

Edenfield Community Neighbourhood Forum

Representations against Planning Application 2022/0451 (as amended in June 2023) Land West of Market Street, Edenfield

Interpretation, abbreviations and definitions

'Above' or 'below' following a Section or paragraph number indicates a Section or paragraph in these representations

Document numbers refer to those in the list of documents on RBC's website pages for the application

References to a Policy are to a Policy in the Local Plan, unless stated.

Extracts of Policies, local and national, and their Explanation in the Local Plan are coloured blue.

ABNG - Document 43A Assessment of Biodiversity Net Gain (Version 2, October 2022) by ERAP (Consultant Ecologists) Ltd

Anwyl - Anwyl Land

application - planning application reference 2022/0451 for the construction of 238 dwellings on H66 and associated matters

CE - Church of England

DAS - Document 35 Design and Access Statement

dph - dwellings per hectare

ECNF - Edenfield Community Neighbourhood Forum

FFL - Finished Floor Level

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

GBCD - RBC's Green Belt Compensatory Document, referred to in Policy SD4

H66 - the land west of Market Street, Edenfield allocated under reference H66 by the Local Plan for residential development

HIA - Document 39 Health Impact Assessment, with Appendix

LCC - Lancashire County Council

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

LVIA - Document 36 Landscape and Visual Impact Assessment

MDC - Masterplan and Design Code Version V13, dated June 2023

NPPF - National Planning Policy Framework

Pegasus's letter - Pegasus's covering letter dated 23rd June 2023 to RBC

Planning Statement - Document 32 Planning Statement (Including Heads of Terms, Waste Management Strategy and Affordable Housing & Parking Provision Statements) Ref:

MAN_0299_ROO9v5_PL_MAN_HC_KW_GL dated 2 November 2022

PS - Primary School

RBC - Rossendale Borough Council

RC - Roman Catholic

SCI - Document 34 Statement of Community Involvement, dated July 2022

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

TW - Taylor Wimpey

1. Introduction

1.1.1 The application was first publicised in November 2022. Consultation ran concurrently with a consultation on a supposed Masterplan and Design Code for the whole of H66. ECNF and others submitted representations about the application and the Masterplan and Design Code during the consultation period,

which closed in January 2023. In June 2023 RBC put the MDC (being a revised Masterplan and Design Code) and amended documents relating to the application out to consultation.

1.1.2 This document responds specifically to the amended application. ECNF are responding separately to the MDC and, as the MDC is a supporting document in the application, request that their response to the MDC be considered also in the context of the application.

1.1.3 ECNF regret that they have been forced into this cumbersome approach by TW's wilful refusal to defer any planning application for H66 until the MDC has been settled.

1.1.4 Many of the criticisms in this document repeat what was said in response to the previous consultation. It is deplorable that in the meantime basic errors of fact on the applicant's part stand uncorrected and that no serious attempt has been made to address the crucial issues that have been raised by public bodies, experts and lay people.

1.2. Principal grounds for refusal of application

ECNF submits that the application should be refused, as it does not comply with Policies in the Local Plan. The reasons are explored in detail in this document. The principal grounds of objection may be summarised as follows -

(i) **No masterplan for the whole site.** Contrary to Strategic Policy SD2 and the SSP, the comprehensive development of the entire site has not been demonstrated through a masterplan with an agreed programme of implementation and phasing. The submitted Masterplan denies the SSP requirement for an agreed programme of implementation. If the respective owners do not produce a satisfactory masterplan, RBC can do so (Section 3 below);

(ii) The lack of a masterplan means (paragraph 3.6 below) that there is

- no planned highway network for the whole site,
- no clarity about drainage arrangements for the whole site,
- no overall provision for landscaping and open space, and
- no assessment or apportionment of required developer contributions;

(iii) There is **no agreed design code** in accordance with which the development can be implemented, contrary to the SSP and Strategic Policy ENV1 (Sections 4 and 18 below);

(iv) The Design Code in the emerging Neighbourhood Plan should be the basis for the design and layout of H66 (paragraph 4.2.3 below); the **MDC has not been subject to effective community engagement** and does not meet local aspirations contrary to NPPF, paragraph 129 (paragraph 4.8 below)

(v) **No comprehensive Transport Assessment.** Contrary to the SSP the applicant has not provided a Transport Assessment demonstrating that the whole site can be safely and suitably accessed by all users, including disabled people, and containing agreed mitigation measures in respect of the capacity of Market Street to accommodate additional traffic and measures to assist pedestrian and vulnerable road users (Section 5 below; please refer also to letter dated 9th August 2023 from SK Transport Planning Ltd submitted on behalf of ECNF);

(vi) **The proposed levels, layout, design, density of development and landscaping** fail to soften the overall impact of the development, contrary to NPPF, paragraphs 124, 130, 131, 132 and 134 and Local Plan Strategic Policies SS Spatial Strategy, ENV1 and ENV3 and Policies SD2 and HS4, (Sections 6, 8, 9, 18, 19 and 20 below);

(vii) **The proposed materials** do not reflect the local context, namely the predominantly stone-built form of adjacent Market Street and Mushroom House, contrary to proviso 5 vi of the SSP and Strategic Policies ENV1 and ENV3 (Sections 6, 9, 18 and 19 below);

(viii) **Need to extend primary school.** The requirement in the SSP for extension of a primary school remains unresolved. A holistic assessment of the need for an extension must be made, having regard to all extant planning approvals and Local Plan housing site allocations in Eden Ward (Section 15 below);

(ix) **Lack of improvements in remaining Green Belt.** Contrary to national policy and to Policy SD4 and the SSP, the application does not propose sufficient compensatory improvements in the remaining Green Belt in proximity to the application site (Section 7 below);

(x) **Sustainable drainage.** Contrary to Strategic Policy ENV1 and the SSP, insufficient details of the sustainable drainage system have been provided (Sections 16 and 18 below); and

(xi) **Not compliant with Local Plan.** Pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be decided in accordance with the Local Plan, and there are no material considerations that indicate otherwise (paragraph 2.3).

1.3 Further grounds for refusal of application

(xii) The extensive **retaining walls** have a harmful visual impact, exacerbated by their construction in brick, contrary to Policies ENV1 and ENV3 (Sections 8, 18 and 19 below);

(xiii) Notwithstanding the **tilted balance**, the decision-taker must still have regard to the provisions of the Local Plan (paragraphs 4.5.2 to 4.5.5 below);

(xiv) Contrary to the applicant's suggestion, the **housing trajectory imposes no obligation** on developers (paragraph 4.5.1 below);

(xv) RBC's **housing target** for the period ending 31 March 2027 **can be achieved** without the applicant's proposal or, indeed, any development on H66 (paragraph 4.5.3 below);

(xvi) Numerous errors in the **Design and Access Statement** and its non-compliance with legislative requirements render it unfit for purpose (Section 9 below);

(xvii) The **claim that the PRow network will be enhanced is exaggerated**, if not false (paragraphs 9.7.1 to 9.7.4 below);

(xviii) The **applicant's community consultation is exaggerated and misrepresented** in its Statement of Community Involvement, which is not fit for purpose (Section 10 below);

(xix) **Numerous errors in the Planning Statement** render it unfit for purpose (Section 11 below);

(xx) **Bicycle storage arrangements** are inadequate (paragraph 11.7 below);

(xxi) The **maintenance of the existing culvert and headwall** in the A56 embankment (to allow drainage of the site through Great Hey Clough to the River Irwell) is not incorporated into the permanent and ongoing maintenance schedule of the site drainage management plan (Section 12 below);

(xxii) The **Air Quality Assessment** does not satisfy the tenth proviso of the SSP (Section 13 below);

- (xxiii) No provision for mitigation of effects of **dust, noise and vibration during construction** (paragraph 13.3 below);
- (xxiv) The **Assessment of Biodiversity Net Gain** is not based on actual site layout and is further devalued by not covering the whole of H66. It does not satisfy criterion k of Strategic Policy ENV1 (Sections 14 and 18 below);
- (xxv) Contrary to Strategic Policy ENV1 the **Health Impact Assessment** does not look particularly at effects on vulnerable groups, or identify how these may be mitigated (Section 18 below);
- (xxvi) Contrary to paragraph 127 of the Local Plan, the application is not supported by a **Scoping Assessment and Travel Plan**, in the absence of which the development cannot be regarded as sustainable (paragraph 3.9 below);
- (xxvii) Contrary to Strategic Policy ENV1, the proposals **increase the risk of flooding** on- and off-site, by failing to contain express provision for protection of the land drains running away from 5-8 Alderwood Grove (Section 22 below);
- (xxviii) Contrary to Strategic Policy ENV1 and Policy HS5, it is not apparent from the submitted information that any of the dwellings are specifically tailored to meet the **needs of elderly or disabled residents** (Sections 17 and 18 below); and
- (xxix) Contrary to Strategic Policy ENV3, the application makes no provision for retention and restoration of the **dry stone wall** to the rear of 5-8 Alderwood Grove or so much of the wall on Market Street as would not need to be removed for the site access (paragraph 19.1 below).
- (xxx) An **equality impact assessment** of the application should be conducted (Section 23 below)

Section 2. Site-specific Policy, and Explanation, for H66

2.1 The application land is part of H66. The Local Plan contains the following policy:

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;
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. 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 sic Arms. Measures to assist pedestrian and vulnerable road users will be required;

4. A Heritage Statement and Impact Assessment is provided and suitable mitigation measures are identified and secured to conserve, and where possible, enhance the setting of the Church, the non-designated heritage assets which include Chatterton Hey (Heaton House), Mushroom House, and the former Vicarage, and the other designated and non-designated heritage assets in the area;
5. Specific criteria for the design and layout needs *sic* to take account of:
 - i. Retention and strengthening of the woodland enclosures to the north and south of the Church
 - ii. The layout of the housing parcels should be designed to allow views to the Church to continue
 - iii. The relationship of the new dwellings to the Recreation Ground to ensure safe non-vehicular access is provided
 - iv. Public open space to be provided along the woodland area south of the brook/Church enclosure
 - 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
 - vi. Materials and boundary treatments should reflect the local context
6. An Ecological Assessment is undertaken which identifies suitable mitigation measures for any adverse impacts particularly on the Woodland Network and stepping stone habitat located within the site.
7. Compensatory improvements must be provided to the Green Belt land in proximity of the site in accordance with Policy SD4
8. Geotechnical investigations will be required to confirm land stability and protection of the A56, and consideration paid to the suitability or not of sustainable drainage systems on the boundary adjoining the A56
9. Provision will be required 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. 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 of the NPPF;
10. Noise and air quality impacts will need to be investigated and necessary mitigation measures secured;
11. Consideration should be given to any potential future road widening on the amenity of any dwellings facing the A56.

2.2 The SSP includes an Explanation, at paragraphs 120 - 131, 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.

122 Edenfield Parish Church is Grade II* and development would have to consider the effect of the development on the significance of the heritage asset and should safeguard the setting of the designated heritage asset located within close proximity to the site allocation. There are several non-designated heritage assets located within close proximity of the site allocation and other designated and non-designated heritage assets located in the area. Development would have to consider the effect of the development on the significance of these heritage assets and should safeguard the setting of the heritage assets.

123 Sensitive landscaping using native species will be required in order to provide a suitable buffer to the new Green Belt boundary. Any biodiversity improvements should be directed to this landscaped area as well as to the mature woodland, identified as a stepping stone habitat.

124 Due to the removal of the site from Green Belt it is necessary that there are compensatory improvements to the Green Belt within the local area in accordance with SD4 in particular these should relate to proposals identified at Edenfield Cricket Club and Edenfield and Stubbins Schools. Compensatory measures could also be directed towards footpath and cycleway improvements in the vicinity as set out in the Council's Green Belt Compensation Document.

125 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.

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.

127 Development proposals will be subject to a Scoping Study, a Transport Assessment and Travel Plan. This must be agreed with Lancashire County Council. Appropriate measures must be put in place to address any impacts the development may have on the strategic and local road networks. A Travel Plan will seek to ensure that the development promotes the use of public transport, walking and cycling.

128 A Health Impact Assessment will be required to maximise the overall benefits of the scheme to intended residents.

129 An Appropriate Assessment under the Conservation of Species and Habitats should be undertaken to address any impact on the Breeding Bird Assemblage for the South Pennine Moors.

130 A geotechnical study will need to confirm that there will be no adverse impacts on the A56. The suitability of providing a Sustainable Drainage System will need to be considered too as National Highways consider that storing water on site may not be advisable. National Highways

may wish to widen the A56 and further discussions with National Highways are advised and if this is possible, this should be addressed by a suitable site layout plan to address this.

131 Edenfield Primary School is operating close to capacity and there is no capacity at Stubbins Primary School. The preferred course of action of the Education Authority would be to expand Edenfield CE Primary School onto adjacent land to the rear, provided that any access issues can be overcome, or at Stubbins Primary School.

2.3 ECNF submits that none of the provisos of the SSP has been satisfied, that the application is therefore not in accordance with the Local Plan, that there are no material considerations to indicate that the application should be determined otherwise than in accordance with the Local Plan and that it follows that, pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be refused. The key provisos are now considered in turn.

Section 3. Need for Masterplan

The comprehensive development of the entire site is demonstrated through a masterplan with an agreed programme of implementation and phasing.

For the reasons in paragraph 120 (paragraph 2.2 above), RBC requires (paragraph 121) 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.

A key topic in the Spatial Strategy in the Local Plan (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

(Relevant extracts from the Strategic Policies SS Spatial Strategy and SD2 are reproduced at Section 6 below.)

3.1.1 The masterplan must demonstrate the **comprehensive** development of the **entire** site (ECNF emphases). There is no approved masterplan for the entire H66. The MDC, which RBC have put out to consultation separately, is included in support of the application. It is short on detail. Notably it states by whom, but not on whose behalf, it was prepared. In small print it tucks away the fact that one of the owners, Mr Richard Nuttall, is not on board. The possible development site at Alderwood, currently the subject of planning application 2022/0577 and with a planning history dating back to at least 1996, is not even mentioned.

3.1.2 It is obvious that without the endorsement of all the relevant landowners, or at least the opportunity for them to be involved, the masterplan does not and cannot demonstrate “the comprehensive development of the entire site”.

3.2.1 Paragraph 6.9 of the Planning Statement says:

*Randall Thorp have prepared a Masterplan and Design Code **for the whole allocation H66**, which is submitted in support of this planning application . . . Prior to the submission of this planning application , a public consultation exercise was undertaken in relation to the H66 Masterplan - the full details of which can be found in the submitted Statement of Community Involvement (Lexington Communications), (ECNF emphasis)*

and paragraph 6.10 refers to *the site-wide Masterplan*. It is simply untrue that the MDC covers the whole of H66.

3.2.2 As stated in Section 10 below in comments about the SCI, the masterplan consultation leaflet declared that the subject land was the site promoted by Taylor Wimpey and Anwyl (*our site*), and the home page of the website referred the land *that is in Taylor Wimpey and Anwyl’s control*. It is therefore simply untrue to claim that a site-wide masterplan had been the subject of public consultation before this planning application was made.

3.3.1 Paragraph 6.11 of the Planning Statement provides:

The submitted MDC also explains how the allocation will be delivered in 4 broad phases, with this planning application relating to Phase 1A. Notwithstanding this, it is important to reiterate that the H66 allocation easily lends itself to be delivered via stand- alone phases. Whilst the Masterplan has ensured connectivity across the whole allocation, each of the respective Landowners have the ability to bring forward their site through individual site access points. The ordering of development phases may therefore be varied and phases may/can be delivered simultaneously.

That completely disregards the requirement for the masterplan to be accompanied by an agreed programme of implementation and phasing. (Please see also paragraph 9.13 below).

3.3.2 In blissful disregard, if not defiance, of the SSP, the unnumbered page 70 of the Masterplan itself says about Phasing:

Development of the H66 allocation should be undertaken in a phased manner broadly as indicated in the adjacent table, however the independent nature of each developer’s land holding ensures that each parcel can be delivered independently without prejudice to the others. On this basis the ordering of development phases may be varied or phases may be delivered simultaneously.

The comments at paragraph 3.3.1 above apply equally here.

3.4 The claim in paragraph 6.12 of the Planning Statement that

*Taylor Wimpey’s proposals will help deliver comprehensive development across the entire allocation **in accordance with criteria 1 (sic) of policy H66** (ECNF emphasis)*

is therefore demonstrably false.

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

3.5.2 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.

3.5.3 The landowners' disinclination to produce a comprehensive masterplan need not, should not and does 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 rather than the developers to take the lead on this, particularly in view of RBC's stated commitment at paragraph 121 of the Local Plan, *supra*, to ensure that a masterplan is prepared.

3.6 The lack of a masterplan has at least four consequences for the current application:

1. There is no planned highway network for the whole site. Moreover, the proposed road network as shown in the current application does not extend to the boundaries of the application site, thus creating the possibilities for ransom strips that could hold up development on the rest of H66 or meaning that householders buying properties on the wider housing site might have to pay more.
2. It is not clear that there is an overall drainage system for the whole allocation.
3. There is no overall landscaping plan including open space provision.
4. There is no indication as to how the necessary developer contributions might be determined, apportioned and agreed.

3.7 In summary, there is no agreed Masterplan. Nor is there an agreed programme of phasing and implementation, i.e., agreed by RBC and all landowners. The MDC is short on detail. The requirement for a masterplan is a specific policy requirement and without it there can be no guarantee as to how the totality of the housing allocation can function adequately or be of good design. The multiple deficiencies in the current application demonstrate why a masterplan should be a prerequisite. The application should therefore be refused.

3.8 Effect of approval of application 2022/0015 At paragraph 2.11 of the Planning Statement the present applicant cites RBC's committee resolution in favour of granting application 2022/0015 (for outline permission for up to six dwellings on land adjacent to 59 Blackburn Road) for the reason that "the site is located at the very north point of the allocated land and where its development for 6 houses would not constrain or prevent the development of the rest of the area by way of a master plan" as establishing the principle of development within the allocation without an approved Masterplan or Design Code. If the applicant were convinced of this, it would surely not have spent so much effort in trying to persuade RBC that there is a site-wide masterplan. It is obvious from the wording of the resolution that the committee, conscious of the Local Plan requirement for the masterplan, impliedly re-affirmed the need for it and agreed application 2022/0015 against officer advice only because in their view the site was so peripheral that approval would not prejudice the SSP.

3.9 One of the Local Plan objectives (page 12) is:

[encouraging travel by modes other than the car.](#)

ECNF notes that, contrary to that objective and to paragraph 127 (paragraph 2.2 above) of the Local Plan, the application is not supported by a Scoping Assessment and a Travel Plan agreed with Lancashire County Council and ensuring that the development promotes the use of public transport, walking and cycling. Without a Travel Plan the proposed development cannot be regarded as sustainable.

Section 4 **The development [of H66 for 400 houses] is implemented in accordance with an agreed design code.** Another of the Local Plan Objectives (page 12) is:

ensuring good design that reinforces Rossendale's local character.

In the Local Plan, 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 (please refer also to Section 18 below) 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.

4.1 RBC has not agreed any design code for H66. Mr Nuttall and the owners of Alderwood have not (please refer to paragraph 3.1.1 above). Although paragraph 6.13 of the Planning Statement says,

Randall Thorp have prepared a Masterplan and Design Code for the entire H66 allocation, which has been submitted in support of this planning application,

crucially it is not agreed by at least two of the landowners and not stated to have the support of any.

4.2.1 Paragraph 6.15 states:

We note that the Edenfield Neighbourhood Community Forum (ECNF) have prepared their own Draft Design Code for the wider village (produced by AECOM), which is intended to be published alongside the emerging Neighbourhood Plan. We were made aware of this document through engagement with the ECNF during early 2019; however, the document was only formally shared with us in late June 2022, and as such have had limited time to review and integrate it with our own work.

That paragraph demonstrates the superficiality of the consultation undertaken in the last week of June and first week of July 2022 on behalf of the applicant and Anwyl. The applicant acknowledges receipt during the consultation period of the ECNF Design Code, prepared by AECOM, an organisation of worldwide repute, but dismisses it as not coming in time to be reviewed and integrated with its work. Indeed, only three weeks after the end of the period, the applicant stated in a leaflet distributed to residents (but omitted from the SCI) that

Taylor Wimpey will submit a full planning application to Rossendale Borough Council in August 2022.

Since July 2022 TW have had ample opportunity to consider and incorporate the AECOM document.

4.2.2 Paragraph 6.16 adds:

That said, we have taken account of this document where possible, albeit noting that it was drafted in 2019 before site H66 was allocated, and therefore it does not fully acknowledge this strategic site and is written largely in the context of the existing village and potential for incremental development. What's more, this document does not yet form part of a made Neighbourhood Plan nor has it been subject to any formal public consultation (Regulation 14 or other) and therefore can only be given very limited weight at this stage.

The AECOM document was compiled and completed in the full knowledge that the then emerging Local Plan proposed H66 as a housing site allocation. The suspicion is that this application was being rushed before further advances in the emerging Neighbourhood Plan, which has been delayed largely for reasons

beyond ECNF's control. The applicant accepts that the AECOM Design Code has been largely ignored, and it seems that the consultation responses have been similarly ignored. The closing sentence in that extract no longer applies as the Neighbourhood Plan and Design Code were subject to a Regulation 14 consultation in March and April 2023.

4.2.3 ECNF consider that the Design Code prepared by AECOM should be the basis for the design and layout of H66 and therefore submitted it alongside their representations in January 2023. It has previously been submitted to RBC's Forward Planning Team, who indicated that it was broadly acceptable. On any objective view, the AECOM Design Code is preferable to the applicant's.

4.3 Paragraph 6.17 of the Planning Statement asserts:

Pre-application discussions with Officers confirmed that the Council will be looking to consult on the Masterplan & Design Code separately to this planning application, to ensure a thorough consultation process. We have no issues with a separate consultation process, albeit highlight that a 2-week online consultation exercise has already been undertaken on the emerging Design Code submitted in support of this planning application, therefore any consultation with Members should be aware (sic) of the previous consultation exercise.

When the applicant was informed in pre-application discussions that RBC would be looking to consult on the applicant's MDC separately from the planning application, its logical course would have been to defer the planning application until RBC had pronounced on the MDC. Of course the only reasonable decision that RBC could make would be to reject the MDC because of its content and because it was not agreed by all the landowners. We repeat (see paragraphs 3.2.1 and 3.2.2 above) that the applicant's earlier consultation exercise was limited to the land promoted by the applicant and Anwyl.

4.4 Paragraph 6.18 states:

Notwithstanding the above, the submitted Design Code is submitted as a formal planning application document, therefore the local community/other stakeholders will also have the opportunity to comment on the Masterplan and Design Code through the standard 21-day notification process on this planning application.

Instead of following the logical course, the applicant has muddied the waters by submitting the MDC as part of this planning application. For the second time now, consultees have to contend with two concurrent consultations - one on the MDC and one on the planning application including the MDC.

4.5.1 Paragraph 6.19 claims:

A separate consultation process and consultation opportunities through this planning application will ensure that the two elements are formally linked and provide the mechanism to formally agree the Design Code. Furthermore, it will also provide certainty and comfort that the scheme can be delivered within a timely fashion in line with the agreed trajectory in the adopted Local Plan, which requires completions to begin in the 2023/24 year. [Similar phraseology is employed on page 3 of Pegasus's letter.]

Those statements make no sense. The formal linkage, which we take to mean the inclusion of the MDC in the planning application, just causes confusion. Instead of the planning application being made in accordance with an agreed design code, it is made in the absence of an agreed design code. As a major housebuilder, the applicant is well aware that there is no compulsion in the trajectory, which is part not of the Local Plan but of the annual Five Year Housing Land Supply Report, and that there is no onus on it to submit a planning application within a particular time or to implement a planning permission. In any case,

Table 7 in Policy HS2 of the Local Plan refers to a delivery timescale of Years 1-15 for H66. Please see also paragraph 11.5 below.

4.5.2 Paragraph 3.2 of the Planning Statement comments that

The written pre-application response was supportive of the principle of development and the broad design principles of the scheme. Of particular note, the advice confirmed that at the time of writing the Council cannot demonstrate the necessary level of housing delivery within the Borough, meaning that the tilted sic balance is engaged in respect of paragraph 11d of the NPPF. As we explain later in the Statement, this further highlights the importance of the delivery of this key strategic site.

4.5.3 The latest Five Year Housing Land Supply Report (published July 2022) shows in Table 2 on page 8 a requirement for 1,462 new dwellings from 2022/23 to 2026/27. Table 4 on page 10 shows that 2,220 dwellings are expected to be delivered during that period, including (*per* Table 8 on pages 38 *et seq*) 218 on H66. Even without the applicant's scheme, there would on those figures be 2,002 new dwellings by 31 March 2027, comfortably more than the requirement of 1,462. There is therefore no pressure for an early planning approval. The imperative is to approve a high-quality well-designed proposal that fully accords with the Local Plan.

4.5.4 Even if it is true that RBC cannot demonstrate the necessary level of housing delivery within the Borough, meaning that the tilted balance is engaged, then this only means that instead of a neutral balance (where if the harms of the application outweigh the benefits, permission will normally be refused) the harms have to outweigh the benefits significantly and demonstrably for permission to be withheld. The tilted balance, as part of the NPPF, is an important consideration but not the only one. The decision-taker is required to take into account **all** material considerations, not least to take account of the Local Plan.

4.5.5 The requirements of the Local Plan are not satisfied, and the engagement of the tilted balance does not alter this fact. The application must be refused.

4.6 Paragraph 6.20 (paragraph 6.3 is to like effect) of the Planning Statement asserts that

Accordingly, the development proposals are entirely in accordance with the requirements of criteria 1 and 2 of policy H66

As demonstrated in this Section and Section 3 above, that assertion is incorrect.

4.7 It is somewhat circular to say, as paragraphs 3.25 and 6.54 of the Planning Statement do:

. . . . it is also important to note that the design of the scheme is in accordance with the principles set out in the H66 Masterplan and Design Code (Randall Thorp), which is also submitted in support of this planning application. Whilst the Design Code will likely evolve through discussions with the local planning authority as the document proceeds towards adoption, the development proposals have been designed to accord with the Design Code as submitted and to help ensure the H66 allocation is delivered in a high-quality and consistent manner.

The applicant clearly has no confidence that its Design Code as submitted will be acceptable. Even if that Design Code does evolve through discussions, it is unlikely, because of the failure to engage all the landowners, to satisfy paragraph 125 of the Local Plan, which requires **Implementation of development [of H66 for 400 houses to] be in accordance with an agreed Design Code/Masterplan across the whole development.** (ECNF emphases). Any agreed design code needs to include the principles of the AECOM Design Code (please refer to paragraphs 4.2.1 to 4.2.3 above). For these reasons, the applicant's submitted Design Code should not be adopted and the planning application should be refused.

4.8 NPPF, paragraph 129 provides -

Whoever prepares them, all [design] guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area, taking into account the guidance contained in the National Design Guide and the National Model Design Code.

The MDC is plainly not based on effective community engagement and does not reflect local aspirations for the development of their area.

Section 5. Transport Assessment

The third proviso in the SSP requires a Transport Assessment.

5.1 The applicant's submitted Assessment - Document 49, mentioned at paragraphs 6.21, 6.22 and 6.76 to 6.80 of the Planning Statement - was flawed. Additional material was publicised in June 2023. We refer to the letter dated 9th August 2023 SK Transport Planning Ltd submitted on behalf of ECNF, that highlights many inadequacies in the applicant's presentation. Please refer also to paragraphs 4 to 8 in Appendix 1 to these representations. LCC's further observations, as highway authority, about the application are awaited. In the absence of satisfactory resolution of traffic, highways and access issues, the application must be refused.

5.2 The extensive proposed prohibition of and restriction on waiting outside existing houses will bear harshly on disabled occupiers who might otherwise have been able to apply for a disabled person's parking space outside their door.

5.3 One aspect of the on-site parking area intended to replace lost spaces on Market Street causes concern. 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". RBC is required under section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to their likely effect on crime and disorder, and to do all it reasonably can to prevent crime and disorder. The mound is contrary to NPPF, paragraph 130 f), reproduced at paragraph 20.1 below.

Section 6 Design and layout

The fifth proviso of the SSP requires

Specific criteria for the design and layout . . . to take account of *inter alia*:

- 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
- vi. Materials and boundary treatments should reflect the local context.

In the Local Plan, 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. (ECNF's emphasis)

In the Local Plan, Strategic Policy SD2: Urban Boundary and Green Belt provides:

Land has been removed from Green Belt [at H66] on the basis that exceptional circumstances exist . . . The Council will expect that the design of development on the [site] minimises the impact on the character of the area and addresses relevant criteria in policy ENV3

Development will also be expected to contribute to compensatory improvements to land elsewhere in the Green Belt, enhancing both its quality and public access.

In the Local Plan, Strategic Policy ENV1: High Quality Development in the Borough, considered in further detail at Section 18 below, includes the following:

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

In the Local Plan, Strategic Policy ENV3: Landscape Character and Quality, considered in further detail at Section 19 below, includes the following:

The distinctive landscape character of Rossendale, including large scale sweeping moorlands, pastures enclosed by dry stone walls, and stonebuilt settlements contained in narrow valleys, will be protected and enhanced.

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.

6.1 The proposed landscaping is insufficient to soften the overall impact of the development, and the building designs and proposed materials do not reflect the local context. These matters are considered in detail at Section 8 below and paragraphs 9.5.4, 9.6.2, 9.7.1, 9.7.2, 9.8.1 to 9.11, 9.14 and 11.10 below.

6.2.1 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 explain Policy HS4 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 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.

6.2.2 The density of 35-40 dph for Village Streets (unnumbered page 84 of the MDC) is extremely concerning, as it is up to 38% more than the density for H66 in the Local Plan. The stated reasoning and influences are:

Reflects proximity to services & public transport network

That looks as if the site promoters are arguing 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.

6.2.3 Table 7 in Policy HS2: Housing Site Allocations posits 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 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.

6.2.4 Notwithstanding Policy HS4 and its Explanation, the fact remains that as a whole the Local Plan

- 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.

6.2.5 Paragraph 3.9 of the Planning Statement refers to a net developable area of 7.1ha generating a net density of 33-34 dwellings per hectare (dph). Paragraph 5.6 of the DAS states:

The development will achieve an average density of 34 dwellings per hectare (dph) across the site, which ensures the efficient use of land, yet is reflective of the surrounding area, helping to assimilate the proposals into the surrounding areas.

All these numbers are significantly more than the density of 29 dph for site H66 contemplated in the Local Plan Policy HS2 and support the view that the applicant is cramming as many dwellings as possible into the site at the expense of good layout and design. Objection is made to the density of the site layout. Please see also paragraphs 8.10 and 9.5.4 below and refer to Section 6 of ECNF’s representations about the MDC.

6.2.6 Paragraph 6.8 of the Planning Statement demands scrutiny when it says:

The development proposals . . . will provide 238 no. dwellings, which aligns with the indicative capacity set out for this specific site in the SHLAA (Site ref: SHLAA16262) which informed overall capacity estimate in the adopted policy. The development quantum is therefore entirely acceptable given the whole allocation will deliver approximately 400 homes in total.

6.2.7 Table 1 below summarises the respective areas, and indicative yield of dwellings, of the SHLAA parcels contained in H66.

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

Table 1: Summary of information in SHLAA about H66

It is noted that SHLAA 16262 had a net development area of 9.12 ha (now known to be only 7.1 ha - paragraph 6.2.5 above), yielding 273 dwellings.

6.2.8 If 238 dwellings were built on 7.1ha, the density would be 33.5 dph, as indicated at paragraph 3.9 of the Planning Statement.

Obsolete paragraph 5.7 of the DAS suggests as many as 255 dwellings could be built at a density of 36 dph. The density of 29 dph in the Local Plan would yield no more than 206 dwellings on the application site. It is clear that the applicant has bumped up the density in light of the reduced net development area at the expense of mitigating the impact of the development on adjacent properties and the landscape. To say that

the number of dwellings in the application aligns with the indicative capacity in the SHLAA is misleading as it overlooks the fact that the net development area is less than the SHLAA assumed.

6.2.9 On the subject of achieving appropriate densities, paragraph 124 of the NPPF states:

Planning policies and decisions should support development that makes efficient use of land, taking into account . . .

b) local market conditions and viability . . .

d) the desirability of maintaining an area’s prevailing character and setting . . . and

e) the importance of securing well-designed, attractive and healthy places.

The cramped layout fails to respond to criteria d) & e).

6.2.10 In short, the proposed density of 35-40 dph for the Village Streets area does not respond to the site’s context and fails to make the most of H66’s environmental assets. It is excessive. The stated reasoning (*Reflects proximity to services & public transport*) is irrelevant. The cramming of the development, at the expense of provision of landscaping, means that the density is out of keeping with the local area and has a detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of the area.

6.2.11 Table 2 below summarises the densities of development clusters near H66 as shown on pages 29 to 31 of the MDC. 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 (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 the rest of H66 (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 any policy requirements such as those in the SSP and the current Local Plan had not been adopted.

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

Table 2: Selected comparative densities of development near H66

6.3 While the plans show details of the proposed open space adjacent to the A56, there is scant provision for landscaping within the housing area itself. This is contrary to the fifth proviso of the SSP which requires landscaping of an appropriate density and height is implemented **throughout the site** (ECNF emphasis) to ‘soften’ the overall impact of the development [as well as providing] a buffer to the new Green Belt boundary.

6.4 With regard to landscaping and mitigating the impacts of the development on openness and the surrounding context, the current proposals do not satisfy any of the following design principles claimed in Section 4.2 of the DAS

minimise the impact of the development on the open countryside and surrounding context

development . . . set within a considered and attractive landscape setting

enrich the qualities of the existing place, with distinctive responses that complement the setting, respect the grain of the local area and acknowledge the established local character

respond to the existing site topography including the consideration of key views in and out of the site

to incorporate existing and proposed landscape features into the proposals, so as to enhance the richness and attractiveness of the streetscape

Section 7 Compensatory improvements must be provided to the Green Belt land in proximity of the site in accordance with Policy SD4 - seventh proviso of the SSP

7.1 Other relevant policies are:

In the Local Plan, Strategic Policy SD2: Urban Boundary and Green Belt:

Land has been removed from Green Belt [at H66] on the basis that exceptional circumstances exist . . . The Council will expect that the design of development on the [site] minimises the impact on the character of the area and addresses relevant criteria in policy ENV3.

Development will also be expected to contribute to compensatory improvements to land elsewhere in the Green Belt, enhancing both its quality and public access.

In the Explanation of Strategic Policy SD2, paragraph 51 of the Local Plan states:

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.

In the Local Plan, 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.

The Local Plan offers six paragraphs of explanation for Policy SD4:

- 55 Exceptional circumstances exist within Rossendale to release land from the Green belt for the development of additional new housing and employment land. However, in developing on such land developers must provide compensatory improvements to the remaining Green Belt that will help to mitigate the loss of the Green Belt for existing residents.
- 56 Rossendale has several specific areas of Green Belt – around Rising Bridge, between Haslingden and Rawtenstall, south of Rawtenstall to Edenfield and the Borough boundary with Bury, land around Turn, the Glen between Waterfoot and Stacksteads, and land around Whitworth, from Britannia in the north to the boundary with Rochdale.
- 57 All improvements are expected where possible to be located in the same area of Green Belt to ensure local residents who are most affected by the loss of the Green Belt receive the benefit from the compensatory improvements.
- 58 It should be noted that planning consent may be required for additional off-site compensatory improvements. The applicant will be responsible for ensuring all required planning consents for such compensatory improvements are obtained, where this is required.
- 59 Further details of precise measures are set out in the relevant site specific policy, and the Council's Green Belt Compensatory Document or its successor. Additionally a Supplementary Planning Document (SPD) will be produced setting out the details of these schemes, for example, showing PROW improvements, locations for tree planting etc. These documents inform the site-specific policies and will inform future site-specific negotiations
- 60 The Council may ask developers to provide such measures on-site. Alternatively other land may be identified, for example, in the Council's land ownership. The Council is likely to use planning

obligations to ensure the delivery of off-site measures.

NPPF, July 2021, paragraph 142 -

Where it has been concluded that it is necessary to release Green Belt land for development, plans . . . should . . . set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.

7.2.1 Paragraph 6.33 of the Planning Statement asserts:

The development proposals will maximise connectivity with the wider Green Belt through improving signage, visibility and accessibility to the public rights of way within the application site. The Applicant is also supportive of the off-site compensation measures suggested through the Local Plan process, subject to matters of viability and land assembly being clarified.

Having made the point at various stages in the Local Plan process, we repeat that, the application site not now being in Green Belt, on-site works cannot count towards satisfying the seventh proviso of the SSP or Local Plan policies SD2 and SD4 or national policy.

7.2.2 Paragraph 60 of that Explanation is nonsense, and it is a sorry state of affairs that the Inspectors approved it. If, as paragraph 60 suggests, RBC were to ask developers to provide the compensatory measures on site, that would not satisfy the plain wording of the SSP, Strategic Policy SD2, Policy SD4 and the NPPF. It is the remaining Green Belt that must be improved or made more accessible.

7.3 Paragraph 6.34 (and paragraph 11.55 is to like effect) states:

With regards to viability, we reiterate our previously raised concerns that the costs of the proposed compensatory measures have not been considered in full – and need to be in respect of viability considerations.

Paragraphs 11.55 and 6.34 go on to consider RBC's Viability Assessment (Update Report) prepared by Keppie Massie and dated February 2021.

7.4 Paragraph 6.35 (paragraph 11.56 is in similar terms) concludes:

This suggests that the viability implications of Green Belt compensation on allocation H66 have been significantly underestimated – and is a matter that will need to be considered further to satisfy the CIL tests which will inform the planning obligations/Section 106 process.

7.5 ECNF would say that the identification of relevant Green Belt compensatory measures for H66 during the Local Plan process and the investigation of the viability implications thereof were hopelessly inadequate. However, that is no reason for dispensing with compliance with the policies - site-specific, local and national - mentioned in paragraph 7.1 above. It is alarming that in those paragraphs 6.34, 6.35, 11.55 and 11.56 the applicant is signalling that it might not pay for the required compensatory improvements., and RBC must remain steadfast in resisting any attempt by the applicant to evade its obligations.

7.6 A glaring example of the inadequate identification of compensatory measures is in the GBCD, incorporated by reference in policy SD4 of the Local Plan and quoted at paragraph 11.54 of the Planning

Statement. The quoted extract incorrectly states that improving Footpath 147 Sandbeds Lane would be a compensatory measure. In fact it would not count, because, as ECNF pointed out during the Local Plan Examination, Sandbeds Lane lies outside the Green Belt.

7.7 Other defects in the GBCD include the suggestion that improvements to Edenfield Community Centre, Recreation Ground and the Exchange Street Play Area (all being outside the Green Belt) together with (irrespective of location) the Rossendale Forest and Incredible Edible projects could be considered as improvements to the remaining Green Belt.

7.8 As matters stand, in the absence of any clarity, consultees are unable to comment on the sufficiency or otherwise of any proposed compensatory measures. ECNF agrees with paragraph 6.36 of the Planning Statement:

Furthermore, we would also highlight that there are inconsistencies in the evidence base as to what the Council are actually requesting in respect of Green Belt compensatory measures for site H66. It is therefore not entirely clear what compensatory measures will be requested (which differ across the Green Belt Compensation Note and those tested in the viability assessment) and will be a matter to be discussed during the determination of the planning application.

However, in view of the confusion on the part of both the applicant and RBC about what would qualify as a compensatory improvement, ECNF requests that it be consulted about any *consensus ad idem* in this respect that might arise out of further discussions between RBC and the applicant.

7.9 The Planning Statement has not been updated to reflect the publication in January 2023 of RBC's document *Compensation Measures for Green Belt Release*. Regrettably, the latter perpetuates the misconception that FP147 Sandbeds Lane is in the Green Belt.

7.10 It is worrying that, in the Planning Statement under Draft Heads of Terms paragraph 7.9 Green Belt Compensation, the applicant mentions works within the application site. We repeat that, being outside the Green Belt, such works cannot count as compensatory improvements within the remaining Green Belt.

7.11 ECNF objects to the application on the grounds that there is no certainty about what if any measures will be implemented to compensate for removal of the Green Belt designation of H66.

Section 8 Landscape and Visual Impact

8.1 For residential receptors at Market Street/Alderwood Grove/Pilgrim Gardens (including Mushroom House) the level of effect during construction and at Years 1 and 15 is classed in the LVIA as 'Major adverse' (paragraphs 7.13 to 7.17 and Table 2 on page 27).

8.2 The LVIA concludes, paragraph 7.12:

Landscape and visual effects are relatively localised and limited in extent and nature and are also capable of being mitigated to further limit potential effects.

Paragraph 6.92 of the Planning Statement is to like effect. If it is correct that they are *capable of being mitigated*, the failure of the application to contain any mitigation for the residential receptors at Market Street/Alderwood Grove/Pilgrim Gardens (including Mushroom House) is inexcusable and should result in its refusal. Please refer also to paragraphs 8.13 to 8.15 below.

8.3.1 Penny Bennett Landscape Architects' Assessment for RBC dated January 2015 recommended in respect of the "Land East of Motorway- Area A" (the application site): "Not suitable for development on Landscape Grounds" -

The greater part of this site Area A is unsuitable for development, because the effects on the landscape would be significant, and would be uncharacteristic of the local landscape character area,

8b Irwell Valley south. Nor could it be effectively mitigated against because of the sites openness. Long views from [Market Street] and eastwards from the far side of the valley would be affected and there would be significant adverse effects on attractive and well used walks in the area.

8.3.2 The latest (July 2023) report from Penny Bennett continues to be highly critical of the landscaping proposals. Landscaping is not an integral part of the development. There is no commitment to creating a well considered landscape framework. There is no provision for tree planting that would provide visual amenity and screening for existing properties on Market Street, Alderwood Grove and Pilgrim Gardens.

8.4 Whilst the site has now been allocated for housing, it is imperative to mitigate as far as possible what paragraph 7.16 of the Planning Statement calls

the [reduced] availability of views from some windows towards the opposite valley side.

8.5 In this context it is essential to consider the levels at which the dwellings would be constructed.

8.6 When the Edenfield bypass was constructed, some of the spoil was deposited on the application site with the consent of the then landowner, who wanted to block the view of the bypass from Mushroom House. This takes the form of a mound rising to 199m AOD (Drawing MAN-0299-002 - Existing Site Layout). (It is understood that RBC will verify all heights during consideration of the application.) Revised Levels Strategy Sheet 2 shows the same contours as the Existing Site Layout drawing and finished floor levels as high as 199.050m AOD.

8.7 The proposal then is to build on an artificial mound rather than to respect the natural contours of the site. That would result in the new dwellings overly and unnecessarily dominating the landscape, to the detriment of visual amenity of residents, in existing and proposed dwellings, and passers-by locally and on the far side of the valley. No buildings should be constructed unless the site is first restored to its natural level, i.e. its level before the spoil from the bypass was deposited, in accordance with approved revised layout plans. That would mitigate the impact referred to in paragraph 8.1 above.

8.8.1 According to the revised Detailed Landscape Design Sheets 1, 2 and 4 (June 2023), no landscaping is proposed on the eastern boundary of the site, between plots 1 to 12 and existing properties in Alderwood Grove or between plots 166 to 175 and existing properties at Pilgrim Gardens and on Market Street. On the other hand revised drawing Detailed Layout (Colour) (June 2023) shows a line of green circles on the eastern boundary in those places, without explaining their significance. The drawing thus gives the impression that there will be landscaping but without any commitment and is at variance with all the other application documents, none of which shows any landscaping on the boundary of those plots. It is therefore confusing, if not misleading. The previous iterations of those documents were to like effect. It is deplorable that the confusion remains after it was pointed out during the previous consultation.

8.8.2 Just a couple of days before the consultation closing date of 11th August 2023 TW submitted six Revised Detailed Landscape Design Sheets and six Detailed Landscape Proposals Sheets. These still fail to address two fundamental landscaping objections, namely that there is no provision for landscaping in the built area of the application site apart from whatever plants householders choose to keep in their gardens and that there is no provision for landscaping at the interface of the site with 5 -8 Alderwood Grove, Market Street and Pilgrim Gardens.

8.8.3 The Revised Detailed Landscape Design Sheets purport to show existing trees located outside the red-edge site boundary, particularly in the grounds of Alderwood (where the supposed trees have been felled) and in the gardens of 4 Alderwood Grove and Mushroom House. The Sheets are deceptive in that on first glance they suggest more new landscaping is being provided than is actually the case.

8.9.1 It is apparent from the Detailed Landscape Design Sheets that, contrary to the fifth proviso of the SSP, landscaping **throughout** the site is not proposed. Please refer to paragraph 6.3 above.

8.9.2 The overall impact of the development needs to be softened, in the language of the fifth proviso to the SSP, by extending the landscaping throughout the development site and specifically providing a landscaped area between the new development and existing properties on Alderwood Grove, Market Street and Pilgrim Gardens and at Mushroom House. The site layout must be revised accordingly.

8.10 The density of the dwellings (please see paragraphs 6.2.1 to 6.2.7 above) will adversely affect views of the site from across the valley.

8.11 According to revised (June 2023) Levels Strategy Sheets 1, 2 and 3, there will be many retaining walls throughout the proposed housing estate. They will be an ugly dominating feature in themselves, and the proposal to construct them in brick will exacerbate their harmful visual impact.

8.12 The FFLs of the proposed houses behind 5 to 8 Alderwood Grove are as follows:

Plots 2 to 5 - 198.5m; Plots 6 and 7 - 198.2m; Plots 8 and 9 - 197.9m; Plots 10 to 12 - 196.75m.

Northwards from Plot 2 to plot 12 the FFLs reduce by 1.75m. To mitigate the visual impact none of those FFLs (including Plot 1) should exceed 196.0m.

8.13 According to the revised (June 2023) Interface Distance Plan the distance between plots 5 to 12 and 5 to 8 Alderwood Grove ranges from 21.02m to 27.05m. To mitigate the adverse visual impact of the development, the minimum interface distance should be increased to 27m.

8.14 The proposed houses backing onto 5 - 8 Alderwood Grove will, by reason of their closeness to each other and the angle at which they are set to the Alderwood Grove properties, be overbearing and oppressive. Effectively this block of houses would create a continuous wall 8 or 9 metres high along the Alderwood Grove boundary, blocking out light, significant views, openness and undermining privacy. In addition a substation is proposed at the end of the garden at no 8, adding to the adverse impact.

8.15 As well as the 'brick wall', some of the roof styles are not compatible with existing properties and their increased height and steep pitch will be overpowering and dominant especially where they back onto the Alderwood Grove properties.

Section 9. Design and Access Statement

9.1.1 By Article 9 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, as amended

(2) An application for planning permission to which this article applies [such as the present one] must . . . be accompanied by a statement ("a design and access statement") about -
(a) the design principles and concepts that have been applied to the development; and
(b) how issues relating to access to the development have been dealt with.

(3) A design and access statement must -
(a) explain the design principles and concepts that have been applied to the development; and;
(b) demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account;
(c) explain the policy adopted as to access, and how policies relating to access in relevant local development documents have been taken into account;
(d) state what, if any, consultation has been undertaken on issues relating to access to the development and what account has been taken of the outcome of any such consultation; and

(e) explain how any specific issues which might affect access to the development have been addressed.

9.1.2 Planning Practice Guidance answers the question ‘What is a Design and Access Statement?’ as follows:

A Design and Access Statement is a concise report accompanying certain applications for planning permission and applications for listed building consent. They provide a framework for applicants to explain how the proposed development is a suitable response to the site and its setting, and demonstrate that it can be adequately accessed by prospective users. Design and Access Statements can aid decision-making by enabling local planning authorities and third parties to better understand the analysis that has underpinned the design of a development proposal.

The level of detail in a Design and Access Statement should be proportionate to the complexity of the application, but should not be long.

Paragraph: 029 Reference ID: 14-029-20140306

Revision date: 06 03 2014

9.1.3 The DAS runs to 82 pages. Despite its length, it deals briefly with access in three short paragraphs at 3.10:

As confirmed in the submitted Transport Assessment, the proposed site access junction on Market Street can safely and suitably accommodate the development proposals.

In respect of traffic impact, the report concludes that the proposals will not have a material impact on the local highway network and that there is no evidence to suggest that the proposals would have an adverse effect on road safety in the vicinity of the site.

Pre-application discussions with Lancashire County Council have requested that the proposals fund the relocation and upgrade of a northbound bus stop on Market Street that will be displaced by the new site access, as well as the upgrade and potential relocation of the southbound stop, and any other remedial or localised works required around the new access.

9.1.4 Notably it does not contain any of the following, although legislation (see paragraph 9.1.1 above) requires that it should;

- how issues relating to access to the development have been dealt with.
- explain the design principles and concepts that have been applied to the development;
- demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account;
- explain the policy adopted as to access, and how policies relating to access in relevant local development documents have been taken into account;
- state what, if any, consultation has been undertaken on issues relating to access to the development and what account has been taken of the outcome of any such consultation;
- explain how any specific issues which might affect access to the development have been addressed.

9.1.5 After Section 3.10 of the DAS follow various assertions about how the development would match its surroundings but no explanation of design principles and concepts or how the design of the development takes its context into account.

9.1.6 Section 4.4 of the DAS deals with Community Engagement (as to which please refer to paragraph 9.5.7 below), but there is no mention there of access policies or issues, and the DAS contains many errors (please refer to paragraphs 9.2.1 to 9.15 below). Furthermore, Section 5.7 of the DAS is obsolete, having been superseded by the June 2023 revisions (see paragraphs 9.8.1 and 9.8.2 below)

9.1.7 Whether the missing information is in other documents is beside the point. It is required to be accessible in the DAS. Pegasus's letter purports to update the DAS but does not contain the missing information.

9.2.1 The DAS contains a plethora of false and misleading statements, the most egregious of which we now consider. It sets out a 'Vision' at Section 1.3, including *recognising new approaches to urban design and masterplanning*. The application fails to realise either of these aspirations. Far from a new approach to urban design, the house types appear to be plucked from the applicant's library without any regard to the character of the location. The approach to masterplanning is novel only in the sense of disregarding the expectation in the Local Plan of a masterplan for the whole of H66 and instead submitting the application without any masterplan having been agreed.

The 'Vision' promises:

- *A highly connected network of attractive streets and spaces;*
- *Verdant tree lined avenues;*
- *New formal parks and play areas;*
- *Wide open natural green spaces*
- *Houses of all sizes to meet a range of needs;*
- *New community facilities and places to meet, eat and drink;*
- *New schools;*
- *New workplaces; and*
- *Architecture and design that signal a new ambition for the area and green spaces that will uplift the spirit.*

9.2.2 Even if the hyperbole is discounted, there are serious concerns about the truth of those promises. The application does not provide for

- any formal park,
- community facilities (other than green spaces and play areas, which have already been mentioned),
- places to meet, eat and drink (other than the said green spaces and play areas),
- new schools (the application claims the existing primary schools have sufficient capacity and does not propose any new secondary school),
- new workplaces, or
- architecture and design that signal a new ambition for the area (the architecture and design lack originality and fail to respect their surroundings).

9.3 The DAS (dated November 2022) shows in Section 3 a map, captioned 'Local Transport *sic* Plan'. It is riddled with errors and omissions:

- The key should say 'Bus Stop' in the singular.
- The key wrongly calls Bacup and Rawtenstall Grammar School 'Bacup Grammar School'.
- In four instances it shows adjacent northbound and southbound bus stops as two separate solid blue circles, but the Woodlands Road, Pilgrim Gardens and Coach & Horses pairs of stops are shown by only one circle each.
- It shows the S41 service, which ceased to operate in July 2022.
- It omits service R1 Bury - Bacup and Rawtenstall Grammar School.
- It marks as 'Local Cycleway' what in reality is a non-exclusive cycle lane on B6527 Blackburn Road.
- It wrongly suggests, as the subsequent Facilities and Services Plan also does, that one could walk from the site to the right bank of the River Irwell near Strongstry in five minutes.

9.4 Section 3.2 calls Blackburn Road 'Blackburn Street'. It speaks of a regular bus service to Rochdale, but in fact, apart from school buses, there has been no service between Edenfield and that town since January 2005. Sections 3.2 and 3.3 refer to the S41, oblivious to its discontinuance in July 2022. Section 3.2 claims that

*A second Right of Way across the site on Market Street (FP 137) contained on a single tree lined *sic* lane ascends eastwards *sic* uphill.*

In fact, FP 137, shown on the map in Appendix 2 to these representations, does not cross the site at all: it actually begins on the east side of Market Street adjacent to the house numbered 136A and runs eastwards over fields, not along a tree-lined lane. It is unclear what is meant by 'official Cycleway'.

9.5 The only explanation of the inconsistencies, noted at paragraphs 9.5.1 to 9.5.5 below, in Section 4 of the DAS would seem to be that it is a template slotted in without thought as to how it concerns the application.

9.5.1 Section 4.1 refers correctly to the principle of applying a presumption in favour of sustainable development but then quotes a passage from paragraph 11a of the NPPF which refers to plan-making rather than planning applications.

9.5.2 Section 4.1 continues:

*To maximise the sustainability and environmental sensitivity of the project the design concept has been prepared using a number of design components as follows (see concept plan(s) opposite):
Optional diagram for each component ending in a composite plan*

In fact there are no concept plans, either opposite or elsewhere, or a composite plan. The only plan, which appears several pages later, after Section 9.4, is the proposed layout plan (colour) as at the time of the request for pre-application advice.

9.5.3 Under the sub-heading 'Community', Section 4.1 refers to
*the disposition of open space and built uses designed to . . . enhance vibrancy (mindful of diurnal day and night use change . . . and providing setbacks and separation *sic* which considers the sensitive nature of interfaces with existing properties.*

"Vibrancy" and "day and night use change" seem applicable to town centres rather than a housing estate. There is scant evidence in the application of consideration for the sensitive nature of the interfaces with the existing properties (please refer to Section 8 above).

9.5.4 Section 4.2 of the DAS lists Design Principles, including the following. ECNF's comments appear alongside:

(Function & Quality)

- *New development provides the opportunity to establish a distinctive identity to a place which, whilst having its own character, integrates with the surrounding built form and landscape context*
No distinctive identity - use of applicant's library of house types and preponderance of brick makes the development resemble many others by the applicant and fails to integrate with the mainly stone adjacent built form.
- *Provision of a mix of uses which cater for the everyday needs of the new residents including work, education, leisure, recreation and retail activities whilst complimenting the existing surrounding local area*
Inapplicable and gives a false impression of the development as there is no provision in the application for work, education, leisure and recreation (apart from open space and play areas) or retail.
- *Provision of Sustainable Drainage systems to ensure that the development does not increase the risk from flooding in the area*
The Lead Local Flood Authority has objected on the basis that there is insufficient detail to confirm that flood risk will not be increased - please refer to section 16 below.
- *Make efficient use of the site through proposing a development with an appropriate density*
Efficiency at the expense of cramming - see paragraphs 6.2.1 to 6.2.7 above.
- *It will be intuitive, comfortable, safe and easy for all to use irrespective of the environmental conditions identified within Section 2 above*
No environmental conditions identified within Section 2.

(Visually Attractive)

- *Integration of existing and proposed landscape features will help to soften the built form, particularly towards the eastern countryside edge of the development*
The eastern edge is not countryside, and there is scant provision of landscape features towards that edge (please see Section 8 above).
- *Minimise the impact of the development on the open countryside and surrounding context*
Please refer to comments on all the other selected bullets in Section 4.2 of the DAS.
- *Enrich the qualities of the existing place, with distinctive responses that complement the setting, respect the grain of the local area and acknowledge the established local character*
We repeat: No distinctive identity - use of applicant's library of house types and preponderance of brick makes the development resemble many others by the applicant and fails to integrate with the mainly stone adjacent built form. See also paragraphs 9.7.3, 9.9.1, 9.9.2 and 9.10 below.

(Response to Context)

- *Integration of the development into the existing surrounding built form and the local area, particularly in relation to development block form, scale, height and massing*
We reiterate that the use of the applicant's library of house types and preponderance of brick makes the development resemble many others by the applicant and fails to integrate with the mainly stone adjacent built form.
- *Consider how distinctive elements of the local vernacular and the best examples of local buildings relate to the space they enclose, and how this might be reflected within the proposals and can be used to inform the architecture of the proposed development*
No evidence that these have been considered, let alone achieved.
- *consider carefully the specification of materials that respect/enhance the local vernacular*
Preponderance of brick fails to respect/enhance the mainly stone adjacent vernacular.
- *Respond to the existing site topography including the consideration of key views into and out of the site*
The response to the existing topography needs to involve restoring the site to its natural contours before the mound of spoil near Mushroom House was deposited (please refer to paragraphs 3.5 to 3.7 above). That would improve key views out of the site and inward views from the opposite side of the valley. Please see also section 8 above.

(Strong Sense of Place)

- *Consider carefully texture, colour, pattern and durability of materials and how they are used* No evidence of any careful consideration - preponderance of brick fails to integrate the development with the mainly stone adjacent built form.

(Accessibility)

- *. . . new public transport provision . . .* Misleading to mention this as none is proposed
- *Consider the potential for a variety of uses to be included within the development to promote its economic and social success, and to reduce the need to travel* Misleading to include this as it is clearly irrelevant.

(Safe, Inclusive & Accessible Places)

- *Control of access to private areas, particularly rear gardens and parking courts* Misleading as no parking courts appear to be proposed.

9.5.5 The reference in Section 4.3 of the DAS to *submitting the reserved matters application* is puzzling. Such an application could be made only in the context of an extant outline planning permission, but there is no such permission for the site.

9.5.6 Section 4.3 says that at the pre-application advice stage the issues discussed included:

*. . . the relevant Site Specific Policy ref: H66, specifically requires a masterplan, a phasing and implementation strategy and design codes. It also requires, specific criteria for the design and layout needs to take account of . . .
Materials and boundary treatment should reflect the local context.*

That SSP is set out *in extenso* at paragraph 2.1 above. Key points, which this Section of the DAS glosses over, are that the masterplan must apply to the entire H66 site, not just the applicant's land, with an agreed programme of phasing and implementation and that the design code (singular, not plural) for development of some 400 (not just 238) houses is to be agreed. Please refer to Sections 2 to 4 above.

9.5.7 As regards Section 4.4 Community Engagement in the DAS, we refer to our comments at Section 10 below on the SCI. In the meantime we repeat that there is no agreed comprehensive masterplan for H66 (please see Section 3 above) or agreed design code (Section 4 above) and observe that RBC's housing trajectory imposes no obligations and should not be used as a reason for rushing any planning application (please refer to paragraphs 4.5.1 to 4.5.5 above).

9.6.1 Section 5.1 The Detailed Layout of the DAS contains the following false or misleading statements:

- *The proposals will be sensitively assimilated on the site and into the surrounding landscape;*
- *The development . . . connect[s] into the wider transport network via new bus stops;*
- *The development also delivers a variety of open space typologies;*
- *The development responds to local residential layouts.*

9.6.2 In relation to those statements the facts are:

- The proposals are not sensitively assimilated - please refer to comments above about Section 4.2 of the DAS
- There is no provision for new bus stops, although the proposed new access from Market Street might require existing stops to be relocated.
- There seems to be only one open space typology proposed: multi-functional green open space.
- It is not clear how, if at all, the development responds to local residential layouts,

9.7.1 By reference to a 'Layout Principles Plan' on the preceding page, Section 5.4 Built Form of the DAS claims:

The design solution for the site reflects the variety in townscape form that can be seen in Edenfield and in particular the area surrounding the site

and says that the arrangement of the built form will include the

provision of additional informal pedestrian and cycle routes, reflecting key desire lines, and enhancing the existing PRow network.

9.7.2 Reflecting “*the variety in townscape form that can be seen in Edenfield*” is an admission that the design solution fails to respect the site’s particular surroundings and actually lacks congruence with the buildings on Market Street and Mushroom House, a heritage asset. As noted in the comments at paragraph 9.5.4 above about Section 4.2 of the DAS, the use of the applicant’s library of house types and preponderance of brick makes the development resemble many others by the applicant and fails to integrate with the adjacent mainly stone-built form.

9.7.3 Pegasus's letter (page 4) states:

- *Increased use of reconstituted stone within the ‘Edenfield Core’ area both in terms of facing materials (stone brickwork) and boundary treatments (stone pillars with timber infills) . . .*
- *The less visible plots within the ‘Village Streets’ character area (and some inward facing plots within the ‘Edenfield Core’ area) are retained in brick with 2 brick types proposed for variation, again in both facing materials and boundary treatments (brick pillars with timber infills).*

This is in utter disregard of Places Matter’s criticism of ‘fake stone’ and RBC’s letter of 8th May 2023, which makes clear that -

- *Exemplary design in real stone is required on the site, and the Masterplan / Design Code needs to commit to this (with such a commitment subsequently reflected in full in the planning application documents and drawings). Poor quality materials are not an option. The proposed palette of budget and largely concrete-based materials is unacceptable.*

ECNF would request RBC to maintain the requirement of the exclusive use of real stone throughout this prominent site. See also paragraphs 9.5.4 above and 9.9.1, 9.9.2 and 9.10 below.

9.7.4 The additional pedestrian and cycle routes are indicated by the figure 2 on the Layout Principles Plan (pages 60 and 61 of the DAS). Originally there seemed to be just two of them, but another section was added in the June 2023 revisions. Of the original two, one is a new route running from a road junction outside Plot 161 to a point by the south-east boundary of the site where it branches in opposite directions to link with estate roads. The other is a section of Footpath 126, shown on the map at Appendix 2 hereto, running parallel to and on the east side of the A56. At the northern end of this section Footpath 126 briefly passes outside the red edge, which presumably in the absence of a key marks the extent of the applicant’s ownership, and bears generally eastwards to B6527 Market Street. It may be that the applicant intends to dedicate the whole of Footpath 126 within its land to cyclists as well as pedestrians, but that would raise the following issues:

- the cycle route from Market Street will stop where it first meets a red edge unless the other owner dedicates his Section also to cyclists;
- even if the whole of Footpath 126 from Market Street to its junction with Footpath 127 is opened to cyclists, it will be a *cul-de-sac* for them, because they will have no right to cycle on Footpath 127, or Footpath 126 west of the junction with Footpath 127, which are outside the applicant’s ownership; and
- private vehicular rights of way exist along Footpath 126 for access to Mushroom House and onwards (via the bridge over the A56) to farmland and to properties at Alderbottom.

The claim that the PRow network will be enhanced is therefore greatly exaggerated. Likewise, the reference in Section 5.3 of the DAS to *provision of key new pedestrian/cycle link across the site, linking Public Rights of Way in the south and west* is tendentious, as there is no public cycling right of way in the south or west to which the supposed new link can actually link.

9.7.5 The applicant's blurring of the status of the public rights of way might have confused other commentators. The comments dated 28th November 2022 of Chris Peat on behalf of the Forest of Rossendale Bridleway Association seem to disregard the status of Footpaths 126 and 127. Like cyclists, horse-riders have no right to use the footpaths. The applicant is free to dedicate the lengths of Footpath 126 in its ownership as a bridleway, but cyclists and riders would still have no right to use Footpath 127 or Footpath 126 south of its junction with Footpath 127. The comments dated 29th November 2022 from 1 Mercer Crescent must be read as subject to the same qualification.

9.7.6 We have read the comments 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? We assume that the reference in the first bullet on the second page should be to 14-3-FP126, not 14-3-FP127. Market Street is part of the B6527, not an A road as stated on the third page. The third page requests a *route coloured blue as shown on the attached plan* but the LCC plan on the website does not show this. Oddly, this LCC plan shows the A56 and Footpaths 126 and 127 running through the SUDS pond, whereas the applicant's Drawings show the pond located to the east of the footpaths.

9.8 'Character Areas'

9.8.1 Section 5.7 of the DAS says:

The site has been divided into two proposed character areas, informed by the Design Code, each with a clearly defined character relating to the site's context and surroundings. The following pages describe how the character areas should be designed in such a way to help create a varied and diverse townscape. The character areas are detailed below as follows:

EDENFIELD CORE:

This character area will in overview be at the heart of the site, most closely relating to the historic core of the village. . . .

CHATTERTON FRINGE:

This character area will encompass the western edge of the site and provide a subtle transition from the Edenfield Core to the village fringe.

9.8.2 This has been completely superseded by the June 2023 revisions, but there are no replacement pages for the DAS with the new proposals. The upshot is that the DAS is unfit for purpose and does not meet legislative requirements.

9.9 Materials

9.9.1 The proposed materials do not reflect the local context, namely the predominantly stone-built form of adjacent Market Street and Mushroom House, contrary to proviso 5 vi of the SSP and Strategic Policies ENV1 and ENV3 (all reproduced at Section 6 above) and paragraph 125 of the Local plan -

Development must be of a high quality design using construction methods and materials that make a positive contribution to design quality, character and appearance.

9.9.2 The application site abuts the existing development on Market Street, where the properties are built largely of stone, and Mushroom House which is a stone-built non-listed heritage asset. The opening claim that the proposed dwellings have been

designed to ensure the architectural response complements the local character

is not borne out by the choice of materials and designs. If the developer truly wanted

development [that] integrates with the surrounding built form

to minimise the impact of the development on the open countryside and surrounding context

development . . . set within a considered and attractive landscape setting

to enrich the qualities of the existing place, with distinctive responses that complement the setting, respect the grain of the local area and acknowledge the established local character

development, as per paragraph 130(c), NPPF 2021, sympathetic to local character and history, including the surrounding built environment

integration of the development into the existing surrounding built form Edensfield and the local area

to consider carefully the specification of materials that respect/enhance the local vernacular

to respond to the existing site topography including the consideration of key views in and out of the site

to incorporate existing and proposed landscape features into the proposals, so as to enhance the richness and attractiveness of the streetscape

to consider carefully texture, colour, pattern and durability of materials and how they are used

all being design principles claimed in Section 4.2 of the DAS, then the use of stone would be specified throughout the development. It is stated that

the chosen brick types will . . . reflect the existing brick buildings within Edensfield,

but what needs to be reflected and respected is the character of the buildings on adjacent Market Street, the historic core of the village, rather than the character of the peripheral housing estates. See also paragraphs 9.5.4 and 9.7.3 above and 9.10 below.

9.9.3 Section 5.8 concludes:

Brick Types 1 and 2 have been primarily used to enhance the character of The Avenue.

The relevance of that sentence is unclear. The accompanying illustrations of brick types are described by name, not number. None of the documents supporting the application contains any other reference to 'The Avenue', wherever that may be.

9.10 Paragraph 6.29 of the Planning Statement says:

Finally, in respect of material and boundary treatments, the submitted Design and Access Statement outlines how these are reflective of the local context. In particular, reconstituted stone is proposed on

prominent plots along the eastern and western site boundaries, including at the proposed plots adjacent to the site access/site entry point. This is to reflect the existing character and design of residential properties along Market Street and the settlement core to the south, such that new and existing developments blend in; with the use of two different types of brick in less prominent locations to provide contrast and visual interest. The existing Dry Stone Wall located in the centre of the site is also to be retained as part of the development proposals.

We would refer to our comments at paragraphs 9.5.4, 9.7.3, 9.9.1 and 9.9.2 above about materials. The extensive use of brick is out of keeping with the adjacent buildings. That sentence about retaining the 'Dry Stone Wall' is misleading - it should have been prefaced by 'Most of'.

9.11 Similarly we dispute paragraph 6.51 of the Planning Statement, which claims:

In terms of appearance, the residential dwellings propose high quality materials that are congruent with the current surroundings,

and the statement in paragraph 6.53:

The design and appearance of the scheme has been informed by the surrounding existing character and context and has carefully responded to the existing materials and design precedents set in the area.

9.12 The reference in Section 5.11 of the DAS to *the wider landscape of the River Roch Valley* suggests that the page has been copied from a document relating to a development in the Rochdale area without any thought as to whether it is appropriate to the Edenfield application.

9.13 The Phasing Plan preceding Section 5.13 and Section 5.13 itself are totally discredited, as, when it was first published, there was reason to believe that two of the relevant landowners had no input to it (see, for example, paragraph 4.1 above). Section 5.13 reads:

LIFESPAN

PHASING

The Phasing Plan (presented opposite) sets out the proposed delivery and phasing of the full H66 allocation which has been set out within the Design Code. The proposed Phasing Strategy has been prepared which demonstrates that the delivery of development would proceed from multiple access points. This will enable development to proceed across different parts of the site concurrently.

Initially, development would proceed from Phase 1A, which this application details, creating the main site access from Market Street with additional phases coming on stream relatively quickly. The detailed phasing and delivery of the associated infrastructure, such as landscaping, play and access routes, is subject to discussion between the applicant and the Local Authority.

It is intended that the delivery of the site will be adjusted as the building process is refined. It is considered that a site of this scale (approx 400 dwellings) does not present the complications of phasing, that a larger and more complex site may command, and ensures that each parcel can be delivered independently without prejudice to others. Similarly, this means phases could be developed simultaneously if desired.

That completely disregards the requirement for the masterplan to be accompanied by an agreed programme of implementation and phasing. Please refer to paragraphs 3.3.1 and 3.3.2 above.

9.14 Section 6 of the DAS concludes that

the proposals . . . integrate into the site's surroundings, responding to the local context . . . The scale of development is in keeping with the surrounding context and the architectural detailing is contextually appropriate.

We show above that the first and third of those statements are not justified. As for the scale of development, we can say, without seeking to re-open the issue of the allocation of H66 for housing, that development of the site with 400 houses represents an increase in the size of Edenfield of more than 40% and that the scale of development is unquestionably out of keeping with its context.

9.15 A DAS is required with a planning application for major development. It is supposed to provide a framework for applicants to explain how a proposed development is a suitable response to the site and its setting. A document such as this one tendered by the applicant, littered with errors and statements that do not stand scrutiny, cannot be deemed to achieve its purpose. Furthermore, it has not been updated to take account of the revised documentation of June 2023. It does not contain the information required by legislation (see paragraphs 9.1.1 to 9.1.7 above). The DAS should be rejected and, as it strikes at the validity of the application, the applicant advised to submit an accurate, compliant DAS, which RBC should put to consultation, failing which the application should be rejected.

Section 10. Statement of Community Involvement

10.1.1 The SCI is misleading.

10.1.2 Section 1.0 Overview states that its author, Lexington Communications, was commissioned by Taylor Wimpey and Anwyl

to carry out a public consultation programme in relation to the Masterplan process for the Land West of Market, Street Edenfield site allocation (H66) and

to undertake a public consultation exercise in relation to the proposed Masterplan for the entire Edenfield allocation.

10.1.3 Their instructions might have been to consult in respect of H66 in its entirety but what actually emerged, as the leaflet at Appendix F to the SCI declares, was a purported masterplan that had no details about the parcels of H66 north of Church Lane:

*Taylor Wimpey and Anwyl Land have formed a unique partnership to deliver an exciting new vision for Edenfield. The Masterplan is a document which explains our vision for **our site** to the west of Market Street. (ECNF emphasis)*

10.1.4 This is reinforced by the key to the plan in the leaflet (and among the virtual exhibition boards in the site promoters' website which are reproduced at Appendix C to the SCI) which marks the land north of Church Lane *landowner not in a position to engage at the current time.*

10.1.5 The home page of the website (Appendix B to the SCI) states:

*This community consultation is the first step and sets out the team's Vision Masterplan for Land West of Market Street, **that is in Taylor Wimpey and Anwyl's control.** (ECNF emphasis)*

10.1.6 One of the virtual exhibition boards, headed 'Our Vision' and with the Anwyl and Taylor Wimpey logos at the foot, states:

*A development with placemaking at its core **Our site** presents a great opportunity . . . (ECNF emphasis)*

10.1.7 Paragraphs 10.1.2 to 10.1.6 above demonstrate that it is dishonest to claim that the applicant's consultation in late June and early July 2022 related to the whole of H66.

10.1.8 The Overview misleads again by stating:

*A community information telephone line, email address **and postal address** were available throughout the consultation period for those wanting to correspond with a member of the project team. (ECNF emphasis)*

This is amplified at paragraph 3.3:

*A dedicated email address, marketstreetmasterplan@havingyoursay.co.uk, was established to receive feedback and answer enquiries from the public regarding the plans. **Alternatively, respondents were able to post their comments.** (ECNF emphasis) During the public consultation, 57 emails were received and zero letters. More information about this can be found in Section 9.0 'Feedback Received'.*

Paragraph 9.2 confirms:

*Correspondence Residents and stakeholders were invited to contact the development team via email **or post**, with a dedicated project email address, marketstreetmasterplan@havingyoursay.co.uk, established for the consultation. (ECNF emphasis)*

10.1.9 A postal address might have been available, but readers of the leaflet and website pages (and the letter to RBC and LCC councillors as reproduced at Appendix A to the SCI and the press release at Appendix H) could not have availed themselves of it, as it was not published in those places. It is therefore no surprise that zero letters were received.

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

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

10.2 The extracts at Section 2.2 Government Planning Policy all refer to *applicant/s* and *application [for planning permission]*, reinforcing the point that the purpose of Lexington's consultation was to tick a box in the lead-up to the current application rather than to develop a masterplan for the whole of H66.

10.3 The response of Edenfield Community Neighbourhood Forum to that so-called consultation is reproduced at Appendix 1 to these representations and gives further details about the deficiencies in the process.

Section 11. Planning Statement

11.1 The Planning Statement is prepared in support of the planning application (Introduction, paragraph 1.1).

11.2 Paragraph 2.1 offers a description of the application site -

The application site relates to land located to the north-west of Edenfield, bound by Market Street to the east and the A56 to the west. The total area is 12.5 hectares and comprises of agricultural land which is largely even, but on a gentle slope down from the road to the motorway to the west, with some more significant variations in topography in the north west of the site.

Leaving aside the erroneous description of the A56 as a motorway, the paragraph is misleading as it does not take account of the artificial mound referred to at paragraphs 8.5 to 8.7 above.

11.3 Paragraph 3.4 of the Planning Statement states:

a public consultation exercise for the H66 Masterplan process was undertaken prior to the submission of this planning application. This public consultation exercise related to the whole H66 allocation (which will deliver approximately 400 dwellings), seeking to gain views on the overall Masterplan and agreeing high-level principles.

Contrary to that claim, the public consultation in late June / early July 2022 did not relate to the whole H66 allocation site (see paragraphs 10.1.1 to 10.1.7 above). The claim that an opportunity was offered to respond by post is also bogus - see paragraphs 10.1.8 to 10.1.10 above. There is no factual basis for any of the statements in the following sentence in paragraph 3.4 (see paragraphs 4.2.1 to 4.2.3 and 10.1.1 to 10.1.7 above):

It is important to note that whilst this was a stand-alone process relating to the entire H66 Masterplan, the feedback received has informed these detailed development proposals – which accord and align with the principles set out in the H66 Masterplan.

11.4 Contrary to paragraph 3.5, there are no copy documents at Appendix 1 to the Planning Statement as displayed on the RBC website.

11.5 There is no obligation on a developer to adhere to a local planning authority's housing trajectory, but paragraph 3.5 uses RBC's trajectory as an excuse for rushing the application without further public consultation -

To maintain the development programme for the allocation agreed within the Council's adopted housing trajectory (requiring first application submission in Summer 2022 and first completions within the 2023/2024 year), it was not possible to undertake further pre-application public consultation on Taylor Wimpey's detailed proposals

(Please see paragraph 4.5.1 above.)

11.6 Paragraph 3.10 boasts of the provision of ten visitor parking bays for the use of existing residents along Market Street (where some on-street parking has been displaced by the new site access), but it is probable that many more than ten on-street parking spaces would be lost owing to the development.

11.7 Paragraph 3.12 boasts:

Secure cycle storage will be provided to every plot, either within garages (on the 97 plots which include integral or detached garages) where there is sufficient space for both a car and bicycle to be stored; or within a secure cycle storage shed in the rear garden (on the 141 plots that don't have garages).

However, the submitted Drawing - Document 30 Cycle shed Spec SheetAtlas Sheds - does not indicate any ground mountings, door handle or means of locking. With an overall shed height of 6' and no more than 5'4" at the top of the side walls, many users would be forced to stoop or risk injury. The proposed shed appears to be not fit for purpose.

11.8 Paragraph 3.16 refers to the A56 dual carriageway which crosses the road via a bridge. That phraseology would normally be taken to mean that the A56 is on a higher level than the road, but there is no such bridge or road.

11.9 Paragraph 3.20 states:

Additional planting is also proposed along the western boundary to screen the development and provide a new and defensible Green Belt boundary

Planting will not provide a new and defensible Green Belt boundary, since, as RBC argued in the Local Plan process in favour of changing the boundary, the A56 already serves that purpose.

11.10 Paragraph 3.23 claims,

the residential dwellings will use high quality materials that are congruent with the current surroundings;

and paragraph 3.24 claims,

The design and appearance of the scheme has been informed by the surrounding existing character and context and has carefully responded to the existing materials and design precedents set in the area.

Please refer to paragraphs 9.9.1 and 9.9.2 above about materials with reference to Section 5.8 of the DAS.

Section 12. Document 48 Slope Stability Assessment recommends:

Maintenance of the existing culvert and headwall in the A56 embankment (to allow drainage of the site through the Great Hey Clough to the River Irwell) shall be incorporated into the permanent and ongoing maintenance schedule of the site drainage management plan.

but this is not included in the list of items to be covered by the maintenance charge at paragraph 6.68 of the Planning Statement.

Section 13. Tenth proviso to SSP: Noise and air quality impacts will need to be investigated and necessary mitigation measures secured;

13.1 Document 41 Air Quality Assessment by RSK Environment Ltd (RSK) is of limited value. It relates to the development of only the applicant's site:

RSK Environment Ltd (RSK) was commissioned to prepare an assessment of the potential air quality impacts associated with the proposed development on Land at Market Street, Edenfield. The proposed development will comprise circa 238 dwellings and associated access, landscaping and infrastructure (page 7).

and declares at page 12:

The approach taken for assessing the potential air quality impacts of the proposed development may be summarised as follows:

- *Consultation with the Environmental Health Officer (EHO) at RBC;*
- *Baseline characterisation of local air quality;*
- *Qualitative assessment of the construction phase of the development using the 2014 IAQM guidance (v1.1);*
- *Quantitative assessment of air quality impacts during the operational phase of the proposed development with reference to the 2017 EPUK-IAQM guidance;*
- *Recommendation of mitigation measures, where appropriate, to ensure any adverse effects on air quality are minimised.*

It is understood that no significant stationary sources (for example, boilers or combined heat and power (CHP) plant) are proposed with the development and therefore, this report has not considered emissions related to energy generation any further.

13.2 If the application had been made, as the Local Plan expects, in accordance with an agreed masterplan for the whole of site H66, the phasing of development of the whole site would have been settled. That is, regrettably, not the case, and, if RBC approves this application without such a masterplan, there is the potential for the other site promoters within H66 to bring forward their schemes and construct them

concurrently. Indeed, the DAS and Planning Statement contemplate that *phases could be developed simultaneously if desired* (please refer to paragraphs 3.5.1, 3.5.2 and 9.13 above). The assessment by RSK does not address that scenario and therefore does not meet the requirements of the Local Plan.

13.3 The application contains no proposals for mitigating the effects of dust arising from construction works on the well-being of residents or the damage to health and property likely to arise from the noise and vibration due to extensive piling operations, which may be regarded as inevitable having regard to the local geology.

14. Assessment of Biodiversity Net Gain

14.1 Paragraph 2.1.8 e of the ABNG states:

- *As a detailed site layout is not prepared at this stage the 70:30 ratio of housing to gardens has been applied (as agreed with Taylor Wimpey UK Ltd).*

That is both curious and unacceptable. It is curious because the ABNG is dated October 2022 (last updated 26th October 2022) and Plan 03 Detailed Layout (Drawing no MAN-0299-003) is dated 18 August 2022, with the only subsequent revisions being minor updates, the inclusion of an indicative “Sub’Sta” and the addition of sheds and paths. It is unacceptable because there is no good reason why the ABNG was not based on the actual site layout. This casts doubt on the value of the ABNG.

14.2 Although not mentioned in the SSP, it would be appropriate for the ABNG to cover the whole of H66 rather than just the application site. In view of the prospective requirements in the Environment Act 2021, the ABNG should demonstrate how the biodiversity value attributable to the development of the entire H66 allocation will exceed the pre-development biodiversity value of the onsite habitat by 10%.

14.3 It is not clear that criterion k in Strategic Policy ENV1 is satisfied (please refer to Section 18 below).

15 Ninth proviso to SSP - Schools provision

15.1 Paragraphs 4.10 to 4.13 of The HIA and paragraphs 6.38 to 6.42 of the Planning Statement conclude that no primary school expansion will be needed on account of development of the TW site. However, it is clear from LCC Education’s responses that this issue remains to be resolved. The application does not comply with the ninth proviso and must therefore be rejected.

15.2 Paragraph 6.4 of the HIA concludes that -

There is shown to be sufficient capacity in primary schools in the area to accommodate any children that may live in the development.

That is a somewhat sweeping statement. It must be qualified by reference to the number of children of primary school age reasonably predicted to be residents of the development on TW’s site. As the LCC Education Assessment says, 57 such children are expected to reside at the development.

15.3 According to the LCC consultation response, in 2028 Edenfield CE PS is expected to have 14 more pupils than its capacity. The number of places predicted to be available at the following schools (distance from the development according to the HIA) is as follows:

0.6 miles	Stubbins PS	18
1.58 miles	St Veronica’s RC PS, Helmshore	49
1.6 miles	Broadway PS, Haslingden	5
1.73 miles	Helmshore PS	25
1.73 miles	Balladen PS, Rawtenstall	87

LCC point out that other planning approvals are predicted to yield another 12 primary school pupils. Thus, in 2028 of the 69 extra pupils as many as 51 might have to travel to a school at least 1.58 miles away. Those distances are presumed to be as the crow flies; the shortest convenient route that a child, accompanied as necessary, might walk safely will be more. It is therefore reasonable to assume that those 51 would make their journey by car. So might the Stubbins PS pupils from the development, who would have to cross busy Bolton Road North without the aid of any crossing patrol.

15.4 The figures in the last two preceding paragraphs take account only of the present proposal and extant planning approvals. They do not allow for the number of primary school pupils who might reside in the remainder of H66 and the other Local Plan housing site allocations in Eden Ward and who must be considered in any assessment of the need to extend a local school.

16 Eighth proviso to SSP - Sustainable Drainage System

16.1 The observations of the Lead Local Flood Authority in December 2022 and April 2023 and National Highways in December 2022 and June 2023 are noted. Fundamental questions, namely whether site drainage arrangements are adequate and whether a SUDS can function without detriment to the stability and safety of the adjacent A56, have still not been properly addressed. For this reason alone the application must be refused.

17 Housing Standards

17.1 In the Local Plan, Policy HS5 Housing Standards provides -

In accordance with the national regime of optional technical standards for housing, the Council will adopt the following local standards for new housing developments of five dwellings or more, in line with the National Planning Practice Guidance:
at least 20% of any new housing provided on a site should be specifically tailored to meet the needs of elderly or disabled residents, or be easily adaptable in line with the Optional Standards M4(2) of the Building Regulations. The Council will expect submitted information to demonstrate how this has been achieved.

Paragraph 143 of the Explanation adds:

There is a need to increase the amount of suitable housing for elderly and disabled residents in Rossendale and to ensure that new housing is easily adaptable to meet their needs. This should be set out in a Planning Statement, through annotated drawings or within detailed Design and Access Statements.

It is not apparent from the submitted information that any of the dwellings are specifically tailored to meet the needs of elderly or disabled residents. Paragraph 5.32 of the HIA claims:

The Proposed Development has been designed to take account of being accessible to all users. For example, a number of the proposed house types are M (4) 2 compliant, therefore include features that make them suitable for a range of potential occupants, including older people, individuals with reduced mobility and some wheelchair users.

It is not clear whether that unspecified number (more or less than 20%?) actually meet the needs of elderly or disabled residents or are merely adaptable. Compliance with Policy HS5 has not been demonstrated. The application should therefore be refused.

18 Local Plan Strategic Policy ENV1: High Quality Development in the Borough

18.1 The proposal is now considered in the context of Strategic Policy ENV1 set out in full below. The notes in red indicate where the application fails to satisfy the criteria in Policy ENV1. which 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;

Siting, layout (which includes density) and landscaping are inter-related and considered at Sections 6, 8 and 9 above. Design is considered at Sections 4 and 9 above. Materials are considered at paragraphs 9.5.4, 9.9.1 and 9.10 above. The application pays lip-service to taking account of the character and appearance of the local area but on analysis the proposals clearly fail to respect the local character.

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;

Please refer to paragraph 6.3, and Section 8 above.

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;

Please refer in particular to paragraphs 8.6, 8.7, 8.12 and 8.13 above.

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;

Considering this application in isolation, and particularly in the absence of a comprehensive masterplan for the whole of H66, is likely to prejudice the development of the parts of H66 to the south of the application site by limiting the options for access to those parts - please refer to paragraph 3.8 above. It could prejudice development in the grounds of Alderwood. A holistic approach to access is essential.

g) Demonstration of how the new development will connect to the wider area via public transport, walking and cycling;

The application appears to be based on the false premise that there is a public right of way for cyclists along the sections of Footpath 126 that are outwith the ownership of the applicant and along Footpath 127 - please refer to paragraph 9.7.3 above.

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;

Apart from some boundaries, the only landscaping proposed within the built area is along Footpath 126 and the route running south/south-east from Plot 161. As such the landscaping cannot be regarded as an integral part of the development.

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; **Please refer to section 14 above.**

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;

Please refer to section 4 above.

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;

Please refer to section 17 above.

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;

The Health Impact Assessment does not look particularly at effects on vulnerable groups, or identify how these may be mitigated.

Because of the underlying laminated clay, it is probable that extensive piling will be required, to ensure the stability and protection of the A56 and the new homes. The application does not explain how the effect of this on residents will 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 Please refer to Section 16 above.

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.

18.2 Paragraph 233 of the Explanation of Strategic Policy ENV1 provides as follows (the parts with which the application does not comply are shown coloured red)

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.

19 Strategic Policy ENV3: Landscape Character and Quality

19.1 This Policy is set out as follows shown coloured blue, save that its requirements with which the application does not comply are shown coloured red. ECNF's annotations are in black in square brackets :

The distinctive landscape character of Rossendale, including large scale sweeping moorlands, pastures enclosed by dry stone walls, and stonebuilt settlements contained in narrow valleys, will be protected and enhanced. [The proposal pays no regard to the local landscape character - please refer to Sections 6, 8 and 9 above.]

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. [Such enhancement of the natural environment as the application offers is offset by the loss of greenfield. The development proposals are incongruous with the adjacent built environment. It is not clear how the development improves 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. [Siting, layout (which includes density) and landscaping are inter-related and considered at Sections 6, 8 and 9 above. Design

is considered at Sections 4 and 9 above. Materials are considered at paragraphs 9.5.4, 9.9.1, 9.9.2 and 9.10 above. The application pays lip-service to taking account of the character and appearance of the local area but on analysis the proposals clearly fail to respect the local character.]

In order to protect and enhance the character and quality of the landscape, development proposals should, where appropriate:

- Respond positively to the visual inter-relationship between the settlements and the surrounding hillsides and follow the contours of the site; [The proposed development retains the artificial mound - please refer to paragraphs 8.6 and 8.7 above.]
- Not have an unacceptable impact on skylines and roofscapes; [Building on the artificial mound as well as the use of tall, steeply pitched roofs throughout the development has an unacceptable impact on skylines and roofscapes, which can be avoided by removing the mound and by following the Design Code put forward by ECNF. Please refer to paragraphs 4.2.1 to 4.2.3, 8.6 and 8.7 above]
- Be built to a density which respects the character of the surrounding area with only low density development likely to be acceptable in areas abutting the Enclosed Upland or Moorland Fringe Landscape Character Areas; [Please refer to paragraphs 6.2.1 to 6.2.7, 8.10 and 9.5.4 above.]
- Retain existing watercourses, trees and green infrastructure features that make a positive contribution to the character of the area;
- Incorporate native screen planting as a buffer to soften the edge of the building line in valley side locations; [Please refer to paragraphs 8.9.1, 8.9.2 and 9.5.4 above.]
- Take into account views into and from the site and surrounding area, retaining and, where possible, enhancing key views; and [Please refer to Section 8 and paragraph 9.5.4 above.]
- Retain and restore dry stone walls, vaccary stone flag walls and other boundary treatments which are particularly characteristic of Rossendale. [The application makes no provision for retention and restoration of the dry stone wall to the rear of 5-8 Alderwood Grove or so much of the wall on Market Street as would not be required to be removed for the site access.]

Development proposals should incorporate a high quality of landscape design, implementation and management as an integral part of the new development. Landscaping schemes should provide an appropriate landscape setting for the development and respect the character and distinctiveness of the local landscape. [Please refer to paragraph 6.3 above.]

19.2 Paragraph 245 of the Explanation of Strategic Policy ENV3 adds:

Development needs to conserve and enhance Rossendale's dramatic and attractive natural environment and its built environment. The Borough's landscape is significant in terms of its

local identity, cultural value, tourism and general contribution to quality of life, and it is essential that it is protected.

The application fails to meet any of the criteria set by paragraph 245.

19.3 Paragraph 248 of the Explanation of Strategic Policy ENV3 adds

To ensure Rossendale's landscape is protected for future generations, new development should demonstrate it is based on and responds to a thorough understanding of the landscape character and quality of the immediate and wider context, and take steps to conserve and enhance the natural and built environment. All development should be in scale and in keeping with the landscape character in which it is set and be appropriate to its surroundings. To protect and enhance the character and quality of the landscape, development should be in accordance with the criteria and incorporate high quality landscape design. This should be demonstrated in the Design and Access Statement and any other supporting documentation, as appropriate.

The application fails to meet any of the criteria set by paragraph 248.

20 Achieving well-designed places

20.1 We would refer to NPPF, paragraphs 130 to 132, which provide as follows and mark in red the policies with which the application does not comply :

130. Planning policies and decisions should ensure that developments:

- a) 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;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) 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);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

131. Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. 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. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees

are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

132. Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

20.2 Development that is not well designed should be refused - NPPF, paragraph 134.

21 Policy compliance

21.1 The Executive Summary in the MDC contains a table, described as a policy compliance table. It summarises the criteria in the SSP and, one by one, seeks to demonstrate how the MDC complies. Pegasus's letter takes that table, adds an extra column claiming to show how the planning application complies with the SSP and calls the enlarged table a 'Schedule of Compliance with Policy H66'. ECNF outline below their criticisms of the Executive Summary, with reference to the relevant paragraph in the representations which ECNF are making about the MDC. Those criticisms apply equally to the enlarged table in Pegasus's letter, which might more accurately be described as a Schedule of Non-compliance with Policy H66. Table 3 below summarises those criticisms.

SSP Criterion	Summary of how MDC fails to comply with SSP	Relevant paragraph of ECNF representations about MDC
1	MDC has yet to be agreed and does not satisfactorily address phasing and implementation.	3.2
2	Design Code unsatisfactory in numerous respects and has yet to be agreed.	3.3.1 to 3.3.3 and 5.1 to 5.8
3	Transport Assessment inadequate.	Letter (9.8.23) from SK Transport Planning
4	Heritage is not fully addressed.	14.7 to 14.10
5 i	MDC is silent about woodland north of the church.	7.1
5 ii	No acknowledgment in Village Streets of need to protect views to/ from Church.	14.5
5 v	Minimal landscaping or none in the proposed built area, and none at interface with existing dwellings on Market Street, Pilgrim Gardens and Alderwood Grove.	9.3
5 vi	Materials - brick and reconstituted stone are totally unacceptable.	14.1 to 14.4
7	Compensatory improvements to the Green Belt cannot be made within H66.	12.1.1 & 12.1.2
8	Safety/suitability of SUDS yet to be confirmed by National Highways and LCC as LLFA.	9.1

Table 3: Aspects of non-compliance of MDC with SSP

22 Drainage

22.1 It is at best disingenuous for the Flood Risk Assessment & Surface Water Drainage Strategy dated 22nd June 2023 to state at paragraph 2.8:

The site is currently entirely undeveloped; therefore it is unlikely that there will be an existing drainage network running across the site.

TW is well aware that their site is subject to a 999-year lease of drainage rights in favour of the properties in Alderwood Grove. The proposal takes no account of the existence of these drains, the need to protect them and the need to avoid any engineering works and construction that would impede access to them for maintenance and repair. The development would therefore be likely to result in flooding on the application site and at adjacent properties in Alderwood Grove. Accordingly the proposal is contrary to Strategic Policy ENV1 I (set out at paragraph 18.1 above), and the application must be rejected.

23 Equality and Human Rights

23.1 In addition to the specific plight of disabled residents in existing houses raised at paragraph 5.2 above, there are wider equality and human rights implications for Edenfield as a whole.

23.2 The application 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.

23.3 No account is taken in the application 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.

23.4 The issue of schools for children and young people is also neglected within the application 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 PS.)

23.5 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 application. 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.

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

23.7 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.

23.8 In this context please refer also to comments (paragraph 18.1 above) about criterion p) of Strategic Policy ENV1 (Health Impact Assessment).

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

6 Alderwood Grove, Ramsbottom, Bury BL0 0HQ

11th August 2023

APPENDIX 1

Response of ECNF to Taylor Wimpey / Anwyl Consultation – July 2022

Paragraph 10.3

Edenfield Community Neighbourhood Forum

Response to Taylor Wimpey/Anwyl Market Street Masterplan Consultation

Consultation process

The consultation process is totally unsatisfactory because:

the two-week consultation period is ridiculously short, particularly in the summer holiday season;

our information is that not all Edenfield households received the consultation leaflet, although at the webinar on 29th June 2022 it was claimed that about 1,000 leaflets had been delivered;

the leaflet gives limited information, with the result that anyone without internet access will be unaware of the detail and thereby be at a disadvantage in responding;

the leaflet says there will be “two webinars where you can join and ask questions of the team” but provides the time of only one, held at barely one week’s notice;

it was not until the webinar that it was confirmed no developer has yet been chosen for the area promoted by Anwyl (Chatterton Hey site); and

there are other omissions and errors in the consultation, as noted below.

Masterplan comments

Masterplan does not satisfy Local Plan

1. The consultation masterplan falls short of the requirements of the Rossendale Local Plan. The Local Plan requires a masterplan for the entire site reference H66 land west of Market Street, Edenfield which is estimated to yield 400 homes. The consultation masterplan lacks any detail about the land in H66 in other ownerships.-The Local Plan is quite specific that the masterplan must be for the entire site. Rossendale Borough Council have pledged that they will work in partnership with key landowners and key stakeholders, including Edenfield Community Neighbourhood Forum, to **ensure** that such a masterplan is prepared (Local Plan, page 56, paragraph 121).

Lack of information

2. The consultation says 235 homes will be built in the developers' first phase but omits the crucial information about the number of homes in their second phase (Chatterton Hey site). It emerged from the webinar that the second phase would yield some 90 dwellings. At the very least, the masterplan should indicate how many dwellings will be built and where and when.
3. Without this information it is impossible to have a comprehensive Transport Assessment.

Traffic

4. A major concern is the impact on traffic of a 50% increase in housing in a village which already has significant traffic problems. This was recognised in the Local Plan which states that development will be supported provided that a Transport Assessment is provided demonstrating that the site can be safely accessed. It will need to address issues arising from the proposed accesses from Blackburn Road, Market Street and Exchange Street, including the consequent reduced availability of on-street parking, as well as the impact of the inevitable increase in local traffic on the Market Place roundabout and at the beginning and end of the school day in the vicinity of an enlarged Edenfield CE Primary School. There is no indication in this consultation about when this Assessment is going to be prepared and when the highway authority will be involved in the process, but it is crucial to any consideration of the masterplan.
5. At the webinar it was admitted that the new Market Street access would require a ghosted right-turn lane. The consultation leaflet and website are silent about this but should have disclosed the information.
6. Although the consultation documents show the highway access to the Chatterton Hey site from the foot of Exchange Street, the highway authority has stated that Exchange Street would be unsuitable for this purpose. The consultation ignores the highway authority's suggestion that vehicular access to this area should be through the estate to connect to the proposed access from Market Street, with only pedestrian and cycle links to Exchange Street - see Local Plan Examination Library document *EL8.014 Actions 14.1 to 14.4*, paragraph 9.1 Action 14.3 - www.rossendale.gov.uk/download/downloads/id/16396/el8014_actions_141_to_144_-_housing_site_allocations_-_edenfield_helmshore_irwell_vale_and_ewood_bridge_with_appendices.pdf
7. In the webinar it was claimed that access to the Chatterton Hey site from Exchange Street and Highfield Road would be all right as only 90 houses were involved. However, at the time of Lancashire County Council's comments the estimated yield from that area, according to the Strategic Housing Land Availability Assessment, was only 70.
8. It would clearly be undesirable for motor traffic resulting from the development to use the existing public footpaths (which are also private vehicular rights of way serving Mushroom House, Chatterton Hey and Alderbottom/Swallows Barn). The masterplan is not clear how estate traffic would be segregated from those footpaths.

Community involvement

9. Edenfield Community Neighbourhood Forum has been working over the years to bring forward a Neighbourhood Plan and has involved the community, stakeholders and the local planning authority in the process. The masterplan consultation claims that the scheme will be community-led, although this is hard to reconcile with the fact that local residents are overwhelmingly opposed. If the developers are serious in this claim, they must commit to ensuring that the development will be in accordance with the emerging Edenfield Neighbourhood Plan and its design codes. In the webinar it was stated that the Taylor Wimpey houses would be mainly two-storey but with a few at 2.5 storeys. We are concerned that any houses more than two storeys high would have a seriously

detrimental effect on views across the site to the other side of the valley. Those views are part of the distinctive character of the village and are highly valued by the community.

Green spaces, sports provision, landscaping and biodiversity

10. The new green spaces to be opened up are all located on the western and northern periphery of the consultation site. Apart from these, the masterplan depicts a development that will be a mass of, to use the wording of the leaflet, “just bricks and mortar.” There is no provision for green spaces or landscaping with hedgerows *within* the development.

11. Far from being ‘long-lasting’ as claimed, some of those green spaces will be short-lived if National Highways proceeds with a scheme to widen the A56.

12. It would benefit both existing and new residents if green spaces were provided on the eastern flank of the consultation site. A green buffer on this side would mitigate any clash between the styles of existing and new development.

13. The green space deficiency might be ameliorated to a small degree by keeping open the field between Market Street and Mushroom House. This area could be used for a parking area for the benefit of existing residents whose access to on-street parking is going to be diminished.

14. The consultation website refers to ‘Providing generous areas of public open space and outdoors sports provision’, but, even if the green spaces are included, the open space provision is far from generous and, discounting the locally equipped area of play (LEAP), the outdoor sports provision is non-existent.

15. In the Masterplan layout, the LEAP is poorly located, adjacent to the junction of busy B6527 Market Street and the main site access.

16. We note that the illustration on the website pages between the sections ‘Our Proposals’ and ‘Masterplan’ suggests that it will be houses, not a LEAP, in this position. That illustration shows also a path across a grassed area adjoining Market Street and the estate road, but that path is not marked on the masterplan. These inconsistencies immediately cast doubt on the reliability of any of the information provided.

17. In view of the prospective requirements in the Environment Act 2021, the masterplan should demonstrate how the biodiversity value attributable to the development will exceed the pre-development biodiversity value of the onsite habitat by 10%.

18. Cycle route provision is perfunctory. It is not clear what it connects with. It should be included as part of the green spaces and as part of a wider cycle scheme.

19. It is surprising that the sustainable drainage system (SUDS) features so prominently in the consultation, after National Highways has indicated that it is likely to be problematical. The Local Plan expects consideration to be paid to the suitability or not of sustainable drainage systems on the boundary adjoining the A56, but there is nothing in the consultation to show that this has been done.

Heritage

20. The paragraph about Heritage in the Virtual Exhibition misrepresents the listed status of Edenfield Parish Church. It is in fact Grade II* listed, not merely Grade II. We do not agree that it is not visible from the development site or that it is so well screened by existing tree cover that the development would have a negligible impact on its setting.

Green Belt

21. The consultation does not state what compensatory improvements will be made in the remaining Green Belt to compensate for the proposed development on former Green Belt land.

Topography and geology

22. The tipped earth on the site that forms a mound to the west of Mushroom House needs to be removed and carted away off-site, restoring the original contours. Otherwise, any dwellings built there would be on an unnaturally high level and over-dominant.

23. Because of the underlying laminated clay, it is probable that extensive piling will be required, to ensure the stability and protection of the A56 and the new homes. The consultation does not mention this or explain how the effect of this on residents will be mitigated.

Ian B. Lord, Chair, Edenfield Community Neighbourhood Forum

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APPENDIX 2

Map of Public Rights of Way in Edenfield

Paragraph 9.4

