A controlled emergency vehicular access point will be provided between the southern and central land parcels, close to Chatterton Hey. Any potential through route here would need to be fully justified within a future planning application.

The emergency access point is marked on the plan on page 45, as well as the plans on pages 07 and 55, which both use the word 'Proposed'. An 'emergency vehicle connection' in this area is shown on the plan at page 39 but heavily qualified by the word 'Potential'. On page 58 TW's land (the central parcel) is to have '**temporary** (ECNF emphasis) controlled emergency vehicular access via PROW FP 126' (this must mean FP127), and on page 59 the Methodist Church (southern) parcel is to have '**permanent** (ECNF emphasis) emergency vehicular access via Phase 1A' (TW's land). Whether the emergency access is proposed or merely potential is not clear. Why the Methodist Church emergency access should be permanent and TW's temporary is not explained. It is not clear what is meant by 'any potential through route' and whether that differs from the emergency route or would be available at all times to all vehicles, but it is of such significance that it should be addressed fully in the MDC rather than being left to a planning application.

8.4.2 Unwarranted assumptions appear to be made here by the MDC as to the order of phasing and implementation (see paragraphs 3.2.1 to 3.2.6.5 above). There is an unacceptable lack of clarity.

8.4.3 Also unacceptable is the lack of clarity about the design of the emergency access. How will its use otherwise than in emergency be prevented? How will it prevent vehicle movements between FP127 and the roads within H66?

8.4.4 Pages 38 and 84 add to the confusion by implying a two-way emergency connection between TW's land and the Methodist Church land:

[Page 38] *An emergency access link across PROW FP127 will ensure that the larger southern part of the allocation site [whatever that is supposed to mean] can be safely accessed from two locations; and*

[Page 84] *Fixed [overall principles for the street network] include . . . Principle of a controlled vehicle access across PROW FP127 which will enable emergency access between land parcels*

8.5 Rights of Way Page 38 refers to PROW FP 126 and FP127 and the (private) vehicular right of access to Chatterton Hey:

Three Public Right of Way routes pass through, or close to, the H66 allocation. PROW FP126 and FP127 link Market Street and Exchange Street with the southerly footbridge across the A56. PROW FP127 also provides vehicular access to Chatterton Hey at the west of the allocation. . . .

For completeness it should have identified also the private rights of way with vehicles to Mushroom House, Alderbottom and Swallows Barn. Page 38 wrongly refers to *the southerly footbridge*. The bridge in question maintains vehicular access to Alderbottom and Swallows Barn and is protected by signs 'Weight limit 32 tons Only one vehicle on bridge'.

8.6 It may be that for practical purposes access to the last two mentioned properties is normally taken via Exchange Street, FP127 past Chatterton Hey, onto the above-mentioned bridge over the A56 and then along FP126, and indeed the two properties might enjoy an express or prescriptive right of way with vehicles along FP127, but historically the access from Market Street was along FP126, which ran in a more or less direct line before it was diverted for construction of the A56 bypass. It is understood that that historic private right of way with vehicles is extant. Underlining that point is the fact that the weight limit sign for traffic approaching the bridge from Market Street is on FP126, not FP127.

8.7 Page 58 appears to acknowledge that private right by stating in respect of TW's land:

Retained vehicular access to Mushroom House (and other properties to the west) via Market Street/FP126

It is good to know that no interference with Mushroom House's access from Market Street is proposed, especially as that length of FP126 lies outside H66 any way.

8.8 However, there are difficulties with the plan on pages 07 and 55, which shows orange triangles (proposed pedestrian/cycle access) at the Market Street/FP126 and FP126/FP127 junctions. The plan needs at least two corrections. First, it must clarify that there is to be no interference with any private vehicular right of way. Secondly, the triangle at the Market Street/FP126 junction needs to be relocated to the point where FP126 crosses the H66 boundary. Thirdly, orange triangles (signifying cycle access) are inappropriate for those locations as FP 126 and FP 127 are footpaths with no public right of way on a cycle. The site promoters would not have any power to dedicate the parts of FP126 outside their ownership for additional uses. In passing, it is noted that the plan misnames Chatterton Hey as *Chatterton Heys*.

8.9 In representations in January 2023 about the TW application, ECNF stated at paragraph 9.7.5 thereof:

We have read the comments [dated 11th January 2023] of the LCC Public Rights of Way Officer (Development). The expression 'vehicles restricted from use [on Footpath 126]' is unclear. Does it mean prohibition, or some lesser restriction? How would that sit with claimed private vehicular rights of way to Mushroom House and Alderbottom?

8.10 It is therefore concerning that the LCC PROW Capital Project Officer's response to the MDC in October 2023 repeats,

The cattle grids on the western and eastern section of the path [FP126 between Chatterton Hey bridge over the A56 and Market Street] are to be removed and vehicles restricted from use.

This is in complete disregard of existing private vehicular rights of way.

8.11 Vehicular movements

8.11.1 Page 45, supported by a plan, states:

Land at Alderwood bungalow can be served either via the existing access onto Market Street or via the central land parcel.

8.11.2 Page 58, says of this land:

Primary vehicular access via Market Street or Phase 1a (no through route except for pedestrians/cycles)

That is so obscurely worded as to be meaningless.

8.11.3 A blue arrow on the plan on pages 07 and 55 marks the junction of Market Street and the drive leading to Alderwood as proposed highway access. A miniature blue arrow within H66 pointing to Alderwood is labelled '*Potential vehicle connection (alternative to access from Market Street)*'.

8.11.4 A blue arrow on the plan on page 45 at the junction of Market Street and the drive leading to Alderwood is labelled '*Access to Alderwood either via Market Street or central land parcel*'. There is also a miniature blue arrow within H66 pointing to Alderwood.

8.11.5 All of those statements in the Masterplan are disingenuous, as LCC in their response to planning application 2022/0577 made it crystal clear that the existing drive would be totally unsuitable as access to a development of nine more dwellings at Alderwood. The text on pages 45 and 58 should be amended to make clear that the access would be via the field opposite 88-116 Market Street and that the drive to Alderwood would not be used as vehicular access to new housing development, and the plans on pages 07, 45 and 55 should be amended accordingly. Saying that access would be via the central parcel is too vague. The actual access point must be specified.

Section 9

Section 9 Blue and green infrastructure

9.1.1 Page 42 briefly considers dry stone walls:

The green infrastructure network is designed to ensure that valued existing landscape features can be retained. These are mainly limited to existing trees around Edenfield Parish Church and Chatterton Heys (sic), dry stone walls located along the PROW routes through the allocation site, and existing watercourses.

The dry stone wall between H66 and properties on Alderwood Grove should have been mentioned too. Watercourses are blue infrastructure, not green.

9.1.2 Page 72 adds:

Existing dry stone walls within the allocation will be retained and rebuilt, except where they are required for access (such as the approved access point adjacent to 90-116 Market Street). In these instances the stone will be reused as part of the new access feature where appropriate.

Refer to Area Types for detailed guidance.

There is no guidance about dry stone walls in Section 05 Area Types of the MDC. Their protection needs to be carried forward into a Code.

9.1.3 The MDC needs also to commit to protecting the dry stone wall at the site boundary with 5 - 8 Alderwood Grove and not allowing any development that might harm its integrity or obstruct its maintenance.

9.2.1 Having regard to the area of green infrastructure within H66, as shown on the Policies Map, the MDC needs to commit to ensuring that all development is in accordance with Policy ENV5: Green Infrastructure networks, which provides:

Development proposals will be expected to support the protection, management, enhancement and connection of the green infrastructure network, as identified on the Policies Map. Proposals which enhance the integrity and connectivity of the green infrastructure network will be supported. Development proposals should seek first to avoid or, if not feasible, mitigate biodiversity impacts on-site. Schemes which would result in a net loss of green infrastructure on-site will only be permitted if:

- The function and connectivity of green infrastructure networks are retained or replaced; or
- The development scheme integrates new or enhanced green infrastructure where appropriate, such as natural greenspace and trees; and in all cases
- The proposal would not have an unacceptable impact on amenity, surface water or nature conservation.

Where practicable and appropriate, new green infrastructure assets incorporated into development proposals should be designed and located to integrate into the existing green Infrastructure network and should maximise the range of green infrastructure functions and benefits achieved.

9.2.2 That commitment needs to be stated on page 42 and carried forward into a Nature Code (pages 74 to 78 and 109).

9.2.3 There is no excuse for the failure of the MDC to mention at page 16 Policy ENV5 as part of relevant local planning policy.

9.3.1 The Executive Summary says (page 09) of SSP criterion 5 v (“[landscaping of an appropriate density and height is implemented throughout the site to ‘soften’ the overall impact of the development and provide a buffer to the new Green Belt boundary](#)“)

The Masterplan includes a substantial buffer along the western boundary to include landscape structure planting, with detail to be refined/agreed through individual planning applications. Existing landscape features are retained throughout the allocation and green corridors permeate the larger development parcels

9.3.2 There needs to be a commitment to implementing appropriate landscaping throughout H66, over and above the green corridors. Without prejudice to the generality of that requirement, there needs to be, in particular, reference to the necessity of landscaping the eastern boundary at the interface with existing residential properties. It is misleading to say that existing landscape features are retained throughout H66, when, to cite just one example, the clearance of trees adjacent to Church Lane (plan on page 43) is proposed. The one landscape feature that should be removed, the artificial mound (paragraph 7.5 above), is not mentioned. Brief reference to the plan on pages 07 and 55 confirms that it is wild exaggeration to state that the larger parcels are permeated by green corridors.

9.4 The MDC needs to contain a statement that during development of H66 there shall be no interference with existing land drainage arrangements that benefit adjoining land and that any damage shall be promptly made good, such commitment to be carried forward to the Site Wide Codes.

9.5 Under the heading ‘*Green and blue infrastructure*’, page 42 says nothing about existing blue infrastructure, save for a passing reference to a spring (see paragraph 13.8 below) and as mentioned at paragraph 9.1.1 above. It is essential that the MDC should set out requirements for the treatment of all watercourses, including retention and enhancement.

9.6 The plan on page 43 is incomplete in at least two respects. It fails to mark the Great Hey Clough watercourse within H66 and is thereby incomplete. It does not show the green infrastructure on H66 marked on the Policies Map.

9.7 Page 74 states:

The green infrastructure network, as indicated on The Masterplan, will respond to the opportunities and constraints of the site . . .

In this context ‘The Masterplan’ must mean the plan so captioned on pages 07 and 55, but this does not show the green infrastructure on site that is marked on the Policies Map, either.

9.8 It is inappropriate, irrelevant and impudent to include on the plan on page 43 (*Strategic Principles: Green and blue infrastructure*)

- ‘*Mature gardens at Mushroom House*’;
- ‘*Existing recreation ground and play area*’; and
- ‘*Strengthened and retained tree cover on Church Lane*’ in the vicinity of the Parish Church

as these are outside H66 and are not items over the management and retention of which the site promoters have any control.

9.9 Page 42 states -

The non-native trees that are removed will be replaced with native species in biodiversity net areas at a replanting ratio of 2:1, therefore providing increased tree coverage in the locality -

but, whilst ‘biodiversity net gain’ is widely understood, it is not clear what is meant by *biodiversity net area*.

Section 10

Section 10 Land east of Burnley Road - proposed car park and public open space

10.0 Page 44 notes:

The Masterplan indicates an area for community car parking and public open space to the east of Blackburn Road, outside of the H66 allocation, with the detailed requirements and justification for this provision to be addressed through subsequent planning applications, subject to a proportionate contribution to cost, including cost of land

The accompanying plans (pages 44 and 48) show the area, located east of Burnley Road. The access point is marked on the plan on page 48. There is no information in the MDC or HCM itself about layout, dimensions of the bays or how many parking spaces it would provide., although the RSA appended to the HCM shows 43 spaces.

10.1 The purpose of the MDC is to guide the development of H66, as a site allocated for housing. It has no legitimacy to propose development of a separate, unconnected site in the Green Belt. The MDC acknowledges that it contains no justification for the car park -

justification for this provision to be addressed through subsequent planning applications (page 44, fourth paragraph), and

details to be confirmed through subsequent planning applications (page 46, third bullet).

Having regard to NPPF, paragraphs 152, 153 and 155, it cannot be assumed that planning permission would be granted for the proposed car park. Therefore, unless the car park had received planning permission, it is wrong for the MDC to proceed on the basis that it is achievable.

10.2 Whether the location of the proposed car park is desirable, given that it is outside H66 and in the Green Belt, is extremely doubtful. Whether it is required has not been evidentially demonstrated. The possibility of this car park, on land owned by Peel, together with drop-off facilities and a play and recreation space and trails was first raised by Northstone in a pre-application public consultation in 2023. It forms part of the pending Peel application.

10.3 It is alarming that, to bring forward development of former Green Belt, the site promoters are proposing a car park and public open space in the remaining Green Belt. If the site owners deemed these essential to the development of H66, they should have raised the point during the Local Plan process. If the Inspectors had agreed that their inclusion was necessary to make the Local Plan sound, RBC could have allowed for a further incursion into the Green Belt in the same way as the Policies Map provides for the potential extension of Edenfield CE PS. The matter was not raised, and therefore what remains of the Green Belt around Edenfield should not be subjected to urbanising development. Any necessary car parking provision should be confined to H66.

10.4 Northstone suggested that the car park constitutes local transport infrastructure which could be allowed in the Green Belt (see paragraph 10.9.1 below). The provision of local transport infrastructure is not something to be considered *ad hoc*. It needs proper planning, and the appropriate way is through the Local Plan. See, for example, Strategic Policy TR1: Strategic Transport and its protection of a site for Park

and Ride facilities at Ewood Bridge. The Local Plan requires a Transport Assessment for H66 (paragraph 10.5 below) but contains no suggestion that a car park outside H66 should be provided.

10.5 The third proviso to the SSP is -

3. A Transport Assessment is provided demonstrating that the site can be safely and suitably accessed by all users, including disabled people, prior to development taking place on site. In particular:

i. safe vehicular access points to the site are achieved from the field adjacent to no. 5 Blackburn Road and from the field opposite nos. 90 – 116 Market Street. Full details of access, including the number of access points, will be determined through the Transport Assessment work and agreed with the Local Highway Authority;

ii. agree suitable mitigation measures in respect of the capacity of Market Street to accommodate additional traffic. Improvements will be needed to the Market Street corridor from Blackburn Road to the mini-roundabout near the [Rostron] Arms. Measures to assist pedestrian and vulnerable road users will be required.

10.6 The MDC does not justify the provision of the proposed car park (see paragraph 10.1 above), and it lacks crucial detail about its design as well as about its implications for traffic flows and street parking currently available on Burnley Road. It is to be noted that as well as the anticipated new access (from Blackburn Road to H66), the MDC proposes another (from Burnley Road to the car park), and that both these accesses will be close to a school and the signalised junction of these roads with Market Street and Guide Court

10.7.1 Northstone's justification for the car park, offered separately from the MDC, is plainly exaggerated. FAQ 17 ***Will this proposal increase traffic?*** in its pre-application consultation stated -

The proposals for the parking area will have a positive impact on traffic locally. It will reduce the issue of on street parking as well as remove traffic impact at peak times within the village at school drop off and pick up times and remove the necessity for a coach to reverse down Church Lane to turn.

10.7.2 Paragraph 7.24 of the Planning Statement (August 2023) accompanying the Peel application is to like effect:

The Burnley Road proposals will provide a significant benefit to the local community by improving the local environment and improving the safety of the village and school children. The proposals will reduce the proliferation of on street parking as well as remove traffic impact at peak times within the village at school drop off and pick up times and remove the necessity for a coach to reverse down Church Lane to turn.

10.7.3 That justification is desperate. There is no evidence of accidents involving pupils of Edenfield CE PS on their way to and from school. It is improbable that the proposals would **remove** traffic impact at peak times. *'The necessity for a coach to reverse down Church Lane'* is pure fiction. It is well established that school coaches load and unload on the school side of Market Street and achieve this by using the A56 Edenfield bypass as appropriate. A professional driver in a twelve-metre long vehicle would not attempt reversing into or out of Church Lane in close proximity to the signalised junction. There is simply no evidence that this happens.

10.7.4 As regards *'traffic impact at peak times'*, the HCM states at paragraph 1.12 that

Importantly, the surveys [in April 2023] reveal that traffic levels have reduced compared to pre-pandemic levels, and which formed the evidence base at the time of the preparation of the Local Plan.

Moreover, according to paragraph 1.78,

A detailed consideration of existing conditions confirms that traffic flows have generally reduced since the preparation of the evidence base that supported the Local Plan.

The HCM found also (paragraph 1.11, *ibid.*) that the weekday AM peak ended at 0845 hours and that the PM peak began at 1645 hours. It can therefore be inferred that school drop-offs have minimal impact on the AM peak and that pick-ups have none at all on the PM peak.

10.7.5 Paragraph 5.15 of that Planning Statement boasted that a pedestrian pathway would be provided, allowing direct and safe access between School and LAP. There are two major difficulties with that:

- first, Peel did not own all the land which the pathway would traverse, and
- secondly, it is understood that for reasons of safeguarding and security the School opposed the pathway.

10.8 There is a shortage, if not an absence, of information about the proposed car park and public open space. There is no clarity about the following:

- Will they be transferred out of Peel's ownership, and, if so, to whom?
- Notwithstanding the answer to Northstone's FAQ 14 **Will local facilities be able to accommodate this many new homes in the area?** -

Whilst we appreciate that our proposal will increase the population size in the local community, as part of the application Northstone will agree a financial contribution to Rossendale Borough Council or other relevant providers of services. This contribution will mitigate against any impacts that the proposed development may have on local services. The providers will be able to invest this into the local infrastructure where deficiencies have been identified -

at Northstone's consultation event, one of the ECNF members was given to understand that, if Peel provide the proposed car park and drop-off facilities, it would set off the cost against the section 108 contributions that would be expected of a development of this nature. That is not apparent from the MDC which fosters the impression that the proposed car park is a boon to be provided at no cost to the community. It appears that in reality RBC as representative of the local community would miss out on contributions which it could put to better use. Northstone's answer to FAQ 6 **Isn't this site located within the Green Belt?** is that '*the site of the proposed car park is within Green Belt but what we are proposing represents appropriate development and a valuable asset to the local community*'. The reality is that the community would be bearing both the financial cost and the loss of another field in the Green Belt.

- How would their introduction and continued availability for use be guaranteed?
- Who will manage them and be responsible for their maintenance, and how will such maintenance be funded?
- Will the car park be illuminated? If so, at whose expense?
- It would be dangerous for residents to use the proposed car park, as there is no footway on the east side of Burnley Road between the proposed car park entrance and the B6527 / Guide Court junction. They would have to walk in the carriageway or take a chance in crossing Burnley Road amid traffic speeding towards or away from the junction. How would these dangers be eliminated?
- On what evidential basis has the appropriate number of parking spaces been calculated?
- The car park proposal creates at least three potential traffic conflicts on Burnley Road: any queue at the traffic lights is likely to block the car park entrance/exit; in the event of such a queue right-turning vehicles emerging from the car park/drop-off would have limited views of approaching northbound traffic; and traffic from the south waiting to enter the car park/drop-off might tail back, affecting the efficient operation of the signalised junction. How would all those hazards be avoided?
- A new footpath is shown on the plan on page 48 adjacent to Burnley Road, but it is not clear if this is to be adopted as part of the highway, or, alternatively, who would be responsible for its maintenance.

- How, if at all, would sustainable drainage of the proposed car park be achieved? It emerged at the consultation event that Northstone are aware that drainage issues require attention.
- The number of parking spaces on Burnley Road to be lost through a prohibition of waiting near its access (14, according to paragraph 1.24 of the HCM). Some yellow lines are drawn on the plan on page 48 on Burnley Road, but they are not explained.

10.9.1 Even if the above-mentioned questions were answered satisfactorily, there could be no guarantee that the requisite planning application for change of use from grazing to a car park involving the effective extension of the Urban Boundary into the Green Belt would be approved. Northstone says (paragraph 5.8 of the planning statement accompanying the Peel application) that the car park could be considered as

'local transport infrastructure which can demonstrate a requirement for a Green Belt location', as defined at NPPF, paragraph 150 c) [now 155 c)],

but the case has yet to be made either that the car park is required or that it must be in the Green Belt.

10.9.2 Much was said at the time of the Local Plan Examination about extending either Edenfield CE PS or Stubbins Primary School and the consequent prospect of more drop-offs and pick-ups at Edenfield, but the likelihood of an extension seems to have receded in the light of falling birth rate and primary school capacity predictions from LCC in response to recent planning applications. There is no commitment yet to extending either school.

10.9.3 It may be that the development of H66 will change the mix of Edenfield CE PS pupils to include more who live within easy walking distance. That would tend to reduce the number travelling by car.

10.9.4 If off-street provision for school drop-off and pick-up is necessitated by development of H66, it should be provided within H66, on either Peel/Northstone's or Mr Nuttall's land. If the MDC were fit for purpose, it would have provided an on-site solution for this and for public open space/play facilities. This demonstrates the importance of the SSP requirement for a **comprehensive site-wide** MDC, that prioritises holistic planning over landowners' personal interests.

10.9.5 There could be no objection on safety grounds to a pick-up/drop-off area in the location proposed in paragraph 10.9.4 above. The children and their carers would have only one main road to cross on their way to and from school, where there is currently a 'lollipop' school crossing patrol and where an uncontrolled crossing is proposed along with a proposed pedestrian phase at the traffic signals (pages 48, 64 and 66).

10.9.6 There is no requirement or official guidance that children travelling to school by car must be set down or picked up in a position where they do not have to cross a road. Crossing a road safely is a lesson that children need to learn as early as possible. Facilitating and normalising car travel to and from school runs counter to the current policy of promoting active travel, with its benefits to health. If car travellers have to find street parking at a distance from school, the walk will be beneficial.

10.9.7 RBC cannot allow themselves to pre-empt the determination of a planning application for the car park on a site outside the remit of the MDC by approving a MDC containing this proposal. Nor can RBC approve a MDC, a component of which might not receive planning permission.

10.10 At page 22 it is stated:

Peel also control land to the east of Burnley Road, some of which can be made available for school expansion land, public open space and/or community car parking subject to planning requirements in accordance with the Rossendale Local Plan.

That extract is a misrepresentation and must be corrected. It conflates school expansion land, for which the Local Plan provides, and a site for public open space and parking, which is not contemplated in, and therefore not *in accordance with*, the Local Plan. Particularly as this site is in the Green Belt, it is wrong to assume that the proposal for a car park and some sort of leisure area (see paragraph 10.12 below) with its myriad unanswered questions, would receive planning permission.

10.11 Site Wide Code US 03 on pages 72 and 108 -

Subject to specific requirements associated with educational need being identified through subsequent planning applications, the delivery of off-site community car parking and/or school expansion shall be delivered in the location identified on the Masterplan -

also wrongly conflates school expansion land and a site for public open space/parking, but aside from that it is fundamentally defective. According to the wheel diagram and key on page 19,

Uses Defines codes for the proposed mix of land uses on the allocation.

The availability of sites outside H66 for school expansion, parking or any other purpose is irrelevant to the land uses on the allocation. Code US 03 is therefore wholly misconceived and must be deleted.

10.12 Having described the proposed car park as ‘community car parking and public open space’ (page 44) and ‘off-street parking area’ (page 46) and ‘Northstone off-street car park area’ (pages 48 and 66), ‘proposed car park, public open space’ and ‘proposed community parking area’ (both on page 54) and “proposed community car park and public open space” (pages 07 and 55), the MDC changes tack at page 80 where it is called “Local Area for Play (LAP)”, part of “a dispersed range of play experiences”.

10.13 For a play area, the location is truly sub-optimal. Users would need to cross at least one busy road, enter and leave where there is no footway on the road and navigate through a car park. It must be relocated within H66 (paragraph 10.9.4 above) and the “Green infrastructure and play provision’ plan on page 80 redrawn accordingly, because it fails to meet the parameters set out in the MDC (page 82):

Local Areas for Play (LAPs) will provide informal open spaces with natural play opportunities, in accessible locations close to dwellings. They should be designed to appeal to all ages as a place for incidental play, social interaction amongst neighbours and a common space for people to enjoy in the close setting of their homes. LAPs should occur often and should offer variety in terms of their character, features and the play opportunities they provide. LAPs may be situated within housing areas or on the edge of housing parcels, bringing greenways into the development, enhancing the setting and play opportunities provided. . . . LAPs are more versatile as a result being accessible to the whole community for a variety of uses, such as a meeting place for friends or taking a quick break during a walk home from school.

10.14 Any proposal for a car parking area would need to be assessed against Local Plan Policy TR4: Parking, which provides among other matters:

Where parking is being provided to serve new development or to address specific local parking problems in existing residential and business areas . . . the Council will expect the parking provision to:

- Be conveniently located in relation to the development it serves;
- Be safe, secure and benefit from natural surveillance;
- Be designed to ensure that the use of the parking provision would not prejudice the safe and efficient operation of the highway network;
- Not . . . detract from the character of the area;
- Incorporate secure, covered cycle parking in line with the Parking Standards set out in the Local Plan unless otherwise agreed;
- Where appropriate, incorporate adequate soft landscaping and permeable surfaces to avoid the over-dominance of parking and to limit surface water run-off;and
- Incorporate electric vehicle charging points, in the following scenarios as a minimum:
 - One charger per every five apartment dwellings;
 - One charger per every individual new house on all residential developments;

- One charger per every ten parking spaces in non-residential car parks.

Exceptions to the minimum provision of electric charging points will only be considered if it can be demonstrated to the satisfaction of the Council that this is not technically feasible or prohibitively expensive. [Presumably that meant to say “is prohibitively expensive or not technically feasible.] Paragraph 316 of the Local Plan notes the importance of charging points in encouraging the take-up of electric vehicles.

10.15 Taking those bullets one by one -

- If the car park is meant to serve the development of H66 west of Blackburn Road, users will have to cross two main roads without the benefit of a footway on the side of road adjacent to the car park - see paragraph 10.8 above, sixth bullet
- Natural surveillance is minimal
- There are at least three potential traffic conflicts - see paragraphs 10.5 and 10.8 (eighth bullet) above - in addition to the prospect of 12-metre coaches entering and leaving - cf. paragraph 10.7 above.
- The car park would be perceived as an urban extension, detrimental to the character of the Green Belt
- There is no provision for cycle parking
- Drainage is likely to be a problem - see paragraph 10.8 above, ninth bullet
- There is no information about proposed charging points

10.16 Accordingly, the suggested car park would not be compliant with Local Plan policy. The proposal in the MDC for a car park/open space east of Burnley Road must be deleted and replaced with provision within H66.

Section 11

Section 11 Transport

11.1.1 It is crucial that the Transport Assessment should be settled before or at the same time as RBC approves the MDC. It is insufficient to regard it as only indicative. A Transport Assessment is provided in the HCM.

11.1.2 The SSP provides that development of H66 will be supported if eleven criteria are met. The first two criteria require the MDC. The third is

A Transport Assessment is provided demonstrating that the site can be safely and suitably accessed by all users, including disabled people, prior to development taking place on site. In particular:

- i. safe vehicular access points to the site are achieved from the field adjacent to no. 5 Blackburn Road and from the field opposite nos. 88 – 116 Market Street. Full details of access, including the number of access points, will be determined through the Transport Assessment work and agreed with the Local Highway Authority;
- ii. agree suitable mitigation measures in respect of the capacity of Market Street to accommodate additional traffic. Improvements will be needed to the Market Street corridor from Blackburn Road to the mini-roundabout near the Rawstron Arms. Measures to assist pedestrian and vulnerable road users will be required;

11.1.3 Maps from the HCM form an integral part of the MDC at pages 47 to 49 and 64 to 68. The plans on pages 07 and 55 of the MDC show the sites of three ‘*proposed community parking areas*’, which are not said to be merely indicative.

11.1.4 The fact is that the MDC and transport issues are so closely connected that the HCM needs to be approved before or at the same time as the former. There is an example of this inter-connection in RBC’S letter of 8th December 2023, which does not relate to any planning application, to the developers’ agents:

By way of an illustration regarding the level of detail that should apply to all the items of infrastructure to be included in your programme/schedule, I refer to your plan of off - site highway improvements on pages 46 and 47 of the latest iteration of the Masterplan (September 2023).

The specific examples I will refer to are the proposed 2 metre wide car parking bay depicted on the east side of Market Street and the new parking spaces that are illustrated within close proximity to the proposed access to the Taylor Wimpey development.

I would expect the programme/schedule to include a reasonable indication at what stage of the development, these specific works would commence and then be implemented/ made available. Therefore, residents will be able to understand approximately how long the disruption of not having on street parking in front of their properties will last and how long it will take to deliver the new/alternative provision.

If the information in the HCM and MDC about the parking bay on Market Street and the proposed parking areas is only indicative, the consequence is that no reliance can be placed on the infrastructure delivery schedule which the letter rightly sought.

11.1.5 That letter continued:

Highways

From the Council's discussions with Lancashire County Council in their role as the Highway Authority, it is understood that you will be submitting further information, in an attempt to overcome concerns. Please can you submit those details as soon as possible. It was noted that you previously suggested that you would be providing the Council with further details of gateway features/traffic calming measures, yet we are not in receipt of them. Please provide these details for the Council's consideration.

If the Transport Assessment and Highways matters were not going to be considered as part of the MDC, there would have been no point in calling for that information in the evaluation of the MDC.

11.1.6 By way of further example, that letter of 8th December requested more detail in the MDC about Education (criterion 9) and Biodiversity Net Gain, which is not mentioned at all in the SSP.

11.1.7 The fact is that there there is no limit to the planning-related subjects that a MDC might include. There is no reason why inclusion of a subject in criteria 3 to 11 of the SSP should preclude its consideration in the MDC on more than an indicative basis.

11.1.8 Submissions from SK on behalf of ECNF relating to the HCM are being submitted concurrently with these representations. Further commentary on the HCM is provided at Appendix 3 to these representations.

11.2.1 Under the heading *Off site highway improvements* page 46 refers to -

Provision of off-street parking areas at the western extent of Exchange Street, off Market Street towards the centre of the H66 allocation, and to the east of Burnley Road at the northern extent of the village (details to be confirmed through subsequent planning applications)

Being *off-street*, these three areas cannot be highway improvements. Furthermore, the proposed areas off Market Street and Exchange Street will be on site, not *off site*. This careless presentation requires correction. The calculation of circa eight additional parking spaces requires to be fully explained - see paragraphs 3.2.8.2.2 and 3.2.8.2.3 above.

11.2.2 Whether the car park off Market Street will actually be provided is called into question on page 42, pre-penultimate paragraph:

This area may also include community car parking.

The car park is not specified in the labels on the plan on page 43. This ambiguity must be resolved. See also paragraph 11.13 below.

11.3 The maps on pages 48, 64 and 66 fail to take account of the potential new or improved access to site H65 (Land east of Market Street). The maps on pages 49, 65 and 67 are not fit for purpose: they show the junction of Market Street and Pilgrim Gardens but fail to delineate the extent of the Pilgrim Gardens roadway, they show the houses 1 - 6 Pilgrim Gardens but do not mark 81 - 85 Market Street, they still show the long-demolished Horse & Jockey public house, and there is a partial representation of 79 Market Street.

11.4 The maps on pages 47 to 49 and 64 to 68 are unclear, lacking any key to the colours and symbols used, failing to show clearly (if at all) the extent of proposed restriction and prohibition of waiting, and failing to show existing restriction and prohibition of waiting. Use of the expression 'No Parking' where 'No Waiting' would be accurate suggests the map labels were not applied by a highways expert.

11.5 Coloured chippings/aggregate (pages 46 to 49, 66 and 67) seem pointless.

11.6 It is not clear what purpose 'gateway features' (pages 46 to 49, 66 and 67) would serve or what need they would fulfil or how they might be safely accommodated in a narrow highway near a zebra crossing or at a signalised junction. They would not be at the entrances to the village.

11.7.1 Pages 46 to 49, 66 and 67: the extensive proposed restriction and prohibition of waiting will inconvenience residents who rely on the availability of street parking. It will be harmful to the businesses whose customers might go elsewhere if they cannot find a place to park.

11.7.2 Pages 49, 65 and 67 - the build-out and bollard at the east end of Market Street would block deliveries to M R Cook, Butcher. Instead, a short extension of prohibition of waiting on Exchange Street adjacent to his premises would facilitate unloading.

11.7.3.1 With prohibition of waiting proposed (pages 49 and 67) between the APMs at numbers 21 and 47 Market Street, it is ridiculous to retain those markings. Similarly, it is pointless to interrupt the prohibition in order to retain the APM at the Dean Close junction and entrance to number 43. If there were a prohibition, unwelcome as it would be, it would be sensible to extend it to replace all three markings. The prohibition would be enforceable, an APM is not.

11.7.3.2 Similar considerations apply to the proposed prohibition of waiting (pages 48 and 66) on the west side of Market Street between the drive to Alderwood and number 167, which is interrupted by a bus stop with no proposal for protection by a TRO and by an APM at the entrance to number 153. Consideration should be given to a bus stop clearway order.

11.8 Pages 49, 65 and 67 - the extensive proposed prohibition of and restriction on waiting outside existing houses will bear harshly on disabled occupiers and their carers. Currently, there is no reason not to approve a disabled person's parking space application outside those houses, but, if there were a prohibition of waiting, the outcome of any application would be in doubt. The application might be approved for a space remote from the applicant's home. Where waiting is prohibited, a vehicle lawfully displaying a disabled person's badge is unable to wait for more than three hours or to return within one hour.

11.9.1 One aspect of the on-site parking area intended to replace lost spaces on Market Street causes particular concern (pages 46, 49 and 67). It is proposed to be concealed by a mound, which, in addition to its aesthetic deficiencies and problems around its landscaping, would conceal criminals intent on damaging or breaking into vehicles or assaulting people going to or from the vehicles. It is wholly inimical to the concept of 'Designing out Crime' or 'Crime Prevention through Environmental Design'.

11.9.2 The MDC does not provide details of surfacing, drainage or lighting of the parking area, but it was suggested in the TW application that any lighting would be low-level. That would be likely to result in dark places, with further risk to public safety.

11.10 The mound is therefore contrary to

- section 17 of the Crime and Disorder Act 1998, as amended - RBC is required to exercise its functions with due regard to their likely effect on crime and disorder, and to the need to do all it reasonably can to prevent crime and disorder.
- NPPF, paragraph 135 f) - [create places that are safe . . . where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience](#) -
- PPG (crime prevention to be considered - paragraph 6.5 above),
- Strategic Policy ENV1: High Quality Development in the Borough - [h\) Minimising opportunity for crime and malicious threats, and maximising natural surveillance and and personal and public safety](#), - and
- the MDC's own Site-Wide Code PS 01 (pages 83 and 109) - *All areas of public space should be designed to minimise opportunity for crime by following Secured by Design recommendations.*

11.11 Nor does the proposed parking area meet criteria in Policy TR4, namely, Where parking is being provided to serve new development or to address specific local parking problems in existing residential and business areas . . . the Council will expect the parking provision to:

- . . .
- Be safe, secure and benefit from natural surveillance;
- . . .
- Incorporate secure, covered cycle parking in line with the Parking Standards set out in the Local Plan unless otherwise agreed;
- Where appropriate, incorporate adequate soft landscaping and permeable surfaces to avoid the over-dominance of parking and to limit surface water run-off; and
- Incorporate electric vehicle charging points, in the following scenarios as a minimum:

- . . . One charger per every ten parking spaces in non-residential car parks.

Exceptions to the minimum provision of electric charging points will only be considered if it can be demonstrated to the satisfaction of the Council that this is [prohibitively expensive or not technically feasible]. (Paragraph 316 of the Local Plan notes the importance of charging points in encouraging the take-up of electric vehicles.)

11.12 It is noted that the MDC makes reference (caption on page 48) to the involvement of LCC Highways in the transport/traffic proposals -

Off site highway improvements (updated to address LCC Highways comments April 2024 - Rev P)

As set out in this submission ECNF have considerable concerns in respect of these proposals (paragraph 11.1 above). See also concurrent representations by SK on behalf of ECNF.

11.13 The seventh bullet on page 90 claims that

'[car parking will] Include kerbside visitor/community parking in appropriate agreed locations (with the level of new parking provision to exceed that displaced as a result of the development).

It is not clear whether the symbol '/' means 'and' or 'or'. If the locations are yet to be agreed, there is no guarantee that sufficient parking provision will be provided. The bullet suggests kerbside parking, but the emphasis of the plans on pages 47 to 49 and 64 to 68 is on off-street parking in locations of varying unsuitability. See also paragraph 11.2.2 above.

11.14 There are various errors and omissions in the HCM - see Appendix 3 hereto. It is therefore apparent from the HCM that the compilers either lacked a clear understanding of the subject or were incapable of expressing it.

Section 12

Section 12 Pedestrian and cycle connectivity

12.1 The plan on pages 07 and 55 shows “Proposed pedestrian/cycle access” at the junction of FP126 with Market Street and at the junction of FP126/P127 but the plan shows that Footpath 126 at these points and Footpath 127 at its junction with FP126 are outside H66. See paragraph 8.8 above.

12.2 The statement in the text on page 84 -

Existing PROW routes through the site should be made suitable for cycling where viable to act as an informal expansion of the local cycling network -

fails to acknowledge that, whilst within the site the owner might re-dedicate public footpaths for use by cyclists as well, outside the site there is no public right to cycle on FP 126 and FP127. Therefore, as the routes within H66 would not be connected to the *local cycling network*, they would not expand the network, informally or otherwise.

12.3.1 It is wholly unacceptable for the MDC to present plans containing conflicting information, as shown in this and the next three following paragraphs. The MDC is ambiguous, in that there is conflict between the plan *Strategic Principles: Pedestrian and Cycle Connectivity* on page 50 and the plan on pages 07 and 55 in their respective treatment of proposed or potential pedestrian and cycle routes, as shown in Table 2 on the next following page. There are more differences in the plan on page 43, where a route captioned *North-South pedestrian link* goes no further south than FP126.

12.3.2 The marking of routes within H66 as ‘Potential pedestrian/cycle route’ might indicate that the respective owners of the potential routes are not on board with the MDC.

12.3.3 The variety of adjectives - proposed, potential, indicative - is confusing.

12.3.4 The plan on page 50 marks two routes as for pedestrians, but the plan on pages 07 and 55 shows them as pedestrian/cycle. This is despite the fact that the main sub-heading on page 50 is ‘Pedestrian and cycle connectivity’. This confusion alone renders the MDC unfit for purpose.

12.3.5 Page 50 states,

The Masterplan includes an additional new north-south pedestrian and cycle route which will improve the overall permeability of the area. Where viable, pedestrian links will be enabled to the northern and southern boundaries of the central land parcel to ensure that connectivity is maximised (within the constraints of land ownership). Individual planning applications associated with the various land ownerships should ensure that this link is provided for within and up to the immediate edge of each application boundary without impediment.

A short section of this link located between the Taylor Wimpey site and Church Lane will be delivered by Lancashire County Council on highway-controlled land.

This north-south route would appear to be the one referenced 2 in Table 2 below. The plans on page 50 and pages 07 and 55 do not show the ‘*highway-controlled land*’, whatever that means. Clarification of that expression and the location of the land and the length of route located therein is necessary.

Reference	Location of route in H66	Caption on plan on page 50	Colouring on plan on pages 07 and 55
1	Exchange Street to Woodlands Road	Caption at east end: Proposed pedestrian connection Caption at south end Potential pedestrian connection	East end: Proposed pedestrian/cycle route (indicative alignment) South end: Potential pedestrian/cycle route (indicative alignment)
2	Near south-east boundary of Methodist Church land to Church Lane (by former Vicarage)	Proposed north-south pedestrian and cycleway connection. The south end is labelled Proposed pedestrian connection. The north end is not labelled	Proposed pedestrian/cycle route (indicative alignment), except at north end, where it is shown as potential pedestrian/cycle route (indicative alignment). South end is combined with Proposed road link (alignment subject to detailed design)
3	South-eastwards to Recreation Ground	Potential pedestrian and cycleway connection from internal road network to land ownership boundary	Potential pedestrian/cycle route (indicative alignment)
4	Market Street to boundary of 4 and 5 Alderwood Grove, then westwards to route reference no 2	Potential pedestrian and cycleway connection	Potential pedestrian/cycle route (indicative alignment). Combined at east end with Proposed highway access and Proposed road link (alignment subject to detailed design)
5	North-west part of TW land to Market Street via the driveway serving Alderwood	Potential pedestrian and cycleway connection	Potential pedestrian/cycle route (indicative alignment). Combined at east end with Proposed highway access
6	Church Lane to Blackburn Road	Proposed pedestrian connection	Proposed pedestrian/cycle route (indicative alignment). Combined at east end with Proposed highway access

Table 2: Comparison of plan on page 50 with plans on pages 07 and 55

12.4 Page 84 states:

All new cycle routes within the allocation will meet the core design principles of (LTN) 1/20, where feasible.

A correct citation would be Cycle Infrastructure Design Local Transport Note 1/20 published by the Department of Transport in July 2020. The MDC fails to translate this principle into a Site-Wide Code.

Section 13

Section 13 Landscape design principles and SUDS

13.1 The second bullet on page 74 needs to allow the removal of invasive, poisonous or dangerous plants and the removal of vegetation in accordance with good horticultural and arboricultural practice.

13.2.1 In the twelfth bullet on page 74 insert after 'pond/s' 'in strict accordance with a design previously approved in writing by the Lead Local Flood Authority and by National Highways or other body responsible for maintaining the adjacent A56'.

13.2.2 The penultimate bullet on page 74 is nonsensical as it avoids a crucial point - the Green Belt boundary is now the A56.

Development proposals that interface with retained Green Belt land will need to justify an appropriate boundary treatment of dry stone walls, fencing, native hedgerows or open boundaries (along with any associated landscape screening) depending on the character of the development and views towards the boundary interface.

It is hard to understand the purpose of the word 'retained' in the bullet - land is either Green Belt or it is not. The bullet is inconsistent with the new woodland structure proposed on unnumbered page 42 (see paragraph 7.1 above).

13.2.3 It is probably the case that the Green Belt boundary is entirely on, and short of the boundary of, land within the ownership of National Highways. In that case, no development proposal on H66 will interface with Green Belt. If the bullet means development proposals in proximity to the A56, it should say so.

13.2.4 The Response by National Highways dated 12th April 2024 to the TW application (repeating comments dated 15 February 2024, 24 November 2023, 22 September 2022 (misprint for 2023), 26 June 2022 (misprint for 2023) and 8 December 2022) stated:

Landscaping and Safety

Notwithstanding the comments in the section above, we welcome the fact that the proposed development would include a significant area of landscaped separation between the dwellings and the A56 boundary. Besides the SUDS pond, the landscaping is shown to also include a children's play area, areas of planting as well as incorporation of the existing public rights of way and access to the Chatterton Hey accommodation bridge.

The applicants need to be aware that the adjoining landowner has responsibility for fencing the boundary with the trunk road, not National Highways, and that the existing wooden post and rail boundary fence (which is in relatively poor condition) is their responsibility to maintain. The existing fence is of a stock-proof type typically associated with adjoining agricultural use and is not suitable where adjoining land is developed and where the risks of pedestrian or animal intrusion onto this high-speed trunk road dual carriageway are greater and of a different nature.

National Highways will therefore be requesting that the existing wooden post and rail boundary fence with the A56 is replaced for the entire length of the development boundary with the trunk road with a close-boarded or mesh type of fencing of an appropriate height so as to prevent children, or dogs not on a lead, from wandering onto the A56; something that may have

catastrophic results. The likelihood of this is much greater due to the presence of the dwellings themselves, a children's play area and the landscaped public open space (as opposed to private farmland at present that is some distance from existing residences in the area).

We also suggest that the lines of planting shown on the detailed layout (colour) drawing are widened and made denser, especially along the boundary zone with the A56 to act as a further barrier and natural deterrent to unauthorised access onto the trunk road. Care will however need to be taken to ensure that any buried highway drainage is unlikely to be damaged by tree roots. We also suggest that these planted areas should also be fully enclosed with appropriate fencing on all sides (at least temporarily for the first 10 years or so to protect the planting whilst it establishes).

*There is presently no continuous verge safety barrier on the A56 southbound adjoining this site. **In light of the change in land use from agricultural to housing / public open space, National Highways requires that a Road Restraint Risk Assessment safety barrier requirements assessment is carried out by the applicants under the Road Restraint Risk Assessment Process in accordance with standard CD377 of the Design Manual for Roads and Bridges.** (National Highways emphasis)*

13.2.5 It is thoroughly dishonest for the MDC to present a supposed landscape design principle that completely ignores National Highways' well-publicised requirements for the closest fence to the Green Belt.

13.2.6 Page 74 of the MDC closes with the bullet:

Any acoustic or road safety barrier required along the A56 boundary will need to justify an appropriate treatment of bunding, fencing or dry stone wall (where practicable); along with any associated landscape screening.

This is irreconcilable with the bullet which is quoted at paragraph 13.2.2 above and which needs to be deleted.

13.3.1 The text on page 76 and Nature Codes on pages 76 and 109 must be amended to show that any SUDS shall be constructed in strict accordance with a design previously approved in writing by the Lead Local Flood Authority and by National Highways or other body responsible for maintaining the adjacent A56 and shall be maintained in strict accordance with arrangements which shall have been approved by those bodies prior to the commencement of construction of the SUDS.

13.3.2 It is not clear why Nature Code NA 05 (pages 76 and 109) prescribes separate outfalls for Phases 1A and 1B.

Each development parcel (as broken down by phase) will have a separate outfall from their drainage systems, each restricted to associated greenfield runoff rates. Each network will be maintained by an appropriate body (either private management company, water authority or Lead Local Flood Authority) separate from one another, including outfall locations and SuDS features as required.

There would seem to be environmental advantages in treating them as one development parcel for these purposes. Similar comments apply in the case of Phases 2 and 4. It is questionable whether a private management company would have the resources to fund the maintenance of drainage systems.

13.3.3 Foul drainage requirements (page 76) need to be carried forward into a Site Wide Code.

13.3.4 It is noted that in response to consultation about previous iterations of the MDC, United Utilities have raised a number of concerns about flood risk and the drainage arrangements (surface water and foul) for the site, that is, the whole of H66, not just TW's land. The MDC still fails to deal adequately with these, and, as long as that continues, it must be rejected.

13.3.5 For foul drainage, page 76 states:

Two pumping stations will be required with one located within Phase 1b and one within Phase 3 as indicatively illustrated on the drainage infrastructure plan due to site levels.

Phases 1B and 3 are the sites belonging to Mr Warren and the Methodist Church respectively (pages 58 and 59). Page 77 has an uncaptioned plan which might be a drainage infrastructure plan and on which an unexplained long broken white arrow and two pumping stations, one in Phase 1A (TW land) and one in Phase 3, are marked. The plan needs a caption and the arrow an explanation, and the pumping station locations must be clarified.

13.3.6 There is more confusion when page 76 turns to surface water outfalls:

Outfall locations for surface water run off are illustrated on the indicative drainage infrastructure plan. Phases 1 and 2 can connect to existing watercourses. Phase 3 can only connect to the combined sewer system as there is no scope to link into Phase 1 due to no common site boundary and dense woodland separating the two phases.

It is not clear how Phase 2 (Peel land) would connect to a watercourse or why Phase 3 could not connect to the watercourse flowing through it. Could it be that the authors and checkers were in a muddle about which is Phase 2 and which is Phase 3? It is unacceptable and needs to be resolved.

13.4.1 Criterion 8 of the SSP requires “[Geotechnical investigations to confirm land stability and protection of the A56, and suitability of locating SUDs close to the A56](#)”. The note in the Executive Summary (page 09) that

The Masterplan accounts for ground conditions and land stability. The TW Phase 1 application includes a detailed Site Investigation worked up in dialogue with relevant consultees, as will subsequent applications to allow detail to be refined/agreed

is misleading. The MDC does not ‘account for ground conditions and land stability’ or demonstrate compliance with the SSP. The suitability of the proposed SUDs has yet to be ascertained. National Highways are yet to be satisfied that the application will not adversely affect the A56. RBC’s consultants continue to investigate geotechnical issues.

13.4.2 Page 38 states:

The lowest lying land within the allocation is generally located along the western site boundary. This is the most suitable location to accommodate sustainable drainage ponds associated with development.

That might be so, but the text needs to be qualified by noting that it has yet to be demonstrated that H66 can safely accommodate one or more SUDs without detriment to the safety and stability of the A56.

13.4.3 Likewise, page 42 stating -

Additional space is allowed along the south western edge of the site. This represents the most appropriate and logical area for providing SUDs as it includes the lowest lying parts of the site. Potential locations for surface water storage are illustrated indicatively on the masterplan on page 55. The delivery of SUDs in these locations is the developer’s preference but they will be subject to detailed design considerations associated with part 8 of Policy H66, which requires detailed geotechnical investigations to take place to confirm such blue infrastructure would suitably protect the A56. At this stage, however, it is anticipated that the SUDs locations indicatively shown on the masterplan can be delivered and designed appropriately to avoid any impact on the A56.

Detailed geotechnical information for each phase/parcel of land must be provided at the planning application stage -

needs to be qualified by noting that it has yet to be demonstrated that H66 can safely accommodate SUDs and that any water attenuation area will need the approval of the LLFA.

13.5 In identifying a preferred location for the SUDS, the MDC makes no allowance for how this might be affected by the projected widening of the A56.

13.6 Maintaining the integrity of the A56 is of the utmost importance, and so too is the stability of any new build on H66. Having regard to what is already known about the site geology, the MDC needs to specify how these objectives will be maintained, including but not limited to the geotechnical investigations that will be required throughout H66 and the nature of the works that are likely to be required in a worst-case scenario. NPPF, paragraph 180 e) requires:

Planning policies and decisions should contribute to and enhance the natural and local environment by:

. . . e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability . . .

13.7.1 On page 78 in the third paragraph and on pages 78 and 109 in the first paragraph of Nature Code NA 06 -

Biodiversity Net Gain (BNG) should be achieved throughout the development in line with current National and Local Authority requirements at the time of submission of subsequent planning applications -

'submission' should be changed to 'approval'. Otherwise, a developer could take advantage of submitting an application before the MDC is approved, despite the fact that the application should conform with the latter, or of the lapse of time between submission and approval.

13.7.2 The second paragraph of Nature Code NA 06 -

The 2021 Environment Act requires a 10% net gain from submissions from 12th February 2024 (or 2nd April 2024 for small sites), to be met through on- site habitat enhancement; the allocation of registered off-site biodiversity gain; and the purchase of biodiversity credits -

should cite the statute as the Environment Act 2021, not the 2021 Environment Act.

13.8 If we accept the definition of 'spring' as 'place where water naturally flows out of the ground', it is hard to understand the statement on page 38 that

A small spring passes through the southern part of the allocation site, located to the rear of Eden Avenue and Oaklands Road.

Page 42 and the plan on page 39 seem to make the same mistake:

. . . an existing small spring prevents development from backing onto existing housing.

13.9 The map on page 39 omits yellow shading (*Housing backing on to site*) at Mushroom House and 51 - 59 Blackburn Road.

13.10 It is essential that the Species Palette on page 75 should expressly forbid the planting of non-native species and should require the selection of species appropriate to the ground conditions. Any species that do not meet those criteria should be deleted from the palette. After the word 'should' in Nature Code NA 02 on pages 75 and 109 -

Species selection and distribution should be reasoned and justified through a Landscape Strategy Plan as part of any future planning application relating to the H66 allocation -

add 'accord with the Species Palette in the Masterplan and' after 'should'.

Section 14

Section 14 Area Types

14.1 The proposed use of reconstituted stone (or fake stone, as the Places Matter assessment called it) and red brick as building material in Edenfield Core (page 98) is unacceptable. The reasoning is said to be:

Should complement the aesthetic of building materials found in the historic centre of the village due to visibility from Market Street, the immediate PROW network and wider views from the west of Edenfield.

We take this to mean that the building material is required to complement the aesthetic of the village centre, but fake stone will simply appear incongruous with the built environment, as the blurred image (of FP126 bounded on one side by a dry stone wall and on the other by a wall of reconstituted stone) at the top of page 99 shows. Red brick is even less acceptable - see paragraphs 14.3.1 and 14.3.2 below. The MDC fails to take account of paragraph 233 of the Explanation of Strategic Policy ENV1: High Quality Development in the Borough:

The use of local materials, particularly stone and slate, is important in reinforcing local distinctiveness.

14.2.1 The philosophy behind the Village Streets area type (page 100) appears to be: 'It can't be seen, so design and appearance don't matter'. The fact is that it will be seen, from the A56, from the churchyard, from Market Street and Alderwood Grove, from Highfield Road, Exchange Street and the Recreation Ground, from FP127 and FP128 and from high ground to the east and west. It would also be seen from the Edenfield Core area.

14.2.2 The description of Village Streets does not stand scrutiny. Page 100 claims:

The 'Village Streets' comprises the residential areas located behind the more visually prominent, outward facing housing which falls within the Edenfield Core character area. The Village Streets will draw upon key characteristics of the village but have greater flexibility to vary building materials due to the reduced visual prominence of the area within the wider development. This will add variety to the urban form within the village.

The area will broadly extend to cover:

Areas located away from PROW routes, existing main roads and which will be visually screened by housing in the Edenfield Core character area.

14.2.3 Taking those points in turn and having regard to the plan on pages 52 and 97

- *behind* -
 - viewed from the **north**, Village Streets is not behind any housing at all - it extends to virtually the entire northern edge of TW's developable area and would be visible from the churchyard and Church Lane, from the A56 and from FP128 on the west side of A56;
 - from the **east**, Village Streets is not behind Edenfield Core - it would be visible from Market Street and Alderwood Grove and high ground;
 - from the **south**, Village Streets is not behind any housing at all - it extends to the entire southern boundary of TW's developable area and would be visible from Exchange Street, Highfield Road, FP 127 and the Recreation Ground
 - and from the **west**, visible from high ground
- *reduced visual prominence* - still prominent, as noted

- *add variety* - the variety would not respond to context
- *away from PROW routes* - it adjoins FP127
- *away from existing main roads* - visible from A56 and Market Street
- *screened by housing in the Edenfield Core* - only partially, and assumes views from Edenfield Core are unimportant

14.2.4 The reasoning and influences for massing are (page 100)

Housing areas which sit internally to the central housing parcel, in less sensitive locations, have potential to be delivered at higher densities which can be achieved by incorporating terraces which are typical of the area.

14.2.5 Taking these points one by one

- *sit internally to the central housing parcel* - stilted language is unclear, but central parcel is taken to mean the land subject to the TW application. Village Streets occupies the northern and southern portions of that parcel and extends to its northern and southern limits - see plan on pages 52 and 97.
- *less sensitive locations* - it is crass to compare the sensitivity of different locations. They may be sensitive in different ways. The MDC acknowledges the sensitivity of the the western edge of the development. Paragraph 14.2.3 above considers the other borders: north is particularly sensitive as regards views from the Churchyard, east because of the interface with existing dwellings and south because it would form the backdrop to views across the Recreation Ground.
- *potential to be delivered at higher densities* - use of plural is puzzling. In any case, being feasible does not mean a higher density is desirable (see paragraphs 4.8.4.2 and 4.8.4.3 above). On the eastern interface, particular regard must be paid to the sensitivity of existing dwellings. See paragraphs 7.11.4 above and 14.2.9 below.
- *incorporating terraces which are typical of the area* - see paragraph 14.2.8 below.

14.2.6 A density of 35 - 40 dph is proposed for Village Streets, because (page 100) it

Reflects proximity to services & public transport network

This has the appearance of an excuse where the authors could think of nothing better. It could be applied to all four Area Types, but is still a wholly inappropriate reason - see paragraphs 15.3 to 15.8.1 below.

14.2.7 The reasoning and influences for the built form of Village Streets being *distinctly linear* (page 100) are

Complements terraced built form found in the centre of Edenfield

Page 100 promises also

Strong building line with variation in set back used to vary frontage and side parking arrangements,

the reasoning and influences being

A strong block structure will complement the character of nearby Market Street and will enable a variety of parking solutions.

14.2.8 The characteristic linearity of Edenfield will not be enhanced by additional terraces to the west of Market Street. *Strong building line* and *strong block structure* are euphemisms for dominant terracing.

Furthermore, cramming Village Streets with high-density housing is contrary to the policy requirements to have regard to the openness and context of the site (see paragraphs 4.8.4.2 and 4.8.4.3 above)

14.2.9 The reasoning and influences for height (page 100) are said to be

Housing will be situated on land at a lower level than Market Street. Appropriately located 2.5 storey development can add interest to the roofscape and street scene at this central village location.

The requirement to maintain openness means that buildings of more than two storeys are unlikely to be appropriate in Village Streets. That reasoning compares the heights of Village Streets with Market Street. It ignores the impact of development on existing dwellings in Alderwood Grove, which falls away from Market Street and where the height difference between numbers 5 to 8 Alderwood Grove and Village Streets is much less. Nor does the reasoning take into account the extreme proximity of 5 to 8 Alderwood Grove to Village Streets.

14.2.10 Paragraphs 14.2.2 to 14.2.9 above show that the Village Streets Area Type is poorly conceived, unjustifiable, illogical, unresponsive to context, detrimental to existing residential amenity and contrary to planning policy.

14.3.1 The use of red brick in Edenfield Core and Village Streets is out of keeping with the built environment. In the area bounded by Exchange Street, FP 127, the A56 and the B6527 there are only sixteen brick buildings: 21/23 and 25/27 Exchange Street, 43 and 45 Market Street, Alderwood, 1 to 9 Alderwood Grove, a detached garage at 2 Alderwood Grove and a small electricity substation. If Randall Thorp consider that the Alderwood Grove development, dating from the late 1970s, serves as a precedent or some sort of justification for brick development in Edenfield Core and Village Streets, they must think again. The Alderwood Grove development is very small in comparison with H66 and its building material may be regarded as anomalous. It must be noted also that it was not subject to strict policies such as those that require high-quality development at H66. As the MDC states at page 28 -

New development should be influenced by the positive architectural elements found in the village. Avoid recreating less successful architectural styles which have crept into the setting over time.

14.3.2 The claimed reasoning and influences for the red brick in Village Streets are (page 100)

The area will be less visually prominent in the wider landscape resulting in increased potential to use varied building materials, drawing inspiration from post-1930's development in the southern part of Edenfield. This will add interest and variety to the wider development.

In this context “varied” seems to be a euphemism for “cheaper”. There is no reason to use development in the southern part of Edenfield, which is much further from the Edenfield Core and Village Streets areas than largely stone-built Market Street, as an inspiration - this just appears to be a poor excuse. Use of red brick would be contrary to policy: criterion 5 vi of the SSP requires materials and boundary treatments to reflect the local context. See also paragraph 4.8.4.2 above.

14.4 The “Key (glimpsed) views to be considered” for Village Streets (page 100) include “Quality of views to and from recreation ground”. On Area Type Code AT/VS 08’s limited terms the claimed reasoning and influences are:

Ensure development provides a characterful and attractive elevation to the interface with Edenfield Recreation ground.

A mass of red brick elevations is unlikely to be characterful and attractive. It is essential to consider also views across the valley to the west and to preserve them in addition to the views listed.

14.5 A glaring omission from the Area Type Codes for both Edenfield Core and Village Streets is any reference to designing the layout of the housing parcels to allow views to the Church to continue, although this is required by criterion 5 ii of the SSP. See also paragraph 14.10 below.

14.6.1 In Edenfield Core, Area Type Code AT EC 08 (page 98) needs to restate the views to be maintained as 'Views to hills (including Bull Hill, Musbury Tor and Oswaldtwistle Moor), Peel Monument, Emmanuel Church and Edenfield Parish Church and Churchyard from Market Street, Exchange Street, Edenfield Churchyard and PROW and from within the development. Layout of housing parcels must be designed to allow views of Edenfield Parish Church to continue.'

14.6.2 In Village Streets, Area Type Code AT/VS 08 (page 100) needs to restate the views to be maintained as 'Views to hills (including Bull Hill, Musbury Tor and Oswaldtwistle Moor), Peel Monument, Emmanuel Church, Edenfield Parish Church and Churchyard and Recreation Ground from Market Street, Exchange Street, Edenfield Churchyard and PROW and from within the development. Layout of housing parcels must be designed to allow views of Edenfield Parish Church to continue.' At the beginning of Reasoning and Influences for this Code should be added: 'These are locally valued and provide sense of place'.

14.6.3 In Edenfield North, Area Type Code AT/EN 08 (page 104) needs to restate the views to be maintained as 'Views to hills (including Bull Hill, Musbury Tor and Oswaldtwistle Moor), Peel Monument, Emmanuel Church, Edenfield Parish Church and Churchyard from Blackburn Road and Burnley Road and from within the development. Layout of housing parcels must be designed to allow views of Edenfield Parish Church to continue.'

14.6.4 It is the hills, not just the hilltops (pages 98 and 104), of which views must be maintained. The word 'distant' is tendentious and not objective and were better avoided. Page 42, with the plan on page 43, falls into the same errors -

An area of green space is proposed adjacent to Market Street to prevent development from fully obstructing valued long views to the distant hilltops from the centre of the village. This area may also include community car parking. This is an appropriate complementary use as it will not obstruct long views.

14.6.5 Similarly on page 45, *distant* and *where feasible* must be deleted from the sentence:

View corridors along internal streets to distant hills should be retained where feasible.

14.7 Notwithstanding the warning on page 96 -

Where relevant, accompanying vignettes are not intended to be taken as literal representations of the different area types and are for the purpose of providing an illustrative view of each area -

the image on page 101 captioned "Indicative character of the Village Streets" is extremely misleading in showing brick detached houses with front lawns and side parking, flanked by properties in fake stone, since the depicted scene is not consistent with a density of 35-40 dph;

14.8.1 Page 36 identifies the listed building and non-designated heritage assets of direct relevance to H66. These are the Parish Church, the former Vicarage, Mushroom House and Chatterton Hey. Under the heading "Design Influences", the page states:

Heritage assets act as local landmarks that contribute to sense of place. Guide pedestrian movement routes to pass alongside heritage assets to allow visual appreciation

Ensure adjacent housing is complementary in architectural style and materials.

14.8.2 That is a simplistic approach. There needs to be a distinction between buildings that are public (the Church) and those in private occupation (the other three). The Churchyard, bounded on two sides by a public highway or right of way, is open to the public and anyone can walk round the exterior of the Church.

The other three are all adjacent to rights of way, and there is no need for new routes, which would be likely to impinge on the privacy and security of the properties.

14.8.3 It is not accepted that the public views of Mushroom House from FP126 or the views of the former Vicarage from Church Lane are, as stated on page 36, 'glimpsed'. Nor is it only 'glimpsed views to the wider landscape context' that development should seek to retain and frame (page 38).

14.9 It might legitimately be expected that ensuring that new housing adjacent to heritage assets "is complementary in architectural style and materials" would be carried forward to the Site Wide or Area Type Codes. Page 38 says that

Development should ensure that the setting of these buildings is conserved, and where possible enhanced,

but the Codes completely ignore heritage issues. The MDC does not conform with paragraph 122 of the Local Plan, which requires development to consider the effect on the significance of heritage assets and to safeguard their setting.

14.10 The Executive Summary is dismissive of the need to comply with criterion 5 ii ([Layout of the housing parcels to allow views to the Church to continue](#)) of the SSP. All it says (page 08) is:

The Masterplan will have minimal impact on existing views to the Church as they will be above the roofline of the new houses. Detail be refined through subsequent individual planning applications.

Criterion 5 ii needs to be embedded in the Site Wide and Area Type Codes. For all the reasons in this paragraph and paragraphs 14.5, 14.8.1 to 14.8.3 and 14.9 above, the Executive Summary is wrong to claim (page 08):

Masterplan fully accounts for existing heritage assets (pages 36 - 39)

14.11 The key characteristic of the key views to be considered for Chatterton South (page 102) is the "Visual quality of development interface with PROW route". The reasoning and influences are:

PROW passes along the perimeter of the area. Development should ensure high quality design at this interface to ensure the route remains pleasant and usable.

This is good, except for the implication that, away from the interface, design might not be of high quality. Paragraph 125 of the Local Plan is clear that development of H66, that is, all of H66, "must be of a high quality design".

14.12 For Edenfield North, buff brick is one of the building materials proposed (page 104). Natural stone would be the only acceptable building material at this prominent approach to Edenfield. Even if the proposed brick buildings are out of view from Blackburn Road, they would still be an incongruous sight from the A56, from adjacent PROW and from across the valley.

14.13 In the light of paragraphs 14.1 to 14.12 above, the suggestion on page 72 -

Across the allocation building materials will comprise a mix of natural stone, reconstituted stone, brick (of different shades), timber, render, slate (or suitable modern equivalent) -

must be withdrawn, as it disregards the fact that building materials suitable in one Area Type might be unsuitable in another.

14.14.1 All the Area Types (Pages 98, 100, 102 and 104) propose a percentage of 2.5-storey dwellings "where appropriateness can be demonstrated". That qualification is too weak. At the least, the words "to the satisfaction of the local planning authority" need to be added in each case. Crucial issues are whether

higher buildings would have a detrimental impact on openness and key views or glimpses of the countryside. Paragraph 125 of the Local Plan is relevant:

The layout should be designed to allow glimpsed views towards the Church to continue, for example, by aligning the principle road(s) along a north- south or north east – south west axis, and building heights restricted.

14.14.2 Therefore a proviso needs to be added to the applicable Area Type Codes - “provided that no building of more than two storeys shall be permitted where it would obstruct or reduce a view of the distant landscape or the Parish Church”. The sentence in the Reasoning and influences for Code AT/VS 04 (page 100) -

Appropriately located 2.5 storey development can add interest to the roofscape and street scene at this central village location -

must be deleted, as it wrongly implies that adding interest to the roofscape and street scene (or building bigger houses) is of importance equal to or greater than preserving views of the landscape and Church. See also paragraph 14.2.9 above

14.15 In all the Area Types (pages 98, 100, 102 and 104), in the subject “Key (glimpsed) views to be maintained”, the word “glimpsed” should be deleted, as it is too restrictive.

14.16 The front boundary treatments (Area Type Codes AT/EC 07 and AT/VS/07) (pages 98 and 100) for Edenfield Core and Village Streets include railings as front boundary treatments. It is not clear whether they would be set in the ground or wall-mounted or how high they would be. In the absence of any illustration, it is not clear whether their appearance would be ornamental, utilitarian or industrial. No explanation for their proposed use is provided under “Reasoning and influences”. The lack of detail is unacceptable.

14.17 Historically, dwellings in Edenfield, particularly in the central and northern parts, have been built individually or in batches of up to ten. In the case of terraced houses, rows or blocks built in different styles are common. The MDC should be promoting this local characteristic as a reference for development proposals but simply ignores it.

Section 15

Section 15 Land use and density

15.1 In the Local Plan, Policy HS2: Housing Site Allocations proposed 400 homes for H66 on a net developable area of 13.74ha at a density of 29 dph. In contrast, page 44 states:

The masterplan indicates a residential net developable area of 13 hectares. Delivery of 400 dwellings across the allocation site equates to an overall development density of 31 dwellings per hectare.

Having regard, *inter alia*, to paragraphs 120 and 125 (quoted at paragraphs 2.3 and 4.8.4.2 above and 15.4 below) of the Local Plan, it is strange that the MDC is proposing to increase the density from that proposed in the Local Plan. As the residential net developable area is now found to be less than that stated in the Local Plan (the net developable area of the TW site is only 7.1ha, down from 9.12ha in the SHLAA - *per* Planning Statement, paragraph 3.9), the number of dwellings proposed needs to be correspondingly reduced and to take account of the ten (43 dph - see paragraph 15.8.1 below) already built at Pilgrim Gardens / Market Street (Horse & Jockey site).

15.2.1 In stating “*a residential net developable area of 13 hectares*” for H66, page 44 conflicts with page 22, which claims:

Current ownership and control for the 'developable' areas of the H66 allocation is as follows:

. . . Taylor Wimpey are freehold owners of largest central part of the allocation (totalling 12.5 hectares). . .

Peel are freehold owners of the majority of the northern part of the site (measuring 2.2 hectares). .

The Methodist Church control the southern parcel (measuring 4.75 hectares).

Richard Nuttall controls the land (measuring 1.85 hectares) to the far north of the allocation . . .

David Warren controls land (measuring 1.01 hectares) at Alderwood bungalow, located off Market Street.

Those numbers add up to 22.31ha and would appear to refer to the gross site areas rather than the developable areas. The meaning of ‘largest’ in the context of TW’s ownership is unclear. It must be noted that the central part of H66, includes, as the Policies Map shows, the completed Pilgrim Gardens development (Horse & Jockey site) and land at and around the bungalow called Alderwood and the former Vicarage.

15.2.2 Table 3 below summarises the relevant information in the SHLAA, which formed part of the evidence base for the Local Plan.

Row	SHLAA ref	Owner	Gross area (ha)	Available area (ha) for development	Net development area (ha)	Dwellings yield at 30 dph
1	16263	Methodist Church	4.75	3.1	2.32	70
2	16262	TW	12.5	12.16	9.12	273
3	16256	Peel L&P (some) & Richard Nuttall (some)	3.69	2.79	2.09	63
4	TOTALS		20.94	18.05	13.53	(406 'rounded' to) 400

Table 3: Summary of information in SHLAA about H66

15.2.3 Table 7 in Policy HS2: Housing Site Allocations shows the net developable area of H66 as 13.74ha rather than 13.53 ha, but this is probably explained by the inclusion of the Horse & Jockey site. Table 7 contemplates a yield of 29 dph at H66, resulting in 400 dwellings. It seems not to take into account any developable land at Alderwood or the former Vicarage.

15.3 The density of 35-40 dph for Village Streets (page 86) is extremely concerning, as it is up to 38% more than the density for H66 in the Local Plan. It is excessive compared with densities in the vicinity as shown in Table 4 at paragraph 15.8.1 below. The stated reasoning and influences are:

Reflects proximity to services & public transport network

That looks as if the authors of the MDC are seeking to take advantage of a potential ambiguity in the Local Plan, about which ECNF made representations during the Examination. The ambiguity lies in Policies HS2 and HS4 and paragraphs 120, 125, 140 and 141 of the Local Plan.

15.4 Table 7 in Policy HS2: Housing Site Allocations posits a density of 29 dph for H66. Paragraph 120 (reproduced at paragraph 2.3 above) says that H66 will require a well-designed scheme that responds to the site's context and makes the most of the environmental assets. Paragraph 125 of the Local Plan provides:

Any proposed development must make a positive contribution to the local environment and consider the site's form and character, reflecting the setting of features such as the Grade II* Listed Edenfield Parish Church and incorporating appropriate mitigation. Development must be of a high quality design using construction methods and materials that make a positive contribution to design quality, character and appearance. The development must contribute towards the sustainable use of resources. Implementation of development must be in accordance with an agreed Design Code/Masterplan across the whole development. The layout should be designed to allow glimpsed views towards the Church to continue, for example, by aligning the principle road(s) along a north- south or north east – south west axis, and building heights restricted.

15.5 Policy HS4: Housing Density provides:

Densities of at least 40 dwellings per hectare should be provided within town and district centres.

The density of the development should be in keeping with local areas and have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of an area.

The first sentence of that policy is not applicable to Edenfield, as it is not a town or district centre, as defined in Strategic Policy R1: Retail and Other Town Centre Uses, but the second applies to all housing development. Paragraphs 140 and 141 read as follows:

140 Densities in excess of 40 dwellings per hectare will be expected to be delivered in town centres within Rossendale. Other sustainable locations where higher densities will be expected include sites within the urban boundary and within reasonable walking distance to bus stops on key corridors such as the X43 and 464 bus routes. Inclusive Mobility – Gov.uk propose that 400m walking distance to a bus stop as (*sic*) a suggested standard. High quality design can ensure that high density proposals are good quality schemes.

141 It is recognised that housing densities will be lower in other areas of the Borough because of physical constraints and on site issues, for example, topography, areas at risk of flooding and landscape.

Site promoters might be arguing here that paragraph 140 supports high-density development at H66 because it is within the urban boundary and within reasonable walking distance of bus stops on another key corridor and because the paragraph points out that high density and good quality are not mutually exclusive.

15.6 However, the fact remains that, taking the Local Plan as a whole,

- it clearly identifies a density of 29 dph for H66
- paragraph 120 says that H66 will require a well-designed scheme that responds to the site's context and makes the most of the environmental assets
- paragraph 125 requires development of H66 to make a positive contribution to the local environment and consider the site's form and character, and to be of a high quality design using construction methods and materials that make a positive contribution to design quality, character and appearance
- Policy HS4 requires development to have no detrimental impact on character, appearance, distinctiveness and environmental quality of an area, and
- paragraph 141 recognises that densities may be lower because of physical constraints and on-site issues, for example, topography and landscape, and
- Strategic Policy ENV1: High Quality Development in the Borough provides

All proposals for new development in the Borough will be expected to take account of the character and appearance of the local area, including, as appropriate, each of the following criteria: a) Siting, layout, massing, scale, design, materials, lighting, building to plot ratio and landscaping . . .

15.7 In short, the proposed density of 35-40 dph for the Village Streets Area Type -

- does not respond to the site's context and fails to make the most of H66's environmental assets.
- does not make a positive contribution to the local environment
- has a detrimental impact on character, appearance, distinctiveness and environmental quality of the Area, and
- fails to recognise on-site issues of topography and landscape.

The stated reasoning on page 100 (*Reflects proximity to services & public transport*) is irrelevant.

15.8.1 Table 4 below summarises the densities of development clusters near H66 as shown on pages 29 to 31. Additionally it shows the densities of a couple of recently approved developments nearby and the density shown in the Local Plan for site H65 on the other side of Market Street. Only three of the sites have a density of more than 30 dph. Two of these (49-77/58-82 Market Street and Bolton Road North) are distinguishable as they feature long terraced rows on a main road. The Pilgrim Gardens development includes a short terrace fronting a main road. Pilgrim Gardens should not be regarded as a precedent for a high density on H66. It is easily distinguished from H66 (although RBC wrongly insisted at the Local Plan Examination that it was part of H66 and the Policies Map wrongly shows it as such), as it was a windfall brownfield site with a disused public house, it was very small compared with H66, it was never in the Green Belt and, when planning permission for housing was granted, it was not subject to stringent policy requirements such as those in the SSP.

Row	Location	Density (dph)	Source
1	Moorlands View, 14/16 Crow Woods and 57-61 and 97/99 Burnley Road	30	MDC, page 29
2	24/26 Blackburn Road, 21/23 Burnley Road and Esk Avenue	13	MDC, page 29
3	Church Court and 2 Church Lane	21	MDC, page 29
4	Alderwood Grove and 115-129 Market Street	25	MDC, page 30
5	49-77 and 58-82 Market Street	45	MDC, page 30
6	24-46 & 69-95 Eden Avenue and 2-6 Highfield Road	28	MDC, page 31
7	Acre View and 1-45 & 30-58 Bolton Road North	39	MDC, page 31
8	Site of Hawthorn House, Rochdale Road	18	Planning application 2021/0454
9	Pilgrim Gardens and 79-85 Market Street	43	Planning application 2015/0238
10	Land east of Market Street (H65)	29	Local Plan, Policy HS2, Table 7

Table 4: Selected comparative densities of development near H66

15.8.2 A notable omission from the map on page 30 is the Pilgrim Gardens development, even though the page carries a paragraph of text about it and an image in one of the vignettes.

15.9 The Chatterton South Area Codes (page 102) contemplate a density of 36-45 dph, up to 55% more than the Local Plan indicated. The reasoning and influences for this are:

Visually discrete setting within Edenfield provides opportunity to maximise density in a location close to services & public transport.

It is not clear why a visually discrete setting should be an acceptable reason for cramming dwellings together. The density is excessive. Nor is proximity to services and public transport any justification for over-development. Paragraphs 15.3 to 15.8.1 above apply to Chatterton South as well as to Village Streets.

15.10 Page 104 identifies a density of 30-34 dph in Edenfield North. That seems excessive, given the Local Plan's expectation of 29 dph in H66 as a whole. It means that the MDC proposes a potential density of more than 29 dph in all four Areas. The reasoning and influences for the density in Edenfield North are said to be

Lower density than Edenfield Core to reflect position at northern fringe of Edenfield

This makes no sense, as the proposed density of Edenfield Core is the lowest of the four Area Types at 26-30 dph.

15.11 Table 5 below seeks to analyse the projected density of development at H66 taking the highest figures in the AT/xx/01 Codes on pages 98, 100, 102 and 104. It excludes possible development on land at Alderwood or at the former Vicarage.

	Owner or Site	Developable Area (ha) per SHLAA/ application	Yield (30 dph) per SHLAA	Maximum yield per Area Type Codes	Notes
1	Methodist Church	2.32 / —	70	105 @ 45 dph	
2	TW	9.12 / 7.1	273	238** (33 dph)	**Number of dwellings applied for
3	Peel + Richd Nuttall	2.09 / —	63	71 @ 34 dph	
4	Horse & Jockey	— / 0.21	10*	10* (43 dph)	*Actual build figure - development complete

Table 5: Analysis of projected density of development at H66

The developable Area of H66 per Local Plan Policy HS2, Table 7 is 13.74ha, which equates to the sum of the above SHLAA area figures plus the Horse & Jockey site area. The TW developable area is now known to be only 7.1ha (paragraph 15.1 above), bringing the figure of 13.74 down to 11.72. Table 5 above shows that on the maximum yield proposed for Chatterton South and Edenfield North Area Types plus the number in the TW application (covering Edenfield Core and Village Streets) and the number built on the Horse & Jockey site, the MDC is proposing up to 424 (105 + 71 + 238 + 10) dwellings to be built in H66 on 11.72ha. That is a yield of 35 dph, more than 20 per cent higher than the Local Plan density of 29 dph for H66. Page 44 of the MDC therefore misleads when it says:

The masterplan indicates a residential net developable area of 13 hectares. Delivery of 400 dwellings across the allocation site equates to an overall development density of 31 dwellings per hectare.

15.12 The MDC misleads again at page 59 when it says that the Methodist Church land would deliver *up to 90 dwellings*. It is clear, as shown in paragraph 15.11 above, that a yield of 105 dwellings is contemplated.

Section 16

Section 16 Equality and Human Rights

16.1 In addition to the specific plight of disabled residents in existing houses raised at paragraph 11.8 above, there are wider equality and human rights implications for Edenfield as a whole.

16.2 The masterplan focuses on the proposed development and protected characteristics (including but not limited to age and disability) of prospective residents of H66 to the detriment of existing village inhabitants. For example, disability access is mentioned for new houses, as are width of streets, vehicular access and driveway widths, but residents who are elderly, frail or disabled in existing houses face potential safety risks from new junctions to facilitate development of the site and the general increase in traffic.

16.3 No account is taken in the MDC of the effect on people's physical and mental well-being arising from worry about or caused by the development, which may be exacerbated by a protected characteristic.

16.4 The issue of schools is also neglected within the Masterplan and affects both current and prospective residents. The probability is that as development of H66 progresses, not all Edenfield children of primary school age will be able to attend a local school (Edenfield CE PS or Stubbins). The reality is that, if children are forced to attend a primary school up to two miles away, they will be taken there by an unsustainable mode of transport.

16.5 RBC has an obligation under section 149 of the Equality Act 2010 (the Public Sector Equality Duty) to have due regard to equality considerations when exercising their functions. As a way of facilitating and evidencing compliance with that duty, RBC is urged to conduct an Equality Impact Assessment of the MDC. to ensure that this is undertaken and that measures are considered: -

- to eliminate unlawful discrimination
- to advance equality of opportunity between people who share a protected characteristic and those who do not
- foster good relations between people who share a protected characteristic and those who do not.

16.6 There is an inherent danger of becoming fixated on development of H66, to the exclusion of the duty under the Equality Act 2010.

16.7 The Equality Impact Assessment should be informed by evidence of impact, with all design decisions (and the reasons and evidence behind them) documented contemporaneously and transparently, making it clear how the needs of all modes and users have been considered. This should incorporate the whole of Edenfield, not just H66 and have full regard to existing residents as well as prospective residents of H66.

Section 17

Section 17 No commitment to make school extension land available

17.1 Criterion 9 of the SSP states:

[Development of H66 for approximately 400 houses would be supported provided that] Provision will be required (*sic*) to expand either Edenfield CE Primary School or Stubbins Primary School from a 1 form entry to a 1.5 form entry primary school, and for a secondary school contribution subject to the Education Authority (*sic*). Land to the rear of Edenfield CE Primary School which may be suitable is shown on the Policies Map as 'Potential School and Playing Field Extension'. Any proposals to extend the schools into the Green Belt would need to be justified under very special circumstances and the provisions of paragraph 144 (now 152) of the NPPF.

17.2 In respect of criterion 9, the text of the MDC does not support the Executive Summary's claim (page 09) of a commitment:

The Masterplan identifies the land to the rear of Edenfield CE Primary School for potential expansion (page 55) and makes a commitment that this land shall be made available (at nil charge to the Local Education Authority) should the local education authority identify a need, with detailed arrangements to be agreed through subsequent planning applications.

17.3 It may be doubted whether the MDC can direct the use of land outside H66 and whether a masterplan can make any such commitment at all, but, even if it were an appropriate vehicle, the MDC does not actually make a commitment. The MDC marks a plot on the plan on pages 07 and 55 'Potential school expansion land (subject to educational need requirements)', a plot on the plan on page 23 'Peel L&P (land available for potential school expansion)' and a plot on the plan on page 44 'Potential school expansion land'. The MDC says at page 22:

Peel also control land to the east of Burnley Road, some of which can be made available for school expansion land, public open space and/or community car parking subject to planning requirements in accordance with the Rossendale Local Plan.

At the very least, a commitment would have said "will", not "can". The claim on page 09 that there is a commitment is yet another example of misrepresentations in the MDC.

17.4 The MDC returns to this topic at page 44, falling well short of any actual commitment, saying:

[The MDC] also includes an area outside the allocation for the potential expansion of Edenfield CE Primary School, in line with criterion 9 of Policy H66 and the adopted policies map. The provision of this land (at nil charge to the Local Education Authority) will be subject to evidence of need and through developer/land owner contributions in a proportionate basis based upon the size of their development to ensure the developer/land owner hosting the school expansion is not disadvantaged.

17.5 Site Wide Code US 03 (page 72), in so far as it relates to school expansion, provides

Subject to specific requirements associated with educational need being identified through subsequent planning applications, the delivery of . . . school expansion shall be delivered in the location identified on the Masterplan.

This wording falls short of a commitment. It might be no more than a statement that the MDC acknowledges that the Policies Map identifies an area for school expansion and is copying that site onto its own maps. It might be merely an aspiration. We repeat (see paragraph 17.3 above) that it is doubtful whether the MDC can direct the use of land outside H66 and whether a masterplan can make any such commitment at all.

17.6 Even if the MDC could make a commitment, a Uses Code would not be an appropriate method. According to the wheel diagram and key on page 19,

Uses Defines codes for the proposed mix of land uses on the allocation.

The availability of sites outside H66 for school expansion or any other purpose is irrelevant to the land uses on the allocation. Site Wide Code US 03 is therefore wholly misconceived and must be deleted.

Section 18

Section 18 Compensatory improvements to Green Belt

18.1.1 Criterion 7 of the SSP states:

Compensatory improvements must be provided to the Green Belt land in proximity of the site in accordance with Policy SD4

Policy SD4: Green Belt Compensatory Measures provides

Where land is to be released for development, compensatory improvements to the environmental quality and accessibility of the remaining Green Belt land will be required.

Types of improvements that would be considered acceptable include the creation or enhancement of green or blue infrastructure; biodiversity gains (additional to those required under Policy ENV1), such as tree planting, habitat connectivity and natural capital; landscape and visual enhancements (beyond those needed to mitigate the immediate impacts of the proposal); new or enhanced walking or cycling routes; as well as improved access to new, enhanced or existing recreational and playing field provision.

This policy applies to developments on land that is located within the Green Belt or on allocated housing and employment sites that were previously in the Green Belt as listed in Policy SD2

The Council has identified a number of projects where Green Belt compensatory measures can be delivered, or proportionate contributions made towards these schemes, listed below. Further details are contained in the Green Belt Compensatory Document or its successor:

- Rossendale Forest
- Rossendale Incredible Edible
- New Hall Hey Gateway
- Edenfield Cricket Club
- Edenfield CE / Stubbins Primary School Extension
- Public Rights of Way / Cycleway Upgrades and
- Improvements to the Network

NPPF, paragraph 147, provides:

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. They should also 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.

18.1.2 In the Executive Summary (Page 09) it is claimed in respect of criterion 7:

The Masterplan confirms that applications will improve accessibility to wider Green Belt through enhancement of PROWs and local recreation facilities. Off-site compensation for improvements to the

wider PROW network and local recreation facilities are (sic) noted at page 51 and can be secured through S106 contributions from individual applications.

It is disputed that the MDC confirms anything of the sort. Furthermore, it is unclear what is meant by “wider Green Belt”. The expression “the wider PROW network” suggests that the sentence preceding it is concerned with on-site PROWs. If the MDC is suggesting that PROW enhancements within H66 (outside the Green Belt) count as a compensatory improvement within the Green Belt, the authors are misdirecting themselves. What is clear is that they are in persistent denial of the requirements of national, local and site-specific policy, where green belt designation is removed, for compensatory improvements in the remaining Green Belt.

18.1.3 Page 51 confirms that the authors do not comprehend that compensatory improvements to the remaining Green Belt must be made in the Green Belt. The map captioned *Indicative Green Belt compensation* wrongly proposes the following as a compensatory improvement to the Green Belt:

- Improving FP112 where it runs through housing allocation site H67 Edenwood Mill. H67 lies outside the Green Belt

18.1.4 Page 51 wrongly lists the following as examples of compensatory improvements to the Green Belt:

- *Enhancements to recreation ground links* The Recreation Ground off Exchange Street is well within the Urban Boundary.
- *Improved signage for PROW* without stipulating that the signage would need to be in the Green Belt
- *Community amenity and play areas which include gardens focused on food production and edible plants promoting the Incredible Edible Rossendale Scheme.* These would count only if, as seems unlikely, they were located in the Green Belt.
- *Facilitation of improved cycle / pedestrian footpaths from Burnley Road to Blackburn Road and on to the rest of the allocation to reduce pressure and potential conflicts on Market Street’.* Leaving aside the tautological *pedestrian footpath* and oxymoronic cycle footpath, any such improved route is unlikely to be in the Green Belt

18.1.5 Page 51 wrongly lists twice *Woodland planting to the rear of Edenfield C.E. School.* It suggests *Dedicated footpath link to Edenfield C.E. School*, but, whilst this would be in the Green Belt, it would not be on land within the developers’ control and would, it is understood, be opposed by the School for security and safeguarding reasons.

18.1.6 RBC’s guidance document ‘*Compensation Measures for Green Belt Release*’ (January 2023) is cited unquestioningly, but it must be noted that of the schemes suggested therein

- *Rossendale Forest* improvements would be eligible only if located within the Green Belt
- *Incredible Edible Rossendale* schemes would be eligible only if located within the Green Belt, which as noted above is unlikely. Indeed, the cited achievements at Haslingden and Rawtenstall are clearly not in the Green Belt
- *Edenfield C.E. / Stubbins Primary School Extension* As section 2 of the guidance document points out, *there are specific measures that will be necessary in order to make developments acceptable, and these will not be considered for Green Belt compensation.* Whilst the guidance document provides -

The residential allocations in Edenfield, particularly H66 which proposes approximately 400 dwellings, may require additional classroom capacity at one of the two primary schools in the area – Stubbins or Edenfield C.E. Either school extension would require new additional

development to be located within the Green Belt and improvements to Green Infrastructure, playing pitches or travel to school routes could be investigated. This would be considered as part of the overall Masterplan for H66 -

it would seem that such improvements were more appropriately considered in the context of a proposed extension rather than development of H66. It is unrealistic for them to be considered as part of the Masterplan for H66, as they are outside H66 and there is no certainty that any such extension will actually be required.

- *Public Rights of Way / Cycleway Upgrades and Improvements to the Network Specific routes have been identified close to the Green Belt releases in Edenfield. Such routes as have been identified are regrettably not specified, and therefore it cannot be assumed that they are all in the Green Belt.*
- *Page 10 of the Guidance Document also considers PROW improvements: A number of potential PROW improvements have been identified to the east of Edenfield, which are within the Green Belt. These potential improvements include:*
 - o Connecting to the Pennine Bridleway – improve Byway 14-3-RB277 (at the end of Gincroft Lane, costing up to £25K) and 14-3-FP147 (Sandbeds Lane).*
 - o Improvements to the ford along Byway 14-3-BOAT276 at Dearden Clough (approx. £50K max).*

It must be pointed out that Sandbeds Lane is not in the Green Belt.

Section 19

Section 19 Miscellaneous errors and omissions in MDC

19.1 The plans on pages 07, 39, 42 and 55 mis-name Chatterton Hey.

19.2 The Green infrastructure and play provision plan on page 80 marks a proposed LEAP on TW land and three proposed LAPs (on Peel land, Methodist Church land and off site on Peel land), but the proposed LAPs are not shown on the plans on pages 07 and 55, raising doubt about whether they will be delivered. This ambiguity needs to be resolved. The plans on pages 07 and 55 water down the plan on page 80 by using the description *play area* rather than LEAP for the feature located on TW land and saying *indicative location*. The robustness of the text on page 80 and associated Site Wide Code NA 07 (from which *future* should in any case be deleted) is therefore questionable:

The H66 allocation will provide a range of play experiences which will appropriately supplement the existing Locally Equipped Area for Play (LEAP) located off Exchange Street, allowing a dispersed range of play experiences throughout Edenfield.

NA 07 Unless otherwise reasoned and justified, future planning applications relating to the H66 allocation should, as a minimum, include play provision in accordance with the 'Green Infrastructure and play provision' plan.

The Executive Summary (page 09) misleads in relation to criterion 5 iv of the SSP ([Public open space to be provided along the woodland area south of the brook/Church enclosure](#)) by saying,

The Masterplan includes public open space in this location, including a LEAP, with further detail provided/to be agreed within the TW Phase 1 planning application,

but the plans on pages 07 and 55 do not commit to a LEAP or its location.

19.3 The MDC lacks a clear, detailed and achievable strategy for promoting the use of public transport. It fails to require the production of travel plan/s, contrary to paragraph 127 explaining SSP.

19.4 The MDC does not explain how the impact of construction on flora and fauna will be assessed and mitigated.

19.5 The MDC fails to provide for a detailed risk assessment for potential environmental hazards.

19.6 The central portion of H66 is known to include contaminated land. The MDC needs to set out a clear remediation strategy, identifying the volume of contaminated land.

19.7 At page 108 begins what is claimed to be *a list of all site wide Codes referred to within the Design Code*. First on the list is Code MP 01. Next are Codes PH 01 and PH 02. This is incorrect. Site Wide Codes, and by implication the Design Code, begin at Section 04 at unnumbered page 70. Code MP 01 is on page 54 in Section 02 Masterplan. Codes PH 01 and PH02 are on pages 58 and 60 respectively in Section 03 Phasing. None of these Codes is listed in Section 04 as a Site Wide Code or referred to anywhere within the Design Code.

19.8 It is obvious that those three Codes are not design-related, but if the authors of the MDC do not accept this, they should be directed to pages 18 and 19 referring to the National Model Design Code, whose 'well-designed place' wheel (page 19) does not mention masterplan or phasing.

19.9 The purpose of the apostrophe in *paver's* on page 89 is difficult to understand.

Section 20

Section 20 Construction Management

20.1 Page 60 refers to Construction Management Plans (see paragraph 3.2.8.4 above). Although such Plans are unlikely to be followed, the MDC needs to address with clarity and specificity issues arising from operations and including but not limited to dust and diminution of air quality and noise and vibration, particularly from pile driving, which is likely to affect existing properties. It is expected that the MDC will require any development proposal to contain provisions enabling persons affected by construction works and deliveries to raise their issues with a responsible person identified by the developer and will require a developer to keep a full record of any such issue, to be made available to the local planning authority on demand.

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Section 21

Section 21 Conclusion

21.1 The fundamental problem with the MDC is that it does not begin by assessing H66 as a whole and devising a unified scheme that conforms with planning policy and responds to local built and natural context. Instead it just cobbles together the aspirations of two of the landowners to cram as many dwellings as possible of the cheapest materials onto their own parcels of land at the time of their choice without regard to the implications for the other site owners or the community.

21.2 Whilst exploiting the allocation of H66, the MDC ignores or defies other provisions in the Local Plan.

21.3 The MDC is riddled with false or misleading statements.

21.4 The desire for progress in delivering houses on H66 must not be allowed to outweigh the importance of ensuring compliance of the MDC with planning policy, national, local and site-specific, and of requiring the MDC to be free from accuracy and inconsistency.

21.5 The MDC should, for all the reasons set out in these representations, be rejected, and the site promoters should be advised to produce in its place a document that accords with those principles.

Richard W. Lester for self and on behalf of Edenfield Community Neighbourhood Forum

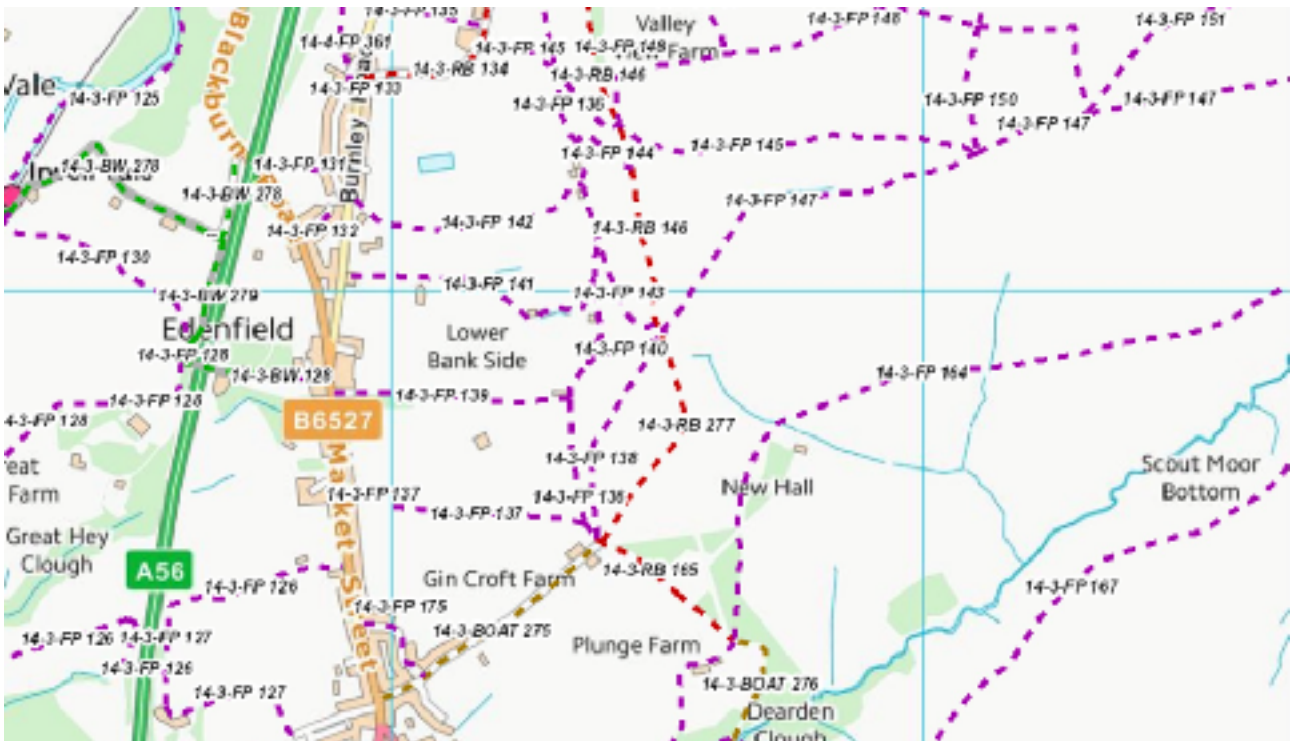
6 Alderwood Grove, Ramsbottom, Bury BLO 0HQ

15th July 2024

Appendix 1

Extract of map of Public Rights of Way in Edenfield

Paragraph 7.4.1



Appendix 2

Examples of references in the MDC to Edenfield as a village

Paragraph 4.8.4.4

- *Vision . . . to allow the characterful and varied grain of the village to continue to evolve* - page 10
- *[MDC] . . . ensuring that settlement character can be preserved as the village evolves* - page 18
- Five references in *The Context of H66 within the Settled Valley Landscape* - all on page 24
- *Visual Context* - third paragraph on page 26
- Under *Existing Architectural Character* and under *Design Influences* - both on page 28
- Description of Market Street - page 30
- Caption to image of *loose built grain* - page 31
- Three references under *Street Hierarchy* - all on page 32
- Seven references under *Non Vehicular (sic) Movement and Open Space* and two more under *Design Influences* - all on page 34
- *Green and blue infrastructure - valued long views to the distant hills from the centre of the village* - page 42
- *Off site highway improvements* - two references to *Edenfield Village* and one to *the village* - all on page 46
- *The Masterplan will deliver approximately 400 new homes for Edenfield, set within a strong landscape structure and characterful village setting*) - page 54
- *All construction traffic will . . . avoid the centre of the village where possible . . . ensuring that construction traffic and deliveries avoid peaks of intense usage in the village . . . the growth of the village* - all on page 60
- *Landscaped front gardens and pockets of green space contribute to 'greening' the street scene in parts of the village* - page 74
- *Scale of the H66 allocation site within the village* - page 83
- Area Type designation '*Village Streets*' - pages 52, 96, 97, 100 and 101
- *Historic core of the village . . . historic centre of the village* - both on page 98
- *Key characteristics of the village . . . urban form within the village the village . . . central village location* - all on page 98
- *Village core* - page 102
- *Northern part of the village . . . northern fringe of the village . . . traditional building materials of the village* (twice) - all on page 104

Appendix 3

Commentary on HCM and the Road Safety Audit appended thereto

Paragraphs 3.2.8.2.3, 11.1.8 and 11.14

Availability of parking

1. Paragraphs 1.21 and 1.24 - the proposed parking area off Burnley Road should be described as being subject to planning permission being granted. Given the Green Belt location, it cannot and must not be assumed that such permission will be granted - see paragraphs 3.2.8.2.4, 10.1, 10.9.1, 10.9.7 and 10.10 of the representations.

2. Paragraph 1.23 suggests that despite a prohibition of waiting on the highway,

an area of hardstanding outside properties 157 and 159 . . . would continue to allow parking

for two cars. That cannot be right. A prohibition of waiting usually applies to the whole highway: carriageway, footway and verge (if any). This so-called hardstanding is in fact perceived and used as the footway and is separated from the carriageway by a shallow kerb. There is a further surfaced area in front of numbers 157 and 159, but that appears to be their forecourt rather than the highway and is too narrow to park a car. See the upper right photograph on page 12 of the Road Safety Audit (RSA) reproduced at Appendix 2 to the HCM.

3. Paragraph 1.24 sums up the change in parking provision north of Pilgrim Gardens as a net gain of *circa* 10 spaces, but for the reasons in the last preceding paragraph, the figure should be reduced to *circa* 8. However, that is subject to planning permission being given for a 45-space car park in the Green Belt. That does not tally with the plans at page 3 of and Appendix B to the RSA - this shows 10 drop-off bays and 33 parking spaces, a total of 43. It must be noted that according to paragraph 1.24 the car park would involve the loss of 14 street parking spaces. The Plans following paragraph 1.79 and in the MDC show no marked bays or spaces at all. The figure of *circa* 10 should therefore be further reduced to *circa* 6.

4. It is presumptuous of Eddisons to write in paragraph 1.25 that the residents of 43 to 47 Market Street will not be disadvantaged by the prohibition of parking outside their homes, unless they have conducted a thorough inquiry with the residents and established that that is the case. In any case other local residents are likely to be disadvantaged.

5. Paragraphs 1.25 and 1.26 postulate a loss of 14 spaces in the remainder of Market Street, although according to the Plans following paragraph 1.79 the six spaces outside commercial premises will still be available except between 8.00am and 6.00pm on Mondays to Saturdays. It is a matter of concern that vehicles will be prevented from waiting outside shops during the working day.

6. Paragraph 1.27 concludes that with the proposed car park on Methodist Church land there will be a reduction of 2 to 4 parking spaces in the southern area. That is based on 10 to 12 spaces in the Methodist Church site car park, but that figure is described as '*currently identified*' and is therefore unreliable.

7. Paragraph 1.26 suggests that cars could utilise the TW parking area, but that has already been accounted for.

8. The Plans following paragraph 1.79 and in the MDC show some unexplained yellow lines on Exchange Street. If those represent further prohibition of waiting, they have not been taken into account.

Misconception of Anwyl's involvement

9. Just once in the actual HMC (paragraph 1.26) do Eddisons refer to the Methodist Church land as 'the Church land'. They wrongly state at paragraph 1.35 that 'Anwyl has an interest in' it. References in paragraphs 1.43, 1.44 and 1.47 and Figures 1 to 17 to 'Anwyl site' or 'the Anwyl land' perpetuate that error.

10. Paragraph 1.69 refers to the 'Anwyl proposals' and 'Anwyl scheme', although there are none, if indeed there ever were. Paragraph 1.71 speaks of 'the Anwyl element'. Figures 12 and 13 refer to 'Proposed Anwyl Development', but there is no such current proposal. There are four inappropriate references to Anwyl Homes (three on page 3 and one on page 11) by the authors of the RSA. The Designer's (Eddisons') Response to Problem 8 in the RSA (page 11) uses the expression "Church land site' but in the Response to Problem 9 (page 11) reverts to 'Anwyl'.

Other errors

11. Figures 3 and 4 state that they refer to 2023 surveyed flows, but paragraph 1.13 says that they are based on the 2022 surveyed flows. Eddisons need to explain and amend, as necessary.

12. Paragraph 1.16 - 'derived TEMPro' does not make sense. Is a word missing?

13. Paragraph 1.69 also states that 'one-way (eastbound) operation' is proposed on Exchange Street. The Plans following paragraph 1.79 indicate one-way westbound working.

Exchange Street/Highfield Road junction

14. The statement (paragraph 1.47) -

As access to the Anwyl land will simply be gained via an extension of Exchange Street, there is no junction to assess -

is astounding in its disregard for reality

15. The assertion at paragraph 1.69 that

it is not considered that the increase in traffic associated with the Anwyl scheme and the proposed one-way operation will make any meaningful change in the operation of the Exchange Street/Highfield Road junction

seems excessively optimistic.

16. Paragraph 1.70 states,

For the purpose of the analysis, it has been assumed that any traffic travelling to/from Market Street via Exchange Street would also pass through the Exchange Street/Highfield Road junction.

This is, however, likely to be an onerous assumption given residential development is located along

the eastern section of Exchange Street and much of the traffic referred to will likely be associated with this development.

If Exchange Street were made one-way westbound, all traffic that had entered Exchange Street would have to leave at its Highfield Road junction via either the main carriageway or the unadopted section in front of 21 - 29 Exchange Street. That is a fact - it does not need to be an *assumption*, '*onerous*' or otherwise. (The only exception would be vehicles that were entitled to exercise private rights of way over FP126.) Moreover, there would be no *traffic travelling to . . . Market Street*.

17. As noted at paragraph 3.2.8.5.1 of ECNF's accompanying representations, Page 60 of the MDC promises that the

one-way system on Exchange Street [will] be delivered prior to construction [on the Methodist Church land] along with the associated access junction.

One issue ignored by the MDC and HCM is that, if Exchange Street is made one-way from Market Street up to its junction with Highfield Road, as the plans on pages 47, 49, 65 and 67 of the MDC and the Plans following paragraph 1.79 of the HCM show, before the Methodist Church site parking area or site road is open for public use, northbound traffic on Highfield Road will come to an effective cul-de-sac with no room to turn, as a right turn into Exchange Street will be prohibited and a left turn will lead to an immediate dead end beyond which there is no public vehicular right of way.

18. There are issues with the pump track access to and from Exchange Street opposite Highfield Road. These are considered at paragraphs 39 to 48 below.

Failure to identify streets correctly

19. Eddisons' Figures 1 to 17 following the Plans after paragraph 1.79 wrongly call Wood Lane 'Wood Street'.

20. There are more errors and omissions in Eddisons' contractors' Figures in Appendix 1 to the HCM. Figures 1 and 5 wrongly show A56 Walmersley Road at its junction with the M66 off-slip as 'A56 Manchester Road'. Figures 2 and 6 wrongly show B6527 Market Place, the southern arm of the B6527/Exchange Street junction as 'Market Street'. Figures 3 and 7 wrongly show B6527 Market Place, the northern arm off the mini-roundabout, as 'Market Street' and in the drawings of Junctions 5 and 6 omit the classified road number for Bury Road. Figures 4 and 8 omit the classified road number for the northern arm of Bury Road at Junction 7 and Bolton Road North at Junctions 7 and 8.

21. Eddisons titled Appendix 6 to the HCM '*ARCADY Output for the Market Street/Bury Road/Rochdale Road Mini Roundabout*' but the reference should be to Market Place, not Market Street.

22. The HCM speaks at paragraphs 1.53 to 1.56 of the Market Street/Northstone Site Access Junction, but the Local Plan is clear that the Northstone site would take access from Blackburn Road.

23. The HCM goes on to consider the 'Market Street/Blackburn Road/Burnley Road Signalised Junction' at paragraphs 1.57 to 1.59 and its Appendix 5. This junction has four arms under signal control. An accurate HCM would have included the fourth arm, Guide Court, in the description. Table 4 at paragraph 1.58 refers to the 'Blackburn Road (S)' approach, which we take to mean the approach from south of the junction, but Blackburn Road does not lie on the south side of the junction. The options for traffic from the south are: right/ahead/filter left giving way to right-turning vehicles from Burnley Road, but the HCM does not show

this. The HCM states two options (right/left) for traffic from Guide Court, but in fact there are three (right/ ahead/left). Appendix 5 to the HCM repeatedly and mistakenly refers to 'Blackburn Road (S)'.

Missing information

24. The exclusion in paragraph 8 on page 3 of the RSA is noted:

The audit team has examined and reported only on the road safety implications of the scheme as presented and has not examined or verified the compliance of the designs to any other criteria.

25. The caveat in paragraph 10 on page 4 of the RSA is noted:

The audit team would also advise that they have not been provided with any information as to the forecast development traffic flows and therefore the potential highways safety implications of the redistributed traffic flows on the highway network due to the proposed one-way operation of Exchange Street could not be assessed.

This information is crucial to the road safety assessment and should have been taken into account.

26. At page 7 of the RSA the Designer's Response is that

the [B6527/Burnley Road/Guide Court] junction will be upgraded to incorporate a pedestrian phase

but the vital information, about how this will be achieved and at whose expense, is missing.

27. Likewise the Designer's Response (RSA, page 13) to Problem 10 (trip hazards at various locations) -

dropped kerbs and tactile paving will be provided, where practicable (Note: some footways are too narrow to accommodate tactile paving) -

is silent about how and at whose expense.

28. The unexplained colouring of the central hatching on Market Street near the Exchange Street junction in the plans on pages 49 and 67 begs the questions whether this represents some physical barrier to turning right into Exchange Street and, if so, what alternative route is contemplated.

29. The plan following paragraph 1.79 fails to take account of the potential new or improved access to site H65 (Land east of Market Street), which is allocated in the Local Plan with an estimated yield of nine dwellings.

30. The plan is not fit for purpose: it shows the junction of Market Street and Pilgrim Gardens but fails to delineate the extent of the Pilgrim Gardens roadway, they show the houses 1 - 6 Pilgrim Gardens but do not mark 81 - 85 Market Street, they still show the long-demolished Horse & Jockey public house, and there is a partial representation of 79 Market Street.

31. The Plans following paragraph 1.79 of the HCM and on pages 49 and 67 of the MDC show that the traffic calming feature on Exchange Street is still to be agreed. The proposed feature must be specified before the MDC and HCM can be approved

Traffic Regulation Orders

32. Paragraphs 1.28 and 1.29 provide:

1.28 The highway improvements identify items that would require the promotion of a Traffic Regulation Order (TRO). Only the LHA has the necessary legal powers to promote/secure a TRO, so the Developer(s) will enter into a legal agreement with the LHA in advance. All costs will be reasonably born (sic) by the Developer(s).

1.29 If a condition is to be attached, this should specifically state that a TRO is to be 'promoted' (rather than 'secured'). The condition will be considered discharged once the Developer has completed an Abortive Cost Agreement with LHA for the TRO to be promoted and has made an up-front fee deposit. The LHA will then complete the legal process to 'secure' the TRO. If the legal process fails to complete, the development can still progress if all planning stakeholders accept any risk that the intended highway works may not be delivered.

If the mooted condition uses the word 'promoted' rather than 'secured', there would be nothing to stop the development from proceeding, even if the highway authority decided after considering responses to the statutory notices not to make the proposed TRO.

Proposed regulation of traffic indicated on plan following paragraph 1.79 of the HCM

33. As noted at paragraph 11.7.1 of these representations, the extensive proposed restriction and prohibition of waiting will inconvenience residents who rely on the availability of street parking. It will be harmful to the businesses whose customers might go elsewhere if they cannot find a convenient place to park.

34. As noted at paragraph 11.7.2 of these representations the build-out and bollard at the east end of Market Street would block deliveries to M R Cook, Butcher. Instead, a short extension of prohibition of waiting on Exchange Street adjacent to his premises would facilitate unloading.

35. As noted at paragraph 11.7.3.1 of these representations, if prohibition of waiting is proposed, it is ridiculous to retain the APMs outside numbers 21 and 47 Market Street and the APM covering the Dean Close junction and entrance to number 43. If there were a prohibition, unwelcome as it would be, it would be sensible to extend it to replace all three APMs. The prohibition would be enforceable, an APM is not.

36. As noted at paragraph 11.7.3.2 of these representations, similar considerations apply to the proposed prohibition of waiting on the west side of Market Street between the drive to Alderwood and number 167, which is interrupted by a bus stop with no proposal for protection by a TRO and by an APM at the entrance to number 153. Consideration should be given to a bus stop clearway order.

37. As noted at paragraph 11.8 of these representations, the extensive proposed prohibition of and restriction on waiting outside existing houses will bear harshly on disabled occupiers and their carers. Currently, there is no reason not to approve a disabled person's parking space application outside those houses, but, if there were a prohibition of waiting, the outcome of any application would be in doubt. The application might be approved for a space remote from the applicant's home. Where waiting is prohibited, a disabled person's vehicle is unable to wait for more than three hours or to return within one hour.

Up-to-date traffic survey is required

38. The traffic survey data (paragraphs 1.10 et seq. and Appendix 1) are stale. There is reason to believe that traffic levels have returned to pre-pandemic levels. For example, the average daily flow along the A56 between its junctions with the M66 and A682, *i.e.*, the Edenfield bypass, was 63,382 motor vehicles in 2019 and 69,840 in 2023. See <https://roadtraffic.dft.gov.uk/manualcountpoints/56534> . It is reasonable to assume a similar trend in the number of vehicles passing through Edenfield. The pressure on the local road network is of course increased whenever there is a planned closure of or unforeseen incident on the bypass. Therefore an up-to-date survey is required.

Pump Track access, opposite Exchange Street/Highfield Road junction

39. Problem 8 in the RSA (page 10) is summarised as:

Gradient from skate park ramp and omission of pedestrian crossing facilities may increase the risk of vehicle/pedestrian collisions.

With the aid of a photograph, paragraphs 16 and 17 describe the issues:

16. There is an existing ramped access on the northern side of Exchange Street that provides access to a skate park/pump track . . . The gradient of the path, omission of suitable level landing point and omission of pedestrian crossing provision could increase the risk of pedestrians on scooters/skateboards etc inadvertently rolling out into the carriageway which may increase the risk of vehicle/pedestrian collisions.

17. The audit team note that this is an existing problem, although would note that the proposed development(s) may increase the use of the skate park, and that Exchange Street which is currently a dead end at its western extent will be opened up to form the access to the Anwyl Homes development which will increase vehicle traffic and potentially exacerbate this problem.

40. In order to solve the problem, paragraph 18 of the RSA -

*recommended that a level dwell area be provided at the base of the ramp, the footway on the northern side of Exchange Street proposed as part of the Anwyl Homes Development be extended to join the footway to the skatepark and appropriate pedestrian crossing facilities *i.e.* uncontrolled crossings with dropped kerbs and tactile paving are provided in the vicinity of the access to the skatepark to facilitate access to the park from the south.*

The difficulty with that solution is that it requires either the Pump Track access to be reconstructed or the carriageway of Exchange Street to be narrowed to accommodate the construction of a footpath on the northern side. The onus is on RBC, having caused or acquiesced in creating the problem, to resolve it (see paragraph 47 below).

41. The Designer's Response initially dismisses the concerns:

The skatepark and associated access is a newly installed facility and any risk will have been assessed at the time the scheme was being promoted. In this regard, it is noted that chicane barriers are installed along the ramped access to prevent the risk of users inadvertently rolling out into the carriageway.

One glance at the photograph reveals the inadequacy of the Response -

a) the assumption about a risk assessment is unwarranted, not to say foolish, and

- b) the chicane barriers are less than half the width of the access, are thus not fit for purpose and immediately challenge daredevils to negotiate them at speed.

42. The Response continues:

Notwithstanding this, it is understood that the Skate Park, which was approved under application reference 2021/0693 did have a highway condition that sought the development to provide a footway along the skate park frontage. Therefore, should a footway scheme for the skate park come forward following enforcement action, any proposed footway from the Church land site will tie into it.

The Designer has not done their homework. The Pump Track, as laid out, bears no resemblance to the approved Drawing (see paragraph 46 below). Therefore, the highway condition (set out at paragraph 43 below) in the planning approval has no relevance. One school of thought (based on Class A of Part 12 - Development by local authorities - of Schedule 2 to the General Permitted Development Order) is that the Pump Track does not require express planning permission at all, and, in that case, the highway condition has no relevance.

43. For completeness, the highway condition in approval 2021/0693 is as follows

No development shall take place until a scheme of off-site highway works / improvements has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority).

The scheme shall include measures to improve pedestrian links between the recreation areas on both sides of Exchange Street, dropped kerbs where appropriate, tactile paving where appropriate, a new section of footway on Exchange Street and new road markings where appropriate.

The approved scheme shall be implemented in full prior to the first use of facility.

Reason: In the interests of highway and pedestrian safety.

44. Apart from the location plan, there seems to have been only one drawing for the planning application: Edenfield Pump Track Sketch Design V3 November 2021. There is no obvious record on the RBC website of any approval of revised plans after the application was granted. The Drawing states that the exact layout would be subject to change, but no importance can be attached to that statement, as the decision notice is clear (condition 3) that the development shall be carried out in strict accordance with Edenfield Pump Track Sketch Design V3 November 2021.

45. There are at least two fundamental problems with the Sketch Design. First, it shows a footway on the north side of Exchange Street, where there is none. Secondly, there are numerous issues left unclarified, e.g., "exact design to be agreed" in the case of both the proposed pump tracks, "exact position [of seating] to be agreed on site, and access (or maybe just chicanes - it is not clear) 'to be agreed with Highway Authority'.

46. The Sketch Design shows an entrance from and a separate exit to Exchange Street. The entrance is shown just to the west of the opposite junction with Highfield Road, and the exit is shown further west. The photograph on page 10 of the RSA shows an entrance directly opposite Highfield Road and no other entry or exit. In other words the development bears no resemblance to the approved plan.

47. Responsibility for the safety hazard identified in the RSA rests with RBC *qua* landowner, and the danger obviously needs to be removed quickly before someone is seriously injured.

48. In the meantime, it is pointless for the HCM and MDC to include designs for the junction before RBC provides safe access to and from the Pump Track. The HCM and MDC must be held in abeyance until this is done.

HCM under-estimates housing yield

49. It would have been prudent for the HCM to examine the worst-case scenario as regards the impact of development of H66 on traffic. However, whilst paragraph 1.33 rounds up the TW application figure from 238 to 240 dwellings, the HCM -

- makes no allowance for development at Alderwood, where there is a pending planning application for nine dwellings
- makes no allowance for development near the former Vicarage
- allows for only 65 new dwellings on Peel's and Richard Nuttall's land north of Church Lane (paragraph 1.34), although the MDC (page 102) contemplates a density of up to 34 dph, which could yield 71 dwellings
- allows for only 95 dwellings on the Methodist Church land (paragraph 1.35), although the MDC (page 100) contemplates a density of up to 45 dph, which could yield 105 dwellings.

Together with the failure to take account of H65 (paragraph 29 above), the under-estimate is in the order of 35 dwellings.

Confusion over Market Street accident record

50. Paragraphs 1.74 and 1.75 report that

only one accident . . . occurred along the Market Street corridor during the most recent 5 year period available . . . adjacent to the Church Lane junction and . . . only slight in nature.

It would have helped if the exact '5 year period' had been specified. The RSA is at paragraph 4 on page 2 more precise:

A review of the Personal Injury Collisions (PIC) data between January 2018 and December 2022 (based on information in the crashmap database) has indicated that during this period there has been 1 PIC recorded in the immediate vicinity of the proposed highways works which resulted in an injury that was slight in severity.

However, all three of those paragraphs are contradicted by page 13 of Appendix 2 to the HCM where the Designer's Response to the RSA states.

a review of accident statistics confirms that no pedestrian (or indeed, any) accidents have occurred along the [Market Street] corridor in the most recent 5-year period available.

51. In any case, the Crashmap data are not the most recent available. LCC's MARIO database shows more recent data, including a collision at Market Street / Exchange Street in May.

Swept path analysis at access to TW land from Market Street

52. The Plans following paragraph 1.79 of the HCM appear to show that a refuse collection vehicle could not turn left from Market Street into TW's site or right from the site into Market Street without crossing the centre line of the TW access road. The junction must be re-designed to eliminate this hazard.

53. The presence of the letters 'urch' on those swept path drawings is odd.

Appendix 4

Strategic Policy ENV1: High Quality Development in the Borough

Paragraphs 6.8 and 7.11.3

Strategic Policy ENV1: High Quality Development in the Borough

All proposals for new development in the Borough will be expected to take account of the character and appearance of the local area, including, as appropriate, each of the following criteria:

- a) Siting, layout, massing, scale, design, materials, lighting, building to plot ratio and landscaping;
- b) Safeguarding and enhancing the built and historic environment;
- c) Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the amenities of the local area;
- d) The scheme will not have an unacceptable adverse impact on neighbouring development by virtue of it being over-bearing or oppressive, overlooking, or resulting in an unacceptable loss of light;- nor should it be adversely affected by neighbouring uses and vice versa;
- e) Link in with surrounding movement patterns, encourage permeability and reflect the principles of "Manual for Streets";
- f) Not prejudice the development of neighbouring land, including the creation of landlocked sites;
- g) Demonstration of how the new development will connect to the wider area via public transport, walking and cycling;
- h) Minimising opportunity for crime and malicious threats, and maximising natural surveillance and personal and public safety;
- i) Providing landscaping as an integral part of the development, protecting existing landscape features and natural assets, habitat creation, providing open space, appropriate boundary treatments and enhancing the public realm;
- j) Including public art in appropriate circumstances;
- k) There is no adverse impact to the natural environment, biodiversity and green infrastructure unless suitable mitigation measures are proposed and the Council will seek biodiversity net gain consistent with the current national policy;
- l) That proposals do not increase the risk of flooding on the site or elsewhere, where possible reducing the risk of flooding overall, having regard to the surface water drainage hierarchy;
- m) A Development Brief or Design Code (as appropriate) will be required to support major new development and smaller proposals as appropriate (this document will be proportionate to the size of the scheme). Such documents should set out the design principles, the appropriateness of the development in the context of the area and consideration of innovative design;

- n) Where appropriate applications shall be accompanied by an independent Design Stage Review;
- o) Making provision for the needs of special groups in the community such as the elderly and those with disabilities;
- p) Consideration of Health impacts, including through a Health Impact Assessment for major developments, looking particularly at effects on vulnerable groups, and identification of how these may be mitigated;

- q) Designs that will be adaptable to climate change, incorporate energy efficiency principles and adopting principles of sustainable construction including Sustainable Drainage Systems (SuDS); and
- r) Ensuring that contaminated land, land stability and other risks associated with coal mining are considered and, where necessary, addressed through appropriate investigation, remediation and mitigation measures.

Explanation

232 Good design is a key aspect of sustainable development and in making places better for people. This includes consideration of both buildings and open spaces and the relationship between the two; a balance between the need for neighbourliness and the scope for design freedom.

233 Developments need to function well and add to the overall quality of the area. They should optimise the potential of the site to accommodate development and respond to Rossendale's local character, history and topography. In Rossendale the relationship of town and countryside, hill and valley, stone and other materials are particularly important. The topography of the Borough also means that the visual impact of a development can be greater when looked down from higher ground or from the valley below compared to being viewed from its immediate situation. The use of local materials, particularly stone and slate, is important in reinforcing local distinctiveness. "Anywhere" standardised design solutions will be discouraged. At the same time as encouraging local distinctiveness, innovation in design will not be discouraged where this contributes to a high quality development. Good architecture and appropriate landscaping play key roles in ensuring that Rossendale is visually attractive and in creating safe and accessible environments. Developments also need to maximise energy efficiency and be adaptable to climate change. The need to minimise flood risk is a key consideration and design should look at reducing heat loss and heat island effects through use of materials, orientation and landscaping. Higher densities in developments need not lead to sites appearing cramped, and high quality design solutions delivering more houses on urban sites will be encouraged. Equally, the creation of high quality and adaptable internal spaces is as important to users as external appearance. Wherever possible, internal layouts should meet the requirements of all members of the population and be adaptable. The Council welcomes pro-active engagement on all elements of design.

234 Design briefs or design codes will be required for major development and other sites as appropriate to help deliver high quality proposals. The Council will work with developers to address the nature and scope of these documents. The Council will prepare a Design Guide SPD to provide specific advice to developers. An SPD addressing climate change will also be produced.

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