

Edenfield Community Neighbourhood Forum

Response to Consultation about Planning Application 2023/0396

Land at Blackburn Road and Land at Burnley Road, Edenfield

Section 1 Interpretation and Summary Reasons for Refusal

1.1 Interpretation, abbreviations and definitions

in these representations, extracts of Policies and Strategic Policies and their Explanation in the Local Plan are coloured blue, and expressions and abbreviations have the following meanings -

Section or paragraph number followed by 'above' or 'below' - a Section or paragraph of these representations, unless otherwise apparent from context

applicant - Northstone Development Ltd

application - planning application reference 2023/0396 submitted to RBC on behalf of Northstone Development Ltd for the construction of 50 dwellings in the northern portion of H66 and for the construction of a car park/setting down and pick-up facility and a recreation area on land adjacent to Burnley Road, Edenfield

Appraisal - Document entitled *Landscape and Visual Impact Appraisal (LVIA) and Green Belt Openness Appraisal*, submitted with the application

Blackburn Road parcel - the parcel on which the application proposes the construction of dwellings

BNG - Biodiversity Net Gain

Burnley Road parcel - the parcel on which the application proposes the construction of a car park/setting down and pick-up facility and a recreation area

car park - unless the context otherwise requires, car park and facility for setting down and picking up pupils of Edenfield CE PS

CE PS - Church of England Primary School

DAS - Design and Access Statement submitted with the application

dph - dwellings per hectare

ECNF - Edenfield Community Neighbourhood Forum

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

ha - hectares

LCC - Lancashire County Council

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

MDC - Masterplan and Design Code

Northstone - Northstone Development Ltd, one of the Peel group of companies

NPPF - National Planning Policy Framework (September 2023)

Peel - the Peel group of companies

Planning Statement - Planning Statement submitted with the application

Policy - a Policy of the Local Plan

PPG - Planning Practice Guidance, promulgated by the Government

PROW - Public right(s) of way

PS - Primary School

RBC - Rossendale Borough Council

SCI - Statement of Community Involvement, submitted with the application

SHLAA - Strategic Housing Land Availability Assessment

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

Strategic Policy - a Strategic Policy of the Local Plan

TRO - traffic regulation order

TW - Taylor Wimpey

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

unnumbered page - page of a document, the number of which is not shown and has to be reckoned by reference to one or more adjacent pages

1.2 Summary Reasons for Refusal 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 these representations. 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. A Masterplan has yet to be agreed (paragraph 2.3 and Section 3 below.)
- (ii) The lack of a masterplan means (paragraph 3.7.1 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, open space and boundary treatments, and
 - no assessment or apportionment of required developer contributions;

and is particularly prejudicial to the holistic development of H66 north of Church Lane (paragraphs 3.7.3 to 3.7.6, 17.6.1 to 17.6.3 and 19.2 below).

(iii) **Lack of agreed programme of implementation and phasing** is contrary to SSP and would cause chaos in Edenfield (paragraph 3.9 below).

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

(v) The Design Code in the emerging Neighbourhood Plan should be the basis for the design and layout of H66 (paragraphs 4.3 and 4.5 below)

(vi) **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);

(vii) **The proposed, layout, design, height and density of development** 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 and ENV1 and Policies ENV3, SD2 and HS4, (paragraph 4.4 and Sections 20 and 21 below);

(viii) **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 6 below);

(ix) **Self build and custom-built housing.** No provision, contrary to Local Plan Policy HS16 (Section 24 below);

(x) **Affordable housing** is not evenly distributed throughout the site, contrary to Policy HS3 (Section 16 below);

(xi) **Inappropriate development in the Green Belt -**

- proposals detract from openness and are contrary to purpose of assisting in safeguarding the countryside from encroachment (Section 9 below)
- proposals contrary to Strategic Policy SD2 (paragraph 9.7 below)
- No evidence of bad road safety record (Sections 9A and 10 below)
- NPPF paragraph 150 therefore does not apply
- Local transport infrastructure should be properly planned, not brought forward on *ad hoc* basis (Section 11 below)
- A car park could be accommodated within H66 (paragraph 11.4 below)
- 'Future-proofing' argument is irrelevant, as Burnley Road parcel is unlikely to be developed before any decision to expand Edenfield CE PS is made (paragraph 10.6.1 below)
- Footpath link to school unlikely to be delivered (paragraphs 10.7.2 and 12.10.3 below)
- Insufficient information about car park (section 12 below)
- Car park design not compliant with Policy TR4 (Section 12 below)

(xii) **Destruction of woodland** contrary to SSP criterion 5 i (paragraphs 3.7.2, 3.7.3 and 20.2 below)

(xiii) **Land stability** and **protection of the A56** have not been confirmed, contrary to SSP criterion 8 (Section 7 below)

(xiv) Extent of **required pile-driving not ascertained** (Section 7 below)

(xv) **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);

(xvi) The **Design and Access Statement** does not comply with legislative requirements and renders the application invalid (Section 14 below).

1.3 Additional Reasons for Refusal

(xvii) **The tilted balance is not engaged.** Even if it were, the decision-taker must still have regard to the provisions of the Local Plan (Section 15 below);

(xviii) RBC's **housing target** for the five-year period ending 31 March 2028 **can be achieved** without the applicant's proposal (Section 15 below);

(xix) The **applicant's community consultation** was imperfect (Section 22 below);

(xx) The **Assessment of Biodiversity Net Gain** does not fully cover all of H66 north of Church Lane, let alone the whole of H66. Effectiveness and enforceability of off-site mitigation are unclear. The document does not satisfy criterion k) of Strategic Policy ENV1 (Section 8 below);

(xxi) **No Travel Plan**, contrary to paragraph 127 of the Local Plan - without one the development cannot be regarded as sustainable (paragraph 5.13 below).

(xxii) **Landscape Statement** contains errors and does not take account of potential development of H66 to the north (Section 17 below)

(xxiii) **Boundary treatments** do not comply with Strategic Policy ENV1 (Sections 18 and 19 below)

(xxii) **Ecological survey** is limited (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. Failure to engage with masterplan process

Policy background

3.1 The Blackburn Road parcel is part of the site allocated for housing in the Rossendale Local Plan under reference H66 Land west of Market Street, Edenfield. The site-specific policy in the Local Plan for H66 supports development subject to eleven provisos, beginning, as noted in paragraph 2.1 above -

Development 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.

3.2.1 The Local Plan is explicit that the masterplan must be for the entire site. Rossendale Borough Council (RBC) has pledged to work in partnership with key landowners and key stakeholders, including ECNF, to **ensure** that such a masterplan is prepared (Local Plan, paragraph 121, reproduced at paragraph 2.2 above).

3.2.2 Masterplanning is a key part of the Explanation of Strategic Policy SD2 at paragraphs 50 and 51 of the Local Plan -

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. For the Green Belt employment sites, the challenge of finding suitable employment land reflecting strong market demand close to the A56 corridor as well as meeting the overall employment land requirement, is considered to be an exceptional circumstance.

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.

Disregard of policy

3.3 At the Examination of the Local Plan, Peel did not demur at the idea of a comprehensive masterplan. It is therefore unconscionable for Northstone to say (as noted in the SCI, page 31),

We have made a decision to come forward separately to (sic) the wider masterplan for the village as we want to work closely with the local community to deliver a development that works for Edenfield.

3.4 Whether or not Peel agree with the concept of a comprehensive masterplan, it is incumbent on them to abide by the requirements and expectations of the Local Plan, which has been adopted by a democratically elected body after independent Inspectors deemed it to be sound. That is a prerequisite 'to "work[ing] closely with the local community"'. It is unacceptable for a developer to cherry-pick the parts of the Local Plan (such as the housing sites allocation) that suit its purpose and disregard the parts (such as the site-specific policies) that do not.

3.5 If Peel considered that the SSP requirement for a comprehensive site-wide masterplan was *Wednesbury* unreasonable, they could and should have challenged it in court. They did not, the SSP stands, and it is Peel's duty to observe it, not defy it. If they meant what they said in their consultation about working closely with the community, that would be their starting point.

3.6. It is true that another developer has submitted a masterplan of sorts which Rossendale Borough Council have put to consultation and are currently considering, but that document is unsatisfactory in a number of respects and fails to demonstrate the comprehensive development of the whole of H66.

Purpose of masterplan

3.7.1 A single masterplan is necessary to co-ordinate development of H66. The Northstone development would impact those of the other developers and vice versa, making it essential to consider the totality of the development of H66 at the outset. The lack of a masterplan means -

- 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 boundary treatments, and
- no assessment or apportionment of required developer contributions;

3.7.2 The application proposes the loss of one individual tree and approximately 0.41ha of tree group G1 (which includes 21 individual trees) at the southern end of the Blackburn Road parcel (Arboricultural Impact Assessment, paragraph 3.7). Paragraph 7.33 of the Planning Statement asserts:

The proposed residential development does require an extended developable area to ensure the viability of a scheme which can be taken forward at this stage.

3.7.3 Paragraph 7.37 adds that "*the loss is necessary*". The arrogance of that dismissal of SSP criterion 5 i -

Retention and strengthening of the woodland enclosures to the north and south of the Church -

is breathtaking. Even if (which has not been demonstrated) development on the Blackburn Road parcel alone would not be viable without hacking down woodland, a development crossing its northern boundary might be. This exemplifies again why a site-wide MDC is essential, subjugating narrow issues of ownership to the primary objective of high quality, properly planned development.

3.7.4 The SSP (criterion 3 i) does not contemplate more than one vehicular access to the part of H66 to the north of Church Lane. This is to be from the field adjacent to 5 Blackburn Road. Figure 10 Site movement map in the Design and Access Statement (Part 2) and Drawing no EF01-P-SL-003 Revision K do not provide for a road link from the Peel/Northstone land to Mr Nuttall's land. The primary vehicle route stops well short of the boundary. A private drive continues from the primary vehicle route, but does not go right up to the boundary, stopping at a sward of "*Amenity Green Space*". This would be a ransom strip which would prejudice the development of Mr Nuttall's land. That does of course assume that there would be any right of access to Mr Nuttall's land over the private drive. If the proposed Northstone estate road were to be extended into Mr Nuttall's land, it would wipe out the car park spaces allotted to plots 27 to 32. Furthermore, although Figure 10 shows "*Potential future link*", it has not been shown that the link is in the optimal position for development of both Peel/Northstone's land and Mr Nuttall's. This needs to be addressed first in the MDC.

3.7.5 The proximity of Northstone's plots 45-50 to the boundary of the ownerships might affect any proposals from Mr Nuttall. Rather than a case of 'First come, first served', any competing rights should be considered and balanced by the MDC.

3.7.6 As well as demonstrating the need for a comprehensive MDC, the two last preceding paragraphs show that the application is contrary to criterion f) of Strategic Policy ENV1: High Quality Development in the Borough:

Not prejudice the development of neighbouring land, including the creation of landlocked sites

3.7.7 Paragraphs 7.14 to 7.16 of the Planning Statement aver -

7.14 . . . it must also be recognised that this Site does not share the same identified issues and is capable of being subject to a separate application as long as certain principles are adhered to and integrated into the proposals.

7.15 It is therefore our case that all of the above points have been positively responded to by the proposed scheme and can be robustly interrogated by the Council in the determination of the application.

7.16 In light of the above, it is our view that the progression of a planning application for this part of the allocation Site will not preclude an agreement being reached regarding the MDC, and will help deliver a comprehensive development across the entire allocation.

3.7.8 In paragraph 7.14, 'this Site' presumably means the Blackburn Road parcel. As regards not sharing the same identified issues, it is obvious that all the criteria in the SSP apply to that parcel except criterion 5 ii, iii and iv. The concept of a separate application (if by that is meant a planning application for just part of H66) is not in dispute. What is not acceptable is the submission of a planning application for part of H66 before a Masterplan and Design Code have been agreed.

3.7.9 If the application were to be approved before an MDC had been agreed, the content of the emerging MDC would become irrelevant as far as Northstone was concerned. However, such approval would with particular reference to the portion of H66 north of Church Lane be, as noted at paragraphs 3.7.4 and 3.7.5 above, likely to obstruct comprehensive development.

Implementation and phasing

3.8 The Local Plan contemplates an agreed programme of implementation and phasing. There is good reason for this - see paragraph 126 of the Local Plan, reproduced at paragraph 2.2 above.

3.9 In the absence of such an agreed programme, up to five competing developers might be progressing construction simultaneously. Five concurrent sets of construction traffic and contractors' parking would be intolerable, even without the addition of work nearby on the Haweswater Aqueduct. The disruption to the village during the many years of construction will be enormous and therefore must be minimised through a comprehensive H66-wide Construction Management Plan linked to the phasing.

Consequence

3.10 In the absence of an agreed masterplan the application should be rejected. Paragraph 10.6 of the Planning Statement claims approval of the application would not prejudice adoption of the MDC, but, if it were approved before the MDC, the MDC would become irrelevant as far as Northstone was concerned, and Northstone would not be obliged to comply with any programme of phasing and implementation.

Section 4. Design Code

4.1 As noted at paragraph 2.1 above, development should be in accordance with an agreed design code. No such design code has yet been agreed. In addition to the SSP, criterion m) of Strategic Policy ENV1: High Quality Development in the Borough demands a design code or similar for major development:

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

4.2 Paragraph 7.22 of the Planning Statement claims -

The submitted proposals subject to this planning application accord with the stipulated design code guidance. The proposed development can therefore be implemented in accordance with the document and should therefore be considered acceptable in this respect.

Aside from the question whether guidance can be stipulated (it cannot, it is only guidance, not mandatory), the fact is that a Design Code has yet to be agreed. If the application were approved, the content of any emerging Design Code would be irrelevant to development in accordance therewith.

4.3 A Design Code prepared by AECOM forms part of the emerging Edenfield Neighbourhood Plan, but it is not clear that the Northstone proposals comply with this. Of particular concern are the preponderance of brick in the proposed development and the height of the proposed development. There is repeated reference in Northstone's publicity, as at pages 32 and 33 of the SCI, to 'high/er ceilings', but these mean taller houses, out of keeping with the existing built form and diminishing the openness of the landscape (see Section 21 below).

4.4 The claims that Northstone '*design our developments to blend seamlessly with the local building style*' and build homes '*complementing the surrounding area*' (SCI, pages 32 and 34) therefore appear inapplicable to the present proposal.

4.5 The recently revised AECOM Design Code has been submitted by ECNF to RBC in response to the consultation about a revised MDC that closed on 6th November 2023 and for consideration prior to Regulation 15 consultation about the Neighbourhood Plan. It has been reviewed in the light of the adoption of the Local Plan and the responses to the Regulation 14 consultation. The outcome is an up-to-date document, taking full account of relevant national and local policy, compiled by consultants who are experts in their field, who are free of any vested interest and whose brief was not to produce a document that suited the client's preferred development. Developers may quibble about how much weight should be attached to it at this stage of the Neighbourhood Plan process, but the fact is that it provides an authoritative yardstick against which the MDC may be assessed.

Section 5. Traffic - Comprehensive Transport Assessment is essential

5.1 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, as noted in section 2 above, that development of H66 will be supported provided that a Transport Assessment is provided. Such an assessment 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 mini-roundabout. ECNF say that Bury Road should be included in that assessment, as the section southwards from its junction with Bolton Road North is already frequently congested.

5.2 The application is supported by a Transport Assessment of sorts by SCP (reference GW/210421/TA/2, August 2023). This is not good enough. It must form part of a comprehensive assessment for the entire village and beyond.

5.3 A comprehensive detailed Transport Assessment needs to inform all individual applications. This will ensure that any assessment of the H66 (400 residential unit) allocation is considered in its entirety and avoid a piecemeal approach to assessing the impacts of development. Appropriate measures must be put in place to address any impacts the full allocation may have on on the strategic and local road networks.

5.5 Northstone is now proposing an additional element, namely a car park and drop-off facilities, which requires evaluation, not in isolation but as part of the comprehensive Transport Assessment.

5.6 SCP's Transport Assessment acknowledges at paragraph 1.9 that Eddisons have produced a Market Street Corridor Improvement Plan and a "Highways Consideration of Masterplan" Note, reproduced at Appendices 1 and 2 respectively to their own Assessment. In response to the consultation about the emerging Masterplan, ECNF has made representations about those two documents, which are the subject of ongoing discussions. There is no point in repeating here all the criticisms of those documents, but matters that have a particular bearing on the application

are noted at paragraphs 5.7 to 5.10 below. The Market Street Corridor Improvement Plan and the Note cannot be regarded as the final or authoritative analysis of or response to the traffic issues.

5.7 Eddisons' Note speaks at paragraphs 1.41 to 1.43 about the 'Market Street/Northstone Site Access Junction', but the Local Plan is clear that the Northstone site would take access from Blackburn Road.

5.8 The Note goes on to consider the 'Market Street/Blackburn Road/Burnley Road Signalised Junction' at paragraphs 1.44 to 1.46. That junction has four arms under signal control. An accurate Note would have included Guide Court in the description.

5.9 Table 4 at paragraph 1.45 refers to the 'Blackburn Road (S)' approach, which is taken to mean the approach from south of the junction, but Blackburn Road does not lie on the south side of the junction. Presumably the reference should be to 'Market Street'. The options for traffic from the south are: right/ahead/filter left giving way to right-turning vehicles from Burnley Road, but the Note shows only "Ahead/right". Table 4 states two options for traffic from Guide Court, but in fact there are three.

5.10 Accordingly the Note cannot be said to demonstrate a clear understanding on the part of the compilers and should therefore be considered unreliable.

5.11 Paragraphs 8.60 to 8.70 of the Planning Statement address Transport matters. These are properly considered in the context of the MDC. Until these matters are resolved, the application cannot proceed. Again, it shows that the application should not have been submitted, and cannot be approved, before the MDC and Transport Assessment including the Market Street Corridor Improvement strategy have been agreed.

5.12 Miscellaneous errors in SCP's Transport Assessment are recorded in Appendix 1 to these representations. Of themselves they do not warrant rejection of the application, but their cumulative effect is to give a false impression of the proposal.

5.13 There is no Travel Plan, as required by paragraph 127 of the Local Plan. In its absence the development must be regarded as unsustainable.

Section 6. Compensatory Improvements in the Green Belt

6.1.1 The application does not propose any meaningful improvements in the remaining Green Belt to compensate for the proposed development on former Green Belt land. The seventh proviso to the site-specific policy for H66 is:

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

The reason for the proviso is in paragraph 124 of the Local Plan -

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.

6.1.2 The proposed community open space in the Green Belt extends public access to the Green Belt by a short distance, but does not enhance the function of the Green Belt. It is not conveniently located. Walking through a car park in the Green Belt will not improve the Green Belt experience. The car park would of itself have an adverse impact on the Green Belt.

6.2.1 Other relevant policies are:

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

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:

Rosendale Forest

Rosendale Incredible Edible

New Hall Hey Gateway

Edenfield Cricket Club

Edenfield CE / Stubbins Primary School Extension

Public Rights of Way / Cycleway Upgrades and

Improvements to the Network.

NPPF, September 2023, 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.

6.2.2 The Local Plan offers six paragraphs (numbers 55 to 60) 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.

6.2.3 Despite the wording of paragraph 60 of the Local Plan, RBC will obviously not ask developers to provide the compensatory measures on site, as 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.

6.3 It is not clear why paragraph 7.43 of the Planning Statement refers to a non-existent "*Green Belt Compensatory Measures document (2021)*". The relevant document is "*Compensation Measures for Green Belt Release January 2023*", which superseded the Green Belt Compensatory Document (document EL11.001b in the Local Plan Examination Library, published 2019) referred to in Policy SD4. The 2023 document was not the subject of public consultation, but it avoids the more egregious errors in EL11.001b, about which ECNF made representations at the time.

6.4.1 Paragraph 7.44 of the Planning Statement cites four proposals that "*fully accommodate and exceed policy requirements*". They do nothing of the sort. The proposals, with ECNF's comments are set out in Table 1 below.

	Proposal	ECNF comment
1	Community gardens focusing on food production and edible plants promoting the Incredible Edible Rossendale scheme.	The proposed gardens are within H66 and not in the Green Belt. Therefore they do not qualify as improvements to the Green Belt
2	Woodland planting to the rear of Edenfield C.E School.	That could <i>per se</i> be an improvement to the Green Belt, but it is a case of double, if not triple, counting, as the trees are intended (i) to soften the impact of the car park and (ii) to compensate for the proposed deforestation in H66 to accommodate the proposed dwellings. Therefore the planting cannot be counted as a compensatory improvement.
3	Facilitation of improved cycle / pedestrian footpaths through the Blackburn Road scheme reducing pressure and potential conflicts on Market Street.	That has nothing to do with the Green Belt or improving its accessibility.
4	The linked Burnley Road and Edenfield C.E School sites will improve accessibility and recreational value of Green Belt land.	I. Linking the car park area to the school makes no significant difference to the accessibility of the Green Belt as the footpath link* is primarily a route to and from the school. II. The recreation area and car park link improve the accessibility of the Green Belt but for such a short distance as to be insignificant. In any case the purpose of the recreation area seems to be to soften the impact of the car park and to compensate for the shortage of play space in the housing proposals, although it is remote from Northstone’s housing site. This double-counting precludes its constituting a compensatory improvement in the Green Belt. III. Linking the school and recreation area* does not enhance accessibility of the Green Belt, as the school is unlikely, for reasons of safety and safeguarding, to provide education in, or allow pupils to resort to, a place to which the public have unrestricted access. * It is highly unlikely that the mooted footpath linking the school to the Burnley Road parcel will be constructed, as beyond the red edge of the application site the land is not owned by the applicant and for reasons of safeguarding and security LCC and/or the school are not likely to agree to it - see paragraphs 10.7.2 and 12.10.3 of these representations.

Table 1 ECNF comments on claimed compensatory improvements to the Green Belt

6.4.2 Proposals numbered 2 and 4 in Table 1 must in any case be considered against the negative impact of the development on the Green Belt. As a whole, the proposals completely fail to satisfy criterion 7 of the SSP.

6.4.3 Paragraph 8.17 of the Planning Statement boasts:

It should be understood that the following proposed Green Belt compensation measures have not been counted towards the overall [biodiversity] net gain:

- *Community amenity and play areas which include gardens focused on food production and edible plants promoting the Incredible Edible Rossendale scheme*
- *Dedicated footpath link to Edenfield C.E School.*
- *Facilitation of improved cycle / pedestrian footpaths through the Parcel 2 to reduce pressure and potential conflicts on Market Street.*

(By reference to paragraph 2.2 of the Planning Statement, “Parcel 2” presumably means Parcel 1.) In fact, as noted in Table 1, those measures do not count as Green Belt compensatory measures at all.

6.4.4 Paragraph 9.7 of the Planning Statement states that the proposal incorporates specified Green Belt compensation measures. These are stated in the same terms as in paragraph 8.17. Again, it must be pointed out that they do not count as compensatory measures at all.

6.5.1 At paragraph 5.12 of the Planning Statement is a Table purporting to summarise RBC written feedback following a pre-application meeting. It will be for RBC to assess the accuracy of the summary and the adequacy of the response, but it is noted that, on the subject of Green Belt Compensatory Measures, RBC are said to have stipulated,

Green Belt compensatory measures can only relate to areas of the Green Belt and must improve the function of the Green Belt in those areas.

That would be the appropriate approach, but Northstone’s response falls short -

The following measures are proposed to improve the function of the surrounding Green Belt:

- *Dedicated footpath link to Edenfield C.E. School*
- *Nature-based play and recreation space and trails at land east of Burnley Road.*
- *Woodland planting to the rear of Edenfield C.E. School.*
- *Improved cycleways.*

6.5.2 It is self-evident that the proposal for the land east of Burnley Road will be detrimental to the Green Belt. That issue is considered in Sections 9 to 11 below, but the key component is a *de facto* extension of the urban boundary to create a car park. The car park will not significantly facilitate access to the Green Belt - it is intended to facilitate access to the school along a short path to be constructed in the Green Belt. Even in the unlikely event of its completion, the path to the school will not assist access to the Green Belt. Whilst there will also be paths in the Green Belt to the play area to be constructed in the Green Belt, the location of the play area, separated by busy roads from dwellings, is so unsuitable as to be of very little, if any, public benefit. There is nothing in the proposal about improving cycleways. Northstone cannot count the proposed cycle route among the proposed new houses, as that is outside the Green Belt. If the “woodland planting” refers to landscaping around the proposed recreation area, that might be a case of double-counting. In short, at least three of the four measures do not improve the functionality of the Green Belt and, taken as a whole, the proposal actually harms the Green Belt.

6.6 In the absence of clear proposals for compensatory measures for the removal of the Green Belt designation of H66, it cannot be said that the application conforms with site-specific, local and national policy.

Section 7. Geology

7.1 Proviso 8 of the SSP requiring geotechnical investigations to confirm land stability and protection of the A56 does not appear to have been complied with.

7.2 The extent of piling that might be required, to ensure the stability and protection of the A56 and the new homes, is not clear. The application does not explain how the effect of this on residents would be mitigated.

Section 8. Biodiversity and Off-site Mitigation

8.1 Paragraphs 1.1 and 1.2 of the Biodiversity Net Gain Design Stage Report make a bad start:

1.1 The Environment Partnership (TEP) were commissioned by Northstone to undertake a Biodiversity Net Gain (BNG) design stage assessment for the proposed development either side of Blackburn Road, Edenfield, hereby referred to as the "Site". . . .

1.2 The site measures approximately 8ha and lies to the east and west of Blackburn Road, Edenfield . Immediately to the west the site is bounded by the A56, then residential properties to the north and arable farmland with areas of woodland to the to the east and south. . . . The site is currently designated as Green Belt. . . .

8.2 Three points arise:

- It is clear from Appendix B to the Report that TEP include in the "Site" Mr Nuttall's part of H66 as well as the two parcels in the application, although they did not survey Mr Nuttall's land. It is hard to see where the figure of 8ha comes from, as the gross areas of H66 north of Church Lane and the Burnley Road parcel are 3.69ha (*per* SHLAA 16256) and 1.06ha (Planning Statement, paragraph 2.5) respectively.
- "Arable" connotes crop-growing, but the farmland is used for grazing only.
- Only the Burnley Road parcel is in the Green Belt.

8.3 In view of the prospective requirements in the Environment Act 2021, the application purports to demonstrate how the biodiversity value attributable to the development will exceed the pre-development biodiversity value of the on-site habitat by 10%. The Biodiversity Net Gain Design Stage Report considers this matter and suggests that the required BNG will be achieved by off-site mitigation measures. Under the heading *Post Development Habitats* paragraphs 4.4 and 4.5 provide:

4.4 Designs for the off-site mitigation area include the retention of scattered trees, the enhancement of the grassland to other neutral grassland and creation of pockets of broadleaved woodland.

4.5 Full details of the conversion from the masterplan to the UK Habitat classification along with the target condition are provided in the Assessor Comments within the completed Biodiversity Metric 4.0 (Appendix A). The following drawings are provided in Appendix B;

- *Proposed UK Habitats - Gincroft Lane (G9429.025B)*
- *Proposed Habitat Condition and Strategic Significance - Gincroft Lane (G9429.026A); and*
- *Habitat Impacts - Gincroft Lane (G9429-027B)*

8.4 The fourth bullet in paragraph 6.6 and paragraph 6.7 of the Appraisal refer to off-site tree planting to meet BNG requirements, but it is not clear how this could be enforced, given that it is off-site and not mentioned in the draft Heads of Terms in section 9 of the Planning Statement.

8.5 Paragraph 5.2 of the BNG Design Stage Report states that detailed results of the biodiversity assessment are provided in the Biodiversity Metric 4.0 in Appendix A. Appendix A says only that the Biodiversity Metric 4.0 is provided as a separate document. A separate document is listed on the RBC website pages for the application as Biodiversity Metric 4.0, but it seems to be the same as the summary which is reproduced at paragraph 5.2.

8.6 Paragraph 4.1 says that details of post-development habitats are provided in Drawing EF01-P-SL-003 G Proposed Site Plan_1, but Revision K of that Drawing is concerned only with the Blackburn Road parcel. The only available information about the off-site mitigation is in the BNG Design Stage Report, minus Appendix A.

8.7 Apart from being unable to see the detailed results of the biodiversity assessment, ECNF question whether new broadleaved woodland would thrive at the proposed elevated and exposed location.

8.8 As regards implementation, ECNF note that the Draft Heads of Terms in the Planning Statement are lukewarm about off-site compensation measures. Paragraph 9.8 of the Planning Statement provides,

Any off-site compensation measures in addition to those outlined above would need to be justified in terms of need, viability and deliverability in line with the CIL tests and incorporated as financial contributions within the Section 106 Agreement. [“Those outlined above” are Affordable Housing, Education, Playing Pitches and Green Belt Compensation (although the suggested Green Belt compensation measures do not count as such - see paragraphs 6.4.3 and 6.4.4 above).]

8.9 The BNG Design Stage Report therefore fails to meet the requirements of criterion k) of Strategic Policy ENV1, which provides:

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

Section 9 Landscape and Visual Impact Appraisal (LVIA) and Green Belt Openness Appraisal (“the Appraisal”)

9.1.1 Section 5 of the Appraisal considers, with reference to paragraph 150 of the NPPF, whether the Burnley Road parcel proposals would preserve the parcel’s openness. It also addresses the other issue in paragraph 150, *i.e.*, whether the proposals would conflict with the purposes of the Green Belt. Of the purposes of the Green Belt as set out in paragraph 138 of the NPPF, the most relevant is “to assist in safeguarding the countryside from encroachment”.

9.1.2 It is necessary to examine these issues, because, unless the Burnley Road parcel proposals satisfy these criteria, the applicant’s claim (paragraphs 7.60 to 7.62 and 7.70 of the Planning Statement) that they should be approved as local transport infrastructure which can demonstrate a requirement for a Green Belt location and which is therefore not inappropriate in the Green Belt under paragraph 150 (c) of the NPPF must be dismissed.

9.2.1 Paragraph 5.4 of the Appraisal notes that, according to PPG, an assessment of openness may include visual impact as well as volume, duration and remediability, and the degree of traffic and other activity likely to be generated. That list is not to be regarded as exhaustive.

9.2.2 The proposed development of the parcel may be regarded as permanent and irremediable. It would generate traffic in the Green Belt. Paragraph 6.71 of the Appraisal concedes that the car park

would result in a reduction in the spatial openness of the Site itself.

Paragraph 6.71 admits too that that there would be “*impacts on visual openness*”, although it claims that these

would be limited as no buildings are proposed in the Site and wider views across the Site to the moors would be maintained, albeit impacted to a degree by parked cars when spaces are occupied.

9.3.1 Paragraph 5.13 of the Appraisal concedes,

The Site is an open field with no urbanising features present and when considered in isolation possesses a strong sense of openness.

Paragraph 5.14 accepts,

Visually, the Site has an open character and is part of the open countryside that surrounds the settlement edge of Edenfield . There are visual links between the Site and the wider Green Belt to the east and west.

9.3.2 Paragraphs 5.13 *et seq* go on to highlight certain factors which might militate against openness, summarised as follows:

- housing to the north, west and south connecting the Site to the settlement
- strong physical links to the settlement
- one of few breaks in ribbon development of Burnley Road
- development at Blackburn Road will increase urbanising influence of built form on the Site
- adjacent to a busy junction
- school increases activity in the area
- (paragraph 5.14) to the east, mature trees partially contain views from the Site
- (paragraph 5.16) semi-enclosed by surrounding built form and mature trees

9.3.3 None of those factors reduces the importance of maintaining the parcel's openness. Where, as in the present case, Green Belt abuts the urban boundary, adjacent urbanising influences are only to be expected. That does not diminish the importance of maintaining openness in the Green Belt; indeed it emphasises the importance of maintaining it.

9.3.4 Paragraph 6.70 of the Appraisal accepts that the Site "*makes a moderate contribution to Green Belt openness*".

9.3.5 Paragraph 6.17 claims -

visual connections with the wider moorland landscape would remain when travelling through the village, including whilst looking across Site 2 due to the positioning of the carpark to the western side of the Site.

The grammar is poor, but it cannot be said that the introduction of the car park would cause the visual connections to remain - they would remain if the car park were not provided. The car park will disrupt, not maintain, the visual connections.

9.4.1 Paragraph 6.72 admits

The introduction of a car park within the Site would introduce urban development and additional activity into the Site itself. The car park would extend development further into the open landscape that surrounds Edenfield.

Paragraph 6.72 then suggests that the position of the car park in the west of the Site

would align with existing development along Burnley Road and reflect existing settlement patterns which would limit the sense of encroachment. The development would therefore be perceived as infill to the existing settlement pattern with the wider sense of openness within the Green Belt maintained.

9.4.2 That makes the mistake of conflating the twin concerns in paragraph 150 of the NPPF of preservation of a site's openness and avoiding conflict with Green Belt purposes (in this case, safeguarding the countryside from encroachment).

9.4.3 As regards openness, what matters is preserving the Site's openness, not "*the wider sense of openness*" (whatever that means) in the Green Belt. The reduction in the spatial and visual openness the Site is admitted in paragraph 6.71.

9.4.4 As for encroachment, the relevant purpose of the Green Belt is to assist in safeguarding the countryside from encroachment, not from a sense of encroachment. Encroachment is bad, limited or otherwise. Paragraph 6.72 accepts that the car park would introduce urban development on to the Site and be perceived as infill. That is encroachment.

9.4.5 As regards visual openness, paragraph 6.73 of the Appraisal seeks to row back on paragraph 6.71 by saying

The visual openness of the Site itself would decrease slightly with the introduction of hard surfacing and vehicles (whilst the car park is in use).

It omits to mention the proposed lighting (but see the tenth bullet of paragraph 12.2 below) as well as the electric vehicle charging points that Policy TR4 would require. It continues,

However, given the height of cars, visual connections across the Site to the wider Green Belt would be maintained and the landscape mitigation measures would preserve the rural appearance of the Site.

9.4.6 That would still be a reduction in openness. The car park will be open not only to cars but to servicing vehicles and to coaches and buses for swimming lessons and school outings. No height barrier is proposed. Vehicles of any size might be present at any time.

9.4.7 Paragraph 6.73 concludes,

When the car park is not in use the visual impacts would reduce and the visual openness of the site would be maintained.

That sentence contradicts paragraph 6.71 and the opening sentence of paragraph 6.73. It is simply bizarre to assess a proposed development by its impact when it is not in use.

9.4.8 The conclusion in paragraph 6.74

that the open qualities of the landscape would be maintained outside of the Site itself

is a desperate effort to deflect attention from the loss of openness at the site.

Paragraph 6.75 accepts that openness will not be preserved:

The car park development would result in a localised reduction in physical openness and limited reduction in visual openness within the site itself.

Paragraph 8.51 of the Planning Statement is to like effect:

[The Landscape and Visual Assessment] provided a Green Belt openness appraisal which concluded that the car park development would result in a relatively localised reduction in in physical openness, and limited reduction in visual openness within the Site itself.

9.4.9 The statement in paragraph 7.73 of the Planning Statement -

. . . when the car park is not in use, visual openness would be maintained therefore any minor impacts temporal in nature -

is ridiculous. The impact of a car park cannot be determined on the basis that it might not be used or might be used only for a short time. If it were to serve as a car park for local residents, it would be in use at all times.

9.4.10 Paragraph 7.73 adds that as a mitigation measure to preserve the rural appearance -

The car park should utilise more informal arrangement to reflect the rural context and reduce the urbanising impacts on the landscape. The use of permeable surfacing materials that are more reflective of the rural character of the village such as gravel, grasscrete or reinforced recycled plastic grid pavers should be considered for parking areas.

On the other hand, unnumbered page 101 of the Planning Statement dismisses “use of permeable surfaces for roads, car parking areas, hard surfacing and pavements” because

Permeable surfaces offer little to no benefit given the low permeability of the soil.

Drawing no EF01-P-SL-100 Revision D Hard Surfaces Plan clears the matter up: there will be a vast expanse of tarmac.

9.4.11 Paragraph 7.56 of the Planning Statement appears to refer to *The Rossendale Green Belt Review (November 2016)* by LUC. This assessed the extent to which land in Rossendale's Green Belt performs the purposes of Green Belts as set out in the NPPF.

9.4.12 Paragraph 7.57 is hard to follow -

At the time of assessing the site parcel (noting this was for site 38 which extended beyond the application site), the LPA was considering the prospects for development of the land for residential development. This clearly informed the conclusions reached as to whether the site could be supported and taken forward further in the site allocation process.

By "site 38" is meant Green Belt parcel 38 identified in *The Rossendale Green Belt Review (November 2016)*, which includes the Burnley Road parcel. Paragraph 7.57 seems to muddle the respective processes of LUC and RBC. LUC's role was as stated at paragraph 9.4.11 above. With the information from LUC and other evidence, it was then for RBC to decide whether to propose release of land from Green Belt. Whilst paragraphs 7.58 and 7.59 are noted, the following points need to be borne in mind:

- The application is not the forum for considering whether the land is properly designated as Green Belt.
- Even if the site performs only a moderate role in assisting safeguarding the countryside from encroachment, that is still an important role
- The proposal for the car park area will effectively extend, or have the appearance of extending, the Urban Boundary.
- The proposal would diminish the openness of the site.
- Any alteration of character of the Burnley Road parcel in consequence of development of H66 is actually a reason for maintaining its openness.
- The proximity of the development on H66 increases the importance of protecting the remaining Green Belt.

9.5.1 ECNF submits that the proposals do not preserve but that they diminish the openness of the Green Belt, as the Appraisal admits. By virtue of its location, the development of the Burnley Road parcel would have the appearance of, be perceived as and is admitted to be an extension of the settlement. That leads to the inescapable conclusion that the proposals would not assist in safeguarding the countryside from encroachment.

9.5.2 Accordingly, even if the need for the car park to be located in the Green Belt could be established, the conditions of paragraph 150 of the NPPF would not be satisfied. The proposal therefore cannot be justified under paragraph 150.

9.6 Paragraphs 5.6 to 5.11 of the Appraisal refer to the *Rossendale Green Belt Review (November 2016)*, which included the Burnley Road parcel in Parcel 38. It concluded that Parcel 38 performed moderately well in assisting in safeguarding the countryside from encroachment. That reinforces the importance of rejecting the Burnley Road proposals.

9.7 It is to be noted that Strategic Policy SD2: Urban Boundary and Green Belt sets a higher bar than the NPPF. As acknowledged at paragraph 5.2 of the Appraisal, it states:

All new development in the Borough will take place within the Urban Boundaries, defined on the Policies Map, except where development specifically needs to be located within a countryside location and the development enhances the rural character of the area.

It cannot be said by any stretch of the imagination that the car park, even if it needed to be in that location, would enhance what remains of the rural character of the area. Accordingly, the proposal is contrary to Strategic Policy SD2.

Section 9A. Parking Study by SCP

9A.1 In support of the car park proposal, the application includes a study of car parking near Edenfield CE PS by SCP.

9A.2 It starts badly. Paragraph 1 falsely asserts:

The Local Plan also identifies that the Primary School should be extended to serve the additional demand which will be generated from the additional houses in the area.

The Local Plan does no such thing, and it would have been outside its remit to do so. The need for extension of the school is a matter for the local education authority to determine. What the Local Plan does is to require provision in proposals for development of H66 for either Edenfield CE PS or Stubbins PS to be expanded and to identify land at Edenfield which might be suitable, whilst being clear that any proposal to extend either school into the Green Belt would need to show very special circumstances. Accordingly, the Policies Map identifies land in the Green Belt that might be used for expansion of Edenfield CE PS.

9A.3 Although, in paragraph 4, the lengths of side of road are described in similar terms for both sides of the road, the coloured lines in each pair in Figure 1.1 are of different lengths. This requires explanation.

9A.4 Figure 1.1 and paragraph 4 both refer to “access between 146-148 Market Street”. This makes no sense as numbers 146/148 are in an unbroken terrace extending from 136 to 150.

9A.5 Paragraph 5 recounts that SCP conducted a parking survey that

counted the number of vehicles parked in each zone . . . as well as an estimate of the total amount of spaces available for vehicles to legally park within these identified zones.

“To legally park” (and “park legally” in paragraph 29) are imprecise expressions. Do they mean to park without contravening a TRO or do they mean without, in SCP’s subjective view, causing an obstruction, or both?

9A.6 Paragraph 10 states that their survey shows that “Zone 2” (east side of B6527 Blackburn Road from Esk Avenue to the traffic signals) provides no parking spaces. What is the basis for this statement? Parking is available on both sides of this length of Blackburn Road, except for a prohibition of waiting on both sides close to the traffic signals. Whilst, in practice, vehicles tend to park exclusively on the west side of this length of road (as borne out by the finding that

In addition zero vehicles were recorded as parking within Zone 2 at any point during the survey period),

they might equally park on the east side, although the road is not wide enough to accommodate parking on both sides without causing congestion.

9A.7 Paragraph 22 refers to the parked vehicles count on Thursday 4th September. There was no such date in 2022. Context suggests they might mean Thursday 1st September, although the heading to Figure 1.4 refers to Thursday 1st August, another non-existent date.

9A.8 Paragraph 29 dives into the realm of speculation:

Any increase in the size of the school is likely to exacerbate on-street parking demand. Whilst there is further on-street parking capacity in the areas surveyed (up to 103 vehicles could park legally) it is more likely that parking offences would occur as parents try to park closer to the school for a short time by parking on footways, double yellow lines etc and exacerbating highway safety issues at the busiest times of the day.

9A.9 Taking the points in paragraph 29 in turn:

- there is no certainty that the school will be expanded, as even if it is at capacity, places may be available elsewhere
- if local children are prioritised for entry, the number being dropped off/picked up might not increase
- if there were a problem with parking offences, the solution would be enforcement
- on what basis is it more likely that parents would contravene a TRO than park lawfully?
- it is not clear whether parking wholly or partly on the footway is meant, but there is little scope for the former
- it is not clear what the SCP have in mind by “etc”
- what “*highway safety issues*”? See paragraph 10.3.1 below.
- the “*busiest times of the day*” are the times of peak traffic, which are different from school drop-off and pick-up times - see paragraph 10.3.4.2 below.

9A.10 Paragraph 30 says “*parking restrictions will need to be reviewed as part of the access proposals [for H66]*”. It would have been correct and more straightforward to have written that prohibition of waiting on B6527 Market Street and B6527 Blackburn Road will need to be extended as part of the access proposals for H66. This is perhaps the biggest worry of local residents who currently rely on street parking. Paragraph 30 concludes:

It is recommended that mitigation measures in the form of some off-street parking and servicing facilities are sought. This could provide parking facilities for the school, Church and any other relevant community facilities which will take the pressure off the local highway network, particularly at peak time. By also providing sufficient space for servicing, it would also remove larger vehicles from parking and turning within the adopted highway, which would provide a considerable highway safety benefit.

9A.11 There are a number of points showing just how flimsy SCP’s case for a car park is:

- The desperation to justify a car park by bringing the Church into the argument is obvious. Of the Sunday surveys, paragraph 18 says “*It is not clear whether there were any services at the Church on these days. It appears that Sunday services . . . are not provided every week*”. If the SCP surveyors were on site from 07:00 (paragraph 6), it is curious that they could not be “clear” whether services were taking place. Currently there is a service of morning prayer every Sunday at 8am. Between 17th September 2023 and 3rd December 2023 inclusive there was also a service of Holy Communion or Morning Worship at 9.30am on 11 of 12 Sundays (source - www.achurchnearyou.com/church/16032/service-and-events/events-all/). Street parking near the Church has not previously been identified as an issue.
- What are the “*any other relevant community facilities*”? If there were any, surely they would have been specified.
- As for “*peak time*”, the morning traffic peak ends before school drop-offs build up, and the afternoon traffic peak is well after pick-up time (paragraph 10.3.4.2 below).
- There is no evidence of servicing vehicles turning in the highway or waiting for an extended period. It is normal for servicing vehicles to wait in the highway adjacent to the premises they are visiting.
- Nor is there any evidence of larger vehicles turning in the highway.
- There is no evidence of accidents caused by on-street parking (paragraph 10.3.1 below). Therefore the “*highway safety benefit*” cannot be described as “*considerable*”.

9A.12 Whilst SCP’s report is littered with errors as noted above, it is significant that as specialists in Strategy and Master Planning, Transport Planning and Infrastructure Design, they do not go so far as to say that it is necessary to construct an off-site car park in the Green Belt. Mitigation measures for loss of on-street parking are merely recommended. The weakness of the applicant’s case for constructing a car park in the Green Belt is thereby exposed.

Section 10. Burnley Road Parcel - Is the Proposed Car Park Area Necessary?

10.1.1 Paragraphs 5.1 to 5.6 of the Planning Statement assert that there is a need to remedy a ‘*village wide problem*’ of on-street parking and movements associated with drop-off and pick-up at the school and that

The drive (sic) for the [Burnley Road site] proposals is the widely accepted need to remedy this situation.

Reference is made to the Highways Development Access and Capacity Study commissioned by ECNF

in which they identified issues around kerbside parking along Blackburn Road associated with the school.

However, whilst at the Examination of the Local Plan there was concern about the traffic impact of the housing site allocations in Edenfield and of the then probable enlargement of Edenfield CE PS to 1.5 form entry, the view of LCC as highway authority was that the impact was not insurmountable (see paragraph 11.3 below).

10.1.2 “Village wide problem” is an exaggeration. Issues associated with the school drop-off and pick-up are comparatively localised. On-street parking is inevitable having regard to the age and design of the houses and is widely tolerated

10.2.1 Paragraph 7.24 of the Planning Statement claims -

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

10.2.2 That attempted justification is desperate, as shown in paragraphs 10.3.1 to 10.3.7 below. Strangely, it ignores the plight of those living on Market Street and Blackburn Road who are faced with the prospect of being unable to park near their homes.

10.3.1 The application does not contain any evidence of accidents that might have been avoided if the proposed car park had been available. SCP’s Transport Assessment at paragraph 5.16, having considered the 5-year accident record on Blackburn Road between the signalised junction and Esk Avenue, declares,

. . . overall this represents a very good accident record [and does] not lead to any significant concerns

10.3.2 Overall safety will not be improved by the proposed car park and is likely to be made worse.

10.3.3 Conflicting movements at the car park access would create new dangers, as noted at paragraph 10.3.6 below. It is to be noted that as well as the anticipated new access (from Blackburn Road to H66), the car park would create another (on Burnley Road), and that both these accesses would be close to a school and the signalised junction of those roads with Market Street and Guide Court, with two more junctions (Church Lane and East Street) nearby.

10.3.4.1 School drop off and pick up times have scant overlap with peak times (see next following paragraph). In any case, it is improbable that the proposals would **remove** traffic impact at peak times.

10.3.4.2 As regards ‘*traffic impact at peak times*’, consultants Eddisons reported in a Highways Consideration of Masterplan Note (Appendix 2 to SCP’s Transport Assessment) at paragraph 1.11 that the weekday AM peak ended at 0845 hours and that the PM peak began at 1645 hours. It can therefore be inferred that school drop-offs have minimal impact on the AM peak and that pick-ups have none at all on the PM peak.

10.3.5 The need “for a coach to reverse down Church Lane” is a flight of fancy. It is well established that school coaches load and unload on the school side of Market Street and achieve this by using the A56 Edenfield bypass as appropriate. A professional driver in a twelve-metre long vehicle would not attempt reversing into or out of Church Lane in close proximity to the signalised junction. There is simply no evidence that this happens.

10.3.6 The car park proposal creates at least three potential traffic conflicts on Burnley Road:

- any queue at the traffic lights is likely to block the car park entrance/exit;
- in the event of such a queue right-turning vehicles emerging from the car park/drop-off would have limited views of approaching northbound traffic; and
- traffic from the south waiting to enter the car park/drop-off might cause a tail back, affecting the efficient operation of the signalised junction.

It is not clear how all those hazards would be avoided.

10.3.7 No assessment has been made of the safety of users of the car park. Particularly at pick-up time, there would be many potential vehicle/vehicle and vehicle/pedestrian conflicts with cars arriving late, children running to the waiting cars, cars reversing out of parking spaces and others driving off, all in a confined space.

10.4 Since the Examination of the Local Plan there have been the following developments -

- Recent school capacity figures provided by LCC as local education authority in connection with planning applications in Edenfield suggest that, whilst Edenfield CE PS might be at capacity, surrounding schools would be below capacity. As birth rate is declining, extension of the school appears less likely.
- The annual intake at Edenfield CE PS will rise from 25 to 30 with effect from September 2024.

10.5 Other relevant factors are -

- If development of H66 results in more children from Edenfield attending Edenfield CE PS, there will be fewer places for out-of-area children, leading to less dropping-off and picking-up.
- Drop-off and pick-up take place in a window of perhaps 25 to 30 minutes each, largely outside peak hours.
- The school is open for no more than 195 teaching days per annum.
- Short-lived congestion around any school is normal when a number of pupils and adults are crossing to and fro. Even if all the setting down and picking up vehicles, said in SCP’s Parking Study to number 50, diverted to the proposed car park and allowing for more than one pupil in some cars, there would still be traffic hold-ups while the majority of pupils and adults crossed Market Street, assisted by the school crossing patrol.
- Rightly, for reasons of sustainability and public health, the emphasis today is on promoting active travel. It flies in the face of those objectives to facilitate or normalise motor car travel to and from school.
- The H66 access adjacent to 5 Blackburn Road would reduce parking availability on Blackburn Road, but drop-off/pick-up motorists would find somewhere else, even if it meant a longer walk.
- The access to the proposed car park/set down area would inevitably require waiting restrictions or prohibition on Burnley Road, to the inconvenience of residents there.

10.6.1 The concept of future-proofing the proposed car park should there be a requirement to extend the school (paragraphs 5.5, 7.47 and 10.4 of the Planning Statement) is a red herring. In the events of the school’s expansion and/or a car park’s then being deemed necessary, the proposed site would still be available, although its suitability in planning terms would still need to be justified.

10.6.2 Paragraphs 7.47 to 7.49 of the Planning Statement are entirely speculative and should be disregarded. Reference is made to paragraph 131 of the Local Plan, but it must be noted that paragraph 131 contemplates expansion at either Edenfield or Stubbins PS.

10.6.3 Paragraph 7.49 states that LCC

request the inclusion [in the emerging MDC] of a mechanism is (sic) to secure land for expansion of Edenfield C.E. Primary School.

Paragraph 7.49 then infers

Therefore the delivery of the car park facility at Burnley Road is critical in facilitating the desired School expansion.

10.6.4 What LCC actually wrote in their letter of 13th July 2023 is -

As this Masterplan notes, there are a number of land owners and developers across the strategic site. As the local planning authority has identified a number of housing developments which should be treated collectively as a strategic site, with an aggregated requirement for additional school land, Lancashire County Council would expect the local planning authority to set out their expectations for the strategic site in their Masterplan and assist in the negotiations to secure the additional school land to accommodate the collective impact of the applications.

10.6.5 At least five points arise:

- It will be noted that LCC did **not** “request the inclusion of a mechanism”. They simply expected RBC to assist in negotiations to secure land.
- It cannot be said that expansion of Edenfield CE PS is “desired”. It is one of two schools under consideration for expansion, if there should be a need for expansion at all.
- The LCC letter is clear that any requirement for additional school places will be kept under review.
- Whether delivery of the car park is “critical” does not have to be decided now. If it becomes desirable to extend Edenfield CE PS and if the car park is then deemed essential, there would have to be a planning application for both the school extension and development of a car park, or separate applications. They might or might not be approved, having particular regard to the Green Belt location.
- The car park site would still be available then, as it is unlikely to be developed in the meantime.

10.6.6 The irony, not to say impudence, of the Planning Statement’s using the emerging MDC to support the application after declaring that the application is being made without reference to the MDC is noted. It is another reminder that the application should not have been submitted before a MDC had been agreed.

10.7.1 The Cover Letter describes the “car park facility” as part of the “area-wide transport improvement scheme associated with the Market Street Corridor solution”, but the fact is that this scheme has yet to be agreed. At best the scheme could be described as an attempt to manage the transport and traffic difficulties created by the development of H66. The scheme is certainly no improvement.

10.7.2 The Cover Letter claims that the car park would deliver “placemaking with community links”, but the proposal does not deliver its key promise in the Cover Letter and other documentation, namely, a dedicated footpath to Edenfield CE PS. Only a short stub of this supposed link is shown within the red edge of the application site. A

possible route beyond the red edge is shown on Drawing EF01-PS-L-201 Revision D running near the western edge of the school playing-field, that is, on land not in the applicant's control. There is therefore no guarantee that the footpath link would ever be delivered. This alone is fatal to the application. The captions on that drawing speak for themselves:

Works within the school grounds are shown indicatively and are not covered within this planning application, and

New gate through into the school playing field, subject to discussion with the school to ensure suitability in regards to safeguarding etc

10.8 The claimed justification in the application for the car park in the Green Belt does not stand up to scrutiny. The proposal should be rejected. However, the need to replace lost parking availability for existing residents remains, and the appropriate place for this is one or more convenient locations in H66, on the Blackburn Road parcel or on TW land.

Section 11. Burnley Road Parcel - Should the Proposed Car Park Be Located in the Green Belt?

11.1.1 The supposed improvement to the local environment claimed at paragraph 7.24 of the Planning Statement is possibly the recreation area, although this is not conveniently located, and, whilst it marginally increases the accessibility of the Green Belt, that small benefit, such as it is, is completely outweighed by the destructive effect of the the car parking area on the openness of the Green Belt and its purpose of stopping encroachment into the countryside. Paragraph 7.2 of the Planning Statement should have clarified the limitations of paragraph 150 of the NPPF. Openness and encroachment are considered at Section 9 above. There is no basis for the claim at paragraphs 5.8 and 7.2 of the Planning Statement that the car park constitutes local transport infrastructure which can demonstrate a requirement for a Green Belt location (see paragraph 6.50, *ibid.*)

11.1.2 The provision of local transport infrastructure is not something to be considered on an *ad hoc* basis. It needs proper planning, and the appropriate way to plan it is through the Local Plan. See, for example, Strategic Policy TR1: Strategic Transport and its protection of a site for Park and Ride facilities at Ewood Bridge. The Local Plan requires a Transport Assessment for H66 (paragraph 2.1 below) but contains no suggestion that a car park outside H66 should be provided.

11.2 Paragraph 7.2 of the Planning Statement offers a fall-back justification for the car park proposal, namely that very special circumstances exist. This refers to paragraphs 147 and 148 of the NPPF, which provide,

147. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

148. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

11.3 It is alarming that, to bring forward development of former Green Belt, land, Northstone is proposing a car park and drop-off facilities and public open space in the remaining Green Belt. At the Examination of the Local Plan, LCC as highway authority assured the Inspectors that the traffic impact could be managed through a Market Street Corridor Improvement Strategy. It was not suggested that this would require incursion into the Green Belt. The Policies Map provisionally shows an area in the remaining Green Belt for an extension of Edenfield CE PS. No such provision was made for a car park in the remaining Green Belt. This strongly suggests that none of RBC, LCC, the Inspectors or the promoters of H66 and Peel in particular considered that a car park in the Green Belt was essential to the residential development of H66 or necessary to make the Local Plan sound. The matter was not raised at the Examination of the Local Plan, and therefore what remains of the Green Belt around Edenfield should not be

subjected to urbanising development. Any car parking provision necessitated by housing development on H66 should be confined to H66. If a car park were necessary in the Green Belt, the Policies Map should have provided for it.

11.4 Contrary to paragraph 7.69 of the Planning Statement, it has not been demonstrated that the car park needs to be located in the Green Belt. There is no reason why a car park cannot be accommodated within H66 either on Northstone's or TW's land. Given the extent of H66, it is not accepted that there would be 'very special circumstances' in favour of locating the car park in the Green Belt. These are matters that should have been thrashed out in an agreed MDC before the application was ever submitted.

11.5 The argument that very special circumstances exist to justify inappropriate development in the Green Belt cannot apply.

Section 12. Burnley Road Parcel - Insufficient Information and Non-compliance with Local Plan

12.1 On unnumbered page 44, the most recent iteration of the Randall Thorp Masterplan noted:

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

12.2 There is no information in the application about

- how the car park site would be valued
- whether the cost of land would include the value of the recreation area
- whether the cost of land would include the value of the whole field
- whether the cost would include the cost of constructing the recreation area
- who would be expected to contribute to the cost
- the proportion to be paid by each contributor
- whether, as was mooted at Northstone's consultation event, Peel would seek to set off its contribution to the cost against the payments RBC would expect by way of planning obligation
- what would happen if none of the intended contributors would commit to making the payment Peel desired
- the size of the proposed parking spaces and drop-off bays
- who will pay for the installation and operation of the lighting system (no lighting system is proposed in the application, although the second bullet of paragraph 7.73 of the Planning Statement teases that "*a lighting scheme should be prepared to reflect the local character and reduce potential visual intrusion at night and/or disturbance to bats*")
- how, if at all, sustainable drainage of the proposed car park and drop-off facilities would be achieved? It emerged at the consultation event that Northstone is aware that drainage issues require attention

- the evidential basis on which 33 was determined to be the appropriate number of parking/drop-off spaces to be provided
- whether a footway of sufficient width is to be provided on the east side of Burnley Road between the proposed car park entrance and the Guide Court junction stop line. The plans propose setting back the drystone wall on the west side of the Burnley Road parcel, but it is not clear how the space between the new wall and the carriageway will be treated. It looks rather narrow for a footway, although page 021 of the Landscape Strategy tentatively suggests that the re-positioned dry stone wall will

allow for the construction of the new roadside footpath.

Foot passengers going to and from the car park or recreation area might have the choice of a sub-standard footway or walking in the carriageway or taking a chance in crossing Burnley Road amid traffic speeding towards or away from the junction.

- whether any new footway would be adopted or, if not, who would maintain it.

12.3 Paragraph 5.11 of the Planning Statement declares:

The car parking area is proposed to be the subject of a management agreement relating to availability of use within and outside of term time to ensure the facility can serve the interests of the community as a whole.

Many questions remain about

- whether the Burnley Road parcel would be transferred out of Peel's ownership, and, if so, to whom
- how the car park area would be managed and how contraventions of intended use would be enforced
- who would be responsible for its maintenance and statutory undertakers' charges
- how maintenance and charges would be funded and
- how continued availability for public use would be guaranteed

12.4.1 There is also serious concern about how the delivery of the car park could be enforced in the event of a grant of planning permission.

12.4.2 If a condition were imposed requiring completion of the car park before, say, first occupation of any of the houses on the Blackburn Road parcel, Northstone might then say that the car park is not necessary to the housing and that such a condition is therefore unnecessary and void and that they will provide the car park as and when they think fit, if at all.

12.4.3 Alternatively, construction of the car park might be the subject of a planning obligation, but the Draft Heads of Terms in the Planning Statement do not contemplate that.

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

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

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

Exceptions to the minimum provision of electric charging points will only be considered if it can be demonstrated to the satisfaction of the Council that this is not technically feasible or prohibitively expensive. [Presumably that meant to say “is prohibitively expensive or not technically feasible”.]

Paragraph 316 of the Local Plan notes the importance of charging points in encouraging the take-up of electric vehicles.

12.6 Taking those bullets one by one -

- If the car park is meant to serve residents, users might have to cross two main roads without the benefit of a footway on the side of road adjacent to the car park - see paragraph 12.2 above, penultimate bullet
- Natural surveillance is minimal
- There are at least three potential traffic conflicts - see paragraph 10.3.6 above - in addition to the prospect of 12-metre coaches entering and leaving - cf. paragraph 10.3.5 above.
- The car park would be perceived as an urban extension, detrimental to the character of the Green Belt
- There is no provision for cycle parking
- Drainage is likely to be a problem - see paragraph 12.2 above, eleventh bullet
- There is no information about proposed charging points

12.7 The car park design does not suit its intended purpose. Except for, say, 12 spaces for staff, the parking spaces would be likely to be occupied by pick-up/drop-off vehicles when the dedicated drop-off spaces were full. These spaces should therefore be wider to accommodate the needs of adults with children.

12.8 Nor is there provision for disabled persons' parking (one space per 10 per Policy TR4 of and Appendix 1 to the Local Plan). Three electric vehicle charging points need to be provided, according to Local Plan Policy TR4, but they are not shown.

12.9 Accordingly, it is extremely doubtful that the suggested car park would be compliant with Local Plan policy. The proposal in the MDC for a car park east of Burnley Road must be rejected.

12.10.1 In passing it may be noted that the other facility proposed for the Burnley Road parcel is a recreation area. The cover letter hails this proposal. Paragraphs 5.6 and 5.12 of the Planning Statement praise the benefits of additional play and amenity space to be delivered at the Burnley Road site, providing “*a valuable and accessible community asset*”. The play and amenity space is in a sub-optimal location for local residents and as such is of no benefit.

12.10.2 The penultimate bullet in paragraph 6.6 of the Appraisal suggests that the proposed public open space in the Burnley Road parcel “*would provide additional recreational resource for the school*”. Paragraph 5.15 of the Planning Statement states -

A pedestrian pathway (sic) will be delivered from the School to play area to provide direct and safe access.

It would be expected that the school already had sufficient on-site play resources. It seems highly improbable that, after considering issues of safety and safeguarding, the school would want to use an area freely accessible to the public.

12.10.3 In reality, that “pathway” is unlikely to be provided. Between the school and the application site boundary it would be the same as the one to the car park, as mentioned at paragraph 10.7.2 above. A possible route between the school and the application site boundary is shown on Drawing EF01-PS-L-201 Revision D running near the western edge of the school playing-field, that is, on land not in the applicant's control. There is therefore no guarantee that the footpath link would ever be delivered. This alone is fatal to the application. The captions on that drawing speak for themselves:

Works within the school grounds are shown indicatively and are not covered within this planning application, and

New gate through into the school playing field, subject to discussion with the school to ensure suitability in regards to safeguarding etc

12.11.1 Paragraph 5.12 of the Heritage Statement by Turley. seems to be in error by suggesting that the car park and recreation area will be separated by a new dry stone wall. All that is proposed is a post and rail fence (Drawing no 12334_LD_PLN_202 Issue P05 Boundaries Plan - Amenity Site).

12.11.2 The sixth bullet of paragraph 7.73 of the Planning Statement hints misleadingly that -

Additional dry-stone walls could be used to enclose the wider car park boundaries to the east and reflect the local character -

but, whatever is intended by “wider”, there is no indication of any additional walls on the submitted Drawings, apart from the relocated wall alongside Burnley Road.

12.11.2 The post and rail fencing proposed for the boundaries of the amenity site (Drawing no 12334_LD_PLN_202 Issue P05) would be a temptation for young climbers and as such present a safety hazard and be susceptible to damage.

Section 13. Design and Access Statement

13.1 The application is invalid. By Regulation 9(1)(a) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, as amended, it is required to be accompanied by a Design and Access Statement. Regulation 9 continues,

(2) An application for planning permission to which this paragraph applies must, except where paragraph (4) applies, 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;

(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.

13.2 Despite its title, the Design and Access Statement lacks any meaningful exploration of the topics mentioned in Regulation 9(3) (a) to (e) for both the Blackburn Road and Burnley Road parcels. It therefore does not comply with statutory requirements.

13.3 The proposals at page 80 of the DAS for a car park and recreation area are considered in detail at Sections 9 to 12 above.

13.4 At page 85 of the DAS under the heading *Landscape Strategy*, the extensive use of gabion walls proposed in Figure 12 will present a utilitarian appearance out of keeping with the Local Plan expectation of a high quality development. There is a discrepancy between Figure 12 and the Landscape Masterplan - Residential Site Drawing no 12334_LD_PLN_00 Issue P03. Figure 12 proposes a low gabion wall at the communal garden, but this is not shown on the Drawing.

13.5 There are numerous errors in the Design and Access Statement, which need to be exposed. Some are listed in Appendix 3 to these representations.

Section 14. Planning Statement

14.1 Miscellaneous errors in the Planning Statement are recorded in Appendix 4 to these representations. Of themselves they do not warrant rejection of the application, but they need to be called out because their cumulative effect is to create a false impression of the proposal.

Section 15. Tilted balance

15.1 Paragraph 7.6 of the Planning Statement comments -

At the time of writing, the Council cannot currently demonstrate a five-year housing supply, and therefore the 'tilted balance' applies. This was confirmed through pre-application feedback received from RBC officers.

15.2 The latest Five Year Housing Land Supply Report (published on 24th October 2023, after the Planning Statement was written) shows in Table 2 on page 8 (and Table 5 on page 10) a requirement for 1,454 new dwellings from 2023/24 to 2027/28. Table 4 on page 10 shows that 1,671 dwellings are expected to be delivered during that period, including (*per* Table 8 at page 49) 170 on H66. Discounting any development of H66, on those figures 1,501 new dwellings are expected to be delivered in the five-year period ending 31 March 2028, easily exceeding the requirement of 1,454.

15.3.1 Paragraph 7.7 urges that

At a strategic level the bringing forward of [the Blackburn Road parcel] is integral to the Council achieving and maintaining deliver (sic) against its required housing targets and demonstrate (sic) a rolling supply of adequate housing land

15.3.2 Paragraph 10.5 adds

Set in the context of the strategic importance this site plays in the Council delivery (sic) its requisite housing supply at a time when it is falling short, there is additional impetus for the Council to support the proposals without delay as required by the NPPF.

15.3.3 The figures in paragraph 15.2 above demonstrate that RBC has an adequate housing land supply and is not "falling short". Therefore there is no pressure for an early planning approval. The real imperative is to approve a high-quality well-designed proposal that fully accords with the Local Plan.

15.4 On its own terms paragraph 7.6 is wrong. ECNF considered the previous Five Year Housing Land Supply Report and the tilted balance argument in their responses to the consultations about TW's initial planning application 2022/0451 and the amended application. The five-year supply exceeded the requirement then as well. ECNF's representations on this point in those responses are reproduced at Appendix 2 hereto.

15.5 Even if it were 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.

15.6 The application does not satisfy the requirements of the Local Plan, and even the engagement of the tilted balance would not alter this fact. The application must be refused.

Section 16. Affordable Housing

16.1 Paragraph 4.18 of the Planning Statement claims:

*The affordable units are **evenly distributed** [ECNF emphasis] throughout the development in accordance with **aspirations of** [ECNF emphasis] Policy HS3. Please refer to the below tenure plan.*

Unfortunately, the tenure plan, Figure (4.4), shows one group of six dwellings in the north-east corner (plots 45-50) and another group of nine (plots 18-26) backing on to the A56 lay-by frequented by heavy goods vehicles, some with noisy refrigeration units. That is some way from an even distribution.

16.2 Similarly, Paragraph 9.23 of the Design and Access Statement (Part 2) claims:

The affordable units are distributed throughout the development.

“Throughout” is not the right word. There would be a cluster near the estate entrance, and the remaining nine would be all in a row on the western side of the parcel. The note to Figure 11 Tenure Plan in the Design and Access Statement (Part 2) is more accurate, when it says -

The affordable housing plots are split between two areas of the site.

16.3 Furthermore the relevant part of Policy HS3 specifies:

Within larger housing developments, the affordable housing will be evenly distributed throughout the development.

That is no mere ‘*aspiration*’. It is policy, with which the application must comply.

Section 17. LUC’s Edenfield Landscape Statement

17.1 There is confusion over the date. The title page is dated July 2023. The next page is dated January 2023. Pages 04 *et seq* show June 2023 in the header.

17.2 The application site consists of two separate parcels, but the Introduction (page 04) describes “the site” as if it comprised only the Blackburn Road parcel.

17.3 Page 06 states -

The existing woodland to the south of the site forms a core part of the design of the scheme

but this is misleading, as 0.41ha is planned to be removed to accommodate houses (paragraphs 3.7.2 and 3.7.3 above and 20.2 below).

17.4 Page 018 misleads by saying

Venetian fencing will be used to rear gardens where adjoining designated parking areas for that property because in the case of plots 18 to 26 an ugly 2.4m high brick wall will be used (paragraph 18.1 below).

17.5.1 The provision of Himalayan birch proposed on page 010 seems inconsistent with the declared purpose of prioritising native species. This is also mentioned at paragraph 8.45 of the DAS.

17.5.2 Paragraph 4.29 of the Planning Statement says of the 'Woodland Edge' character area -

Native planting is used throughout this area -

and in the next sentence contradicts itself -

Ornamental trees, including the multi-stemmed Himalayan birch, will be planted in garden locations.

Any non-native species planting will be inimical to preserving the natural character of the location.

17.6.1 Character Area 3 Moorland Edge appears to be predicated on the assumption of there being no development of Mr Nuttall's adjacent land - (*maintaining the urban:rural transition . . . adjacent to grassland . . . extensive views of the wider moorland landscape beyond*, page 012).

17.6.2 Paragraph 4.29 of the Planning Statement states that the "Moorland Edge' character area

helps to maintain the urban to semi-rural transition.

17.6.3 Mr Nuttall's land too is part of the H66 residential allocation. Absent an agreed MDC neither Northstone nor anybody else can assume how the part of H66 adjoining Northstone's site might be developed or that the transition to "rural" or "semi-rural" will occur at or within the Northstone boundary. This exemplifies the need for a comprehensive MDC before any application is considered.

17.7 Most of the first three paragraphs on page 021 relate to Character Area 6, more than 7, and as such should have been noted also under the Character Area 6 heading on page 019.

17.8 Page 015 of the Landscape Statement and paragraph 4.29 of the Planning Statement promise *natural stone cobbles across the road surface* at the 'Blackburn Road Gateway' character area, but for consistency with local character it is setts that should be used.

Section 18. Boundaries Plan - Residential Site Drawing no 12334_LD_PLN_201 Issue P03

18.1 The 2.4m brick wall shown on the Drawing separating the rear gardens of Plots 18-26 from the parking spaces appears to

- inconvenience occupiers or visitors wishing to go to or from the parking spaces for those properties
- be an ugly dominant feature of the streetscape
- draw attention to the fact that these are affordable properties, where poor design is the price to be paid

18.2 The Drawing shows a broken thick grey line within the red edge of the application site, with a contradictory caption "*Existing offsite post and rail fence*".

18.3. The third bullet in paragraph 6.6 of the Appraisal says that, save for the proposed woodland path and play area, the woodland at the south of the Blackburn Road parcel

would be fenced off to improve the security of properties which back on to the tree belt (to comply with Secure by Design principles) and create an undisturbed and improved environment for wildlife.

An alternative explanation was offered at page 08 of LUC's Edenfield Landscape Statement, namely that

a low timber post and rail fence [would] discourage fly tipping.

However, the Drawing shows that the fence would be only a 1.2m high cleft post and rail fence, which would not deter the determined fly-tipper or criminal.

18.4 The Drawing shows the proposed acoustic fence on the bund at the rear of plot 32 take an almost right-angled turn to run alongside and beyond that plot. Although the caption says the fence is on the bund, the bund seems to peter out on the Drawing. Whilst this may serve an immediate purpose of mitigating noise at plot 32, it begs the questions of how noise might be mitigated on Mr Nuttall's land and whether it would be more effective to continue the acoustic fence without a break along the A56 boundary. See also paragraph 19.2 below.

18.5 Commenting on the TW application, National Highways indicated that the developer must provide a secure fence to prevent access of pedestrians and animals to the A56. The acoustic fence leaves gaps at each end, which would not meet National Highways' requirements.

18.6 The proposed boundary treatments therefore do not accord with criterion i) of Strategic Policy ENV1: High Quality Development in the Borough -

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;

18.7 Paragraph 6.18 of the Appraisal states with reference to the proposed development of both parcels that

The condition of the boundary features of the Application Site would also be improved and repaired, enhancing the scenic quality of a key approach route into the village

That might be so, but it would be expected that irrespective of any proposed development a responsible landowner with Peel's resources would keep the boundary features in a good state of repair.

Section 19. Noise and Treatment of Green Belt boundary

19.1 The Blackburn Road parcel is part of H66. The Local Plan contains the following policy:

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

*5. Specific criteria for the design and layout needs *sic* to take account of:*

- 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 . . .*

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.

19.2 It is not clear whether, having regard to the fact that not all of the new Green Belt boundary in H66 north of Church Lane is in Peel's ownership, there will be consistency in treatment of the whole of that boundary - just one of the matters that a comprehensive masterplan might be expected to address. See also paragraph 18.4 above.

19.3 Drawing no 12334_LD_PLN_201 Issue P03 refers to "*Proposed acoustic fence on acoustic bund, 6m total height*", but paragraph 6.6 (first bullet) of the Appraisal speaks of "*an acoustic fence and bund (5m height in total)*". Neither document clarifies whether that measurement is taken from the A56 side of the bund or the development side, the ground level on the A56 side being lower. The lack of clarity is unacceptable.

19.4 Insufficient attention has been given to the need to accommodate potential widening of the A56 and to consider its impact on proposed dwellings, contrary to criterion 11 of the SSP.

19.5 The multiple references in the supporting plans to Highways England are a concern, as that body has been known as National Highways since 19th August 2021.

Section 20. Density

20.1 Paragraph 7.13 of the Planning Statement hints at the density of Northstone's proposed housing development. It reads -

This application follows the submission of the revised Masterplan prepared by Randall Thorp at the end of June 2023. The MDC sets out the development comprises Phase 2B and will provide up to 65 dwellings which aligns with the indicative capacity set out for this specific site set out in the SHLAA (Site ref: SHLAA16256), and informed overall capacity estimate in the adopted policy.

20.2 That is poorly expressed, but the following points emerge

- '*this specific site set out in the SHLAA*' invites the reader to think only of the Peel/Northstone land, but SHLAA16256 includes Mr Nuttall's land as well
- To be accurate, the current iteration of the MDC (Version V17, 22 September 2023), which post-dates the Planning Statement, identifies Peel/Northstone's part of H66 as Phase 2, not 2B
- For Edenfield North, which comprises the parts of H66 owned by Peel/Northstone and Mr Nuttall, the MDC proposes as a key characteristic 30-34 dph. For a net development area of 2.09ha (source - SHLAA16256) that means 63 to 71 dwellings. Thus the MDC is proposing up to 71 dwellings, not just 65 as the Planning Statement claims, and does not align at all with the indicative capacity of 63 in the SHLAA.
- If Northstone were to erect 50 dwellings and Mr Nuttall were to receive permission to build six in an area of 0.19ha (application 2022/0015), he still has up to 1.35ha left to develop. (Gross area of SHLAA16256 3.69ha minus Northstone's parcel 2.15ha = 1.54ha, minus 0.19ha = 1.35ha.) That might not be all developable, but, if, say, he could develop only 1.0ha more at 30dph, that would be a yield of 86 dwellings from a net development area, as per SHLAA16256, of 2.09ha, or 41dph, way in excess of even the MDC's inflated figure. The Local Plan envisaged a yield of 29 dph from H66, no doubt with regard to maintaining a degree of openness through the site. It may therefore be inferred that Northstone's proposal constitutes over-

Land west of Blackburn Road and land east of Burnley Road, Edenfield

development. even though they intend to destroy 0.41ha of woodland to make way for their proposed housing development, notwithstanding SSP criterion 5 for

design and layout . . . to take account of

- i Retention and strengthening of the woodland enclosures to the north and south of the Church.

20.3 The development layout appears cramped, contrary to criterion a) of Strategic Policy ENV1, reproduced at paragraph 21.1 below.

20.4 The development of both parcels fails to minimise impact on the character of the area contrary to Strategic Policy SD2: Urban Boundary and Green Belt, which states:

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.

20.5 The development fails to enhance the built environment (Blackburn Road parcel) and natural environment (Burnley Road parcel), contrary to Policy ENV3: Landscape Character and Quality, which provides:

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.

20.6 The development fails to protect (Blackburn Road parcel) the existing built form and (Blackburn Road and Burnley Road parcels) character of rural Edenfield and (Blackburn Road parcel) does not relate well in design and layout to existing buildings, contrary to Strategic Policy SS: Spatial Strategy, which provides:

The Council will focus growth and investment in and around the Key Service Centres, with development supported in other areas taking account of the suitability of the site, its sustainability and the needs of the local area, whilst protecting the landscape and existing built form and the character of rural areas.

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.

20.7 The density of development of the Blackburn Road parcel is not in keeping with the local area and has a detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of the area. contrary to Policy HS4: Housing Density, which 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.

Section 21. Heights of Dwellings

21.1 Strategic Policy ENV1: High Quality Development in the Borough provides

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

- a) Siting, layout, massing, scale, design, materials, lighting, building to plot ratio and landscaping;

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;

....

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;

....

21.2 The proposed dwellings are in the main excessively tall and as such overbearing and oppressive. They disregard rather than enhance the local built environment. A number of houses are over 9.5m and some are 10.5m in height. They will dominate neighbouring properties at Church Court and 1 to 5 Blackburn Road.

21.3 Generally roofs of dwellings in Edenfield have a pitch of less than 45 degrees or less. A notable exception is the Pilgrim Gardens development, but that is distinguishable from the undeveloped part of H66 because it was not in Green Belt, was a brownfield site and was not subject to any policy like the SSP. Furthermore, it is some distance from the application site. The steeply pitched roofs of the proposed dwellings are out of keeping with their surroundings.

21.4 Accordingly, the proposed dwellings do not comply with criteria a), b), c) and d) of Strategic Policy ENV1

Section 22. Statement of Community Involvement

22.1 ECNF appreciated the extensive consultation with residents but deplores developers working in isolation to their own agendas.

22.2 However, ECNF has reservations about the conduct of the consultation. First, it was less than inclusive, in the sense there was more information on the website than in the circular posted to residents. Thus, people without internet access were disadvantaged in preparing their response.

22.3 Secondly, the consultation website was off-putting, as there was no easy way of rejecting unnecessary cookies.

22.4 Thirdly, the website required respondents to state their age by reference to ten-year bands. Collection and storage of these personal data was unnecessary and therefore contrary to data protection law. It also discouraged people from replying. At most, Northstone needed to know whether a respondent was 13 or over, 16 or over or 18 or over. It begs the question whether responses from people who did not look at the website and who did not know they must supply their age band really were rejected.

22.5 Paragraph 2.2.2 of the Statement of Community Involvement conveniently curtails the quotation from the SSP for H66 so as to avoid mentioning the need for a comprehensive, site-wide Masterplan with an agreed programme of phasing and implementation. In a brazen and cynical attempt to flout the requirements of the Local Plan the SCI states in effect that Northstone has decided to make the application without waiting for a masterplan to be agreed.

22.6 Whether the application prejudices the MDC or not (paragraph 2.2.3) is immaterial. The simple fact is that if the application were approved before the MDC, the MDC would become irrelevant to development in accordance with the approval.

Section 23. Ecological Assessment

23.1 The Blackburn Road parcel is part of H66. The Local Plan contains the following policy:

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

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. . . .*

23.2 It is clear that the SSP requires an ecological assessment dealing with the whole of H66, not just a part. The submitted ecological assessment, mentioned at paragraphs 7.39 and 7.40 of the Planning Statement, is inadequate, relating only to the application site (two parcels) and Mr Nuttall's land (paragraph 1.6 and Figure1). Even then, on further reading, it becomes apparent that there was no access to Mr Nuttall's land, "*resulting in limitations to the survey*".

23.3 Paragraph 1.4 states that the surveyed site is north of Church Street, that there is arable farmland to the east and arable fields surrounding the site. The street is Church Lane, and there is no arable, i.e., crop-growing, land in the vicinity.

Section 24. Local Plan Policy HS16: Self Build and Custom Built Houses

24.1 This Policy states

. . . . To ensure a variety of housing provision developers of schemes comprising of 50 dwellings or over will be encouraged, where possible, to make at least 10% of plots available for sale to small builders or individuals or groups who wish to custom build their own homes. . .

There is no hint of compliance with this Policy in the application. The application is therefore contrary to the Local Plan.

24.2 It might be that the MDC, once agreed, will contain provision for 10% of plots for custom built homes over H66 as a whole, but, as Northstone have made the application independently of the MDC process, they should have ensured that it complies with the requirements of Policy HS16.

25. Conclusion For the following reasons the application must be refused.

- 25.1** It is premature to consider a planning application for part of H66, when a comprehensive masterplan for the entire site, as required and justified by policy, has not been agreed. Disregarding the policy flies in the face of good planning and democracy.
- 25.2** With a site as large as H66, an agreed programme of implementation and phasing, as required by policy, is essential.
- 25.3** It is crucial that a holistic Transport Assessment be provided.
- 25.4** It is premature to consider a planning application in the absence of an agreed Design Code. The Design Code in the emerging Neighbourhood Plan should be the template for housing design in Edenfield.
- 25.5** It is wrong for Northstone to justify developing former Green Belt by proposing development of a car park, drop-off facilities and a play and recreation space and trails in what remains of the Green Belt. Such development is inappropriate in the Green Belt and contrary to its purpose of assisting in safeguarding the countryside from encroachment. It was not proposed during the Local Plan process.
- 25.6** There are many unanswered questions about the car park and recreation space and trails.
- 25.7** The need for the car park has not been demonstrated.
- 25.8** The much vaunted footpath link to the school looks to be undeliverable.
- 25.9** It is not clear how, if at all, the objective of sustainable drainage will be achieved.
- 25.10** It is not clear what, if any, improvements will be made in the remaining Green Belt, as required by national, local and site-specific policy, to compensate for the proposed development on former Green Belt land.
- 25.11** The application avoids the issue of the effects of piling.
- 25.12** The DAS is inadequate.
- 25.13** Housing layout, design, height and density have detrimental impact on surroundings.
- 25.14** Affordable housing is not distributed in accordance with Policy HS3.
- 25.15** Insufficient provision for self-build and custom-built.
- 25.16** Lack of compensatory improvements in Green Belt.
- 25.17** Lack of comprehensive Transport Assessment.
- 25.18** Destruction of woodland that SSP requires to be retained.
- 25.19** Land stability issues not fully addressed.
- 25.20** No Travel Plan.
- 25.21** Landscape Statement inadequate.
- 25.22** Ecological survey insufficient.
- 25.23** Boundary treatments do not comply with policy.
- 25.24** BNG - effectiveness and enforceability of off-site mitigation are unclear.
- 25.25** Tilted balance not engaged.

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

6 Alderwood Grove, Ramsbottom, Bury BL0 0HQ

4th December 2023

APPENDIX 1

Errors in Transport Assessment by SCP

Paragraph 5.12

Paragraph 1.9 imprecisely states that Local Plan Policy HS2 requires a masterplan for any development of more than 50 dwellings. Actually the requirement applies to any development of 50 dwellings or more. It fails to mention the SSP of a site-wide comprehensive masterplan. It also states that a Masterplan document produced by Eddisons is shown at Appendix 2, but the document concerned is actually a “Highways Consideration of Masterplan”, which has been the subject of representations by ECNF in connection with the MDC and has yet to be agreed.

Paragraph 5.9 is incorrect. The southbound bus stop has no shelter or seating. It fails to mention that the northbound stop has a shelter, seating and an information panel.

In paragraph 5.15 it is assumed that the second and third sentences refer to the same incident. The paragraph is confused, because after referring to two incidents that both resulted in a slight injury, it then says that *“this resulted in a serious injury”*.

Paragraph 4.10 says that Edenfield CE PS

has been identified as a location for future school expansion as a result of the wider H66 allocation.

That is not incorrect, although the choice remains between Edenfield CE PS and Stubbins PS, and expansion would not happen if nearby schools had capacity.

Paragraphs 4.10 and 4.11 claim that the proposed car park would have 12 drop-off spaces, but the plan EF-P-SL-201 Revision D at Appendix 7 shows only 10.

Paragraph 5.23 states that the S41 bus service runs on Blackburn Road to Haslingden High School. This is wrong. The service was withdrawn in July 2022. Paragraph 8.5 wrongly counts the S41 as a school bus serving the application site.

Sections 6 and 7 refer to traffic generation and development traffic impact and cite with approval Eddisons’ “Highways Consideration of Masterplan”, which has yet to be accepted. This is related to approval of the MDC. It demonstrates the problems that arise when a planning application is submitted before the relevant MDC has been agreed.

Contrary to the impression given by paragraph 8.6 and Appendix 1, a Market Street Corridor Improvement strategy has yet to be agreed.

APPENDIX 2

Representations about Tilted Balance and Five Year Housing Land Supply Extract from Representations about TW Application - August 2023

Paragraph 15.4

- 1.** 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.
- 2.** 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.
- 3.** 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.

APPENDIX 3

Errors in Design and Access Statement

Paragraph 13.4

Design and Access Statement (Part 1)

Like the cover letter, paragraph 1.1 misnames the applicant. It also wrongly identifies the site location. Northstone Development Ltd is proposing to develop Land at Blackburn **Road** and Burnley Road, Edenfield. The location is wrongly named again at paragraph 1.6

On pages 38 and 39 some of the pins are inaccurately placed on the Land Use Map (Figure 3). Figure 3 is strangely selective: the Rostron Arms is in, but the Coach is out. It is bizarre for Figure 3 to claim that Bury Road is a cycle route. It is simply a road, with no particular provision for cyclists.

Paragraph 5.13 refers to the X1 bus service. It should say X41.

Paragraph 5.14 refers to frequent services to Bury, Blackburn and Rochdale. The service to Blackburn is not frequent, it is hourly. Edenfield lost its hourly bus service to Rochdale in January 2005. Only school services remained on Rochdale Road, now reduced to the 998 which runs only to Bamford, not the town centre. The S41 ceased to operate in July 2022.

Paragraph 5.15 claims:

The site benefits from a dedicated cycle lane along the eastern boundary across Blackburn Road towards the nearby centre of Haslingden.

There is in fact a cycle lane in both directions on Blackburn Road, but they are not “dedicated”. They are advisory only, with vehicles free to enter where safe to do so.

Paragraph 5.17 refers to the applicant’s intention to provide a pedestrian/cycle route on site “with the intention to link to other sites within [H66] “. Delivery of any such links, northwards or southwards is in fact outside the applicant’s control.

Paragraph 5.19 refers to East Street “to the south west of the site”. “Site” in the preceding paragraphs refers either to both parcels in the application or to the Blackburn Road parcel. It is clear that East Street and FP139 are not to the south-west of either parcel.

Paragraph 5.21 is confusing. It says that opportunities and constraints are highlighted on Figure 3. That is the Land Use Map. It seems that the reference should be to Figure 4 on the opposite page.

Paragraph 5.22 is plainly wrong in claiming:

The sites are allocated for Housing under Policy H66 of the Local Plan.

“The sites” must refer to the two parcels shown in Figure 4 opposite paragraph 5.22. Only the Blackburn Road parcel is allocated for housing. The Burnley Road parcel is unallocated land in the Green Belt.

With the Design and Access Statement being dated August 2023, it is curious to read (paragraph 6.7)

It is anticipated that the revised Masterplan and Design Code will be issued to council in June 2023.

It must be emphasised that the submission of any planning application for H66 should have awaited the approval of a MDC demonstrating the comprehensive development of the whole site.

Until the MDC has been agreed, it is pointless for Paragraph 6.8 to purport to demonstrate compliance with it.

Paragraph 9.1 says of the Blackburn Road parcel that it will deliver community links through a dedicated footpath to Edenfield CE PS. The parcel delivers no such footpath. The footpath terminates at the application site boundary. The prospect of its extension over third party land is remote. See paragraphs 10.7.2 and 12.10.3 of representations.

Paragraph 9.10 is confusing. It says that proposed building heights are provided in Figure 8. That is the Layout Plan. Paragraph 9.11 says they are provided in Figure 6, but that is the Design Code Timeline. It seems that the reference in both those paragraphs should be to Figure 9 on the opposite page.

Design and Access Statement (Part 2)

It is noted that there are two paragraphs numbered 9.16.

Paragraphs 9.25 to 9.37 address the proposed car park and recreation area in the parcel adjacent to Burnley Road. ECNF reiterate that -

- the need, as distinct from desirability, for the car park and the need to site it in the Green Belt have not been demonstrated,
- the safety of pedestrians within the car park and highway safety at the car park entrance have not been assessed, and
- the proposed footpath between school and car park (if it were ever constructed) would benefit only those going to and from the school, not the “wider community”.

Paragraph 9.32 refers to the Local Plan parking standard of two spaces per classroom for schools. That is for new schools. There is no imperative for existing schools’ parking provision to be upgraded.

Paragraphs 10.1 to 10.6 refer to trees. Please see paragraphs 3.7.2, 3.7.3 and 20.2 of the representations regarding the proposals to destroy existing woodland.

Paragraphs 10.11 to 10.19 address highways issues in the context of the emerging MDC, Transport Assessment and Market Street corridor Improvement strategy, but these documents have yet to be agreed.

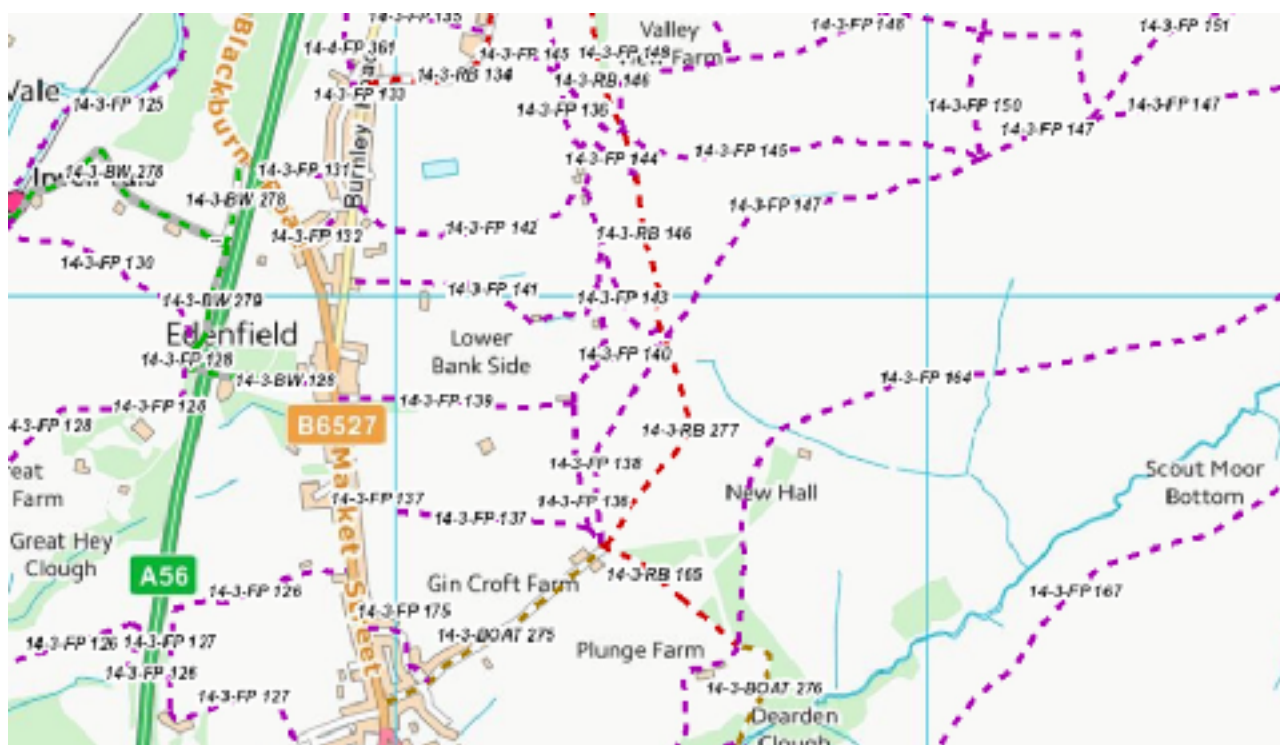
Paragraphs 10.35 to 10.39 deal with the landscape and visual effects of development of the Burnley Road parcel. Please refer to Section 9 of the representations.

APPENDIX 4

Errors in Planning statement

Paragraph 14.1

Paragraph 2.6 is wrong to claim that PROW FP 142 “stretches across the northern boundary” of Parcel 2 (east of Burnley Road). FP 142 is so far from Parcel 2 that it is not shown on Figures (2.1), (5.2) or (5.3) in the Planning Statement or the Location Plan EF01-P-LP-101. It actually runs in a generally easterly direction from a point on Burnley Road between Elton Croft and Highfield House (40 Burnley Road). Another PROW, FP 141, runs generally eastwards from Burnley Road, commencing adjacent to no 38 as shown on those Figures, but it is not close to the red edge of Parcel 2. Despite their numbers, 38 and 40 are some distance apart, separated by Elton Banks (Grade II-listed) and Elton Croft. The course of FP 141 and FP 142 is shown in Figure (2.2). Please refer to the map below of local PROW.



Paragraph 2.9 boasts that Parcel 1 (west of Blackburn Road) is not constrained by any statutory designations but does not go on to clarify that Parcel 2 is in Green Belt.

Paragraph 2.10 doubles down on the deception. It states that “The Site [which must mean both parcels - see paragraph 2.1] is located within Edenfield’s defined settlement boundary”.

Paragraph 2.12 says “The urban form of Edenfield is characterised by a range of housing types from 1930s semis to modern detached properties.” That is misleading. Much of the village’s character stems from its Victorian and early 20th-century terraced housing.

There seems to be no correlation between paragraph 2.13 tabulating local facilities and services and Figure (2.3) supposedly mapping the site's wider context. Figure (2.3) is strangely selective: the Rostron Arms is in, but the Coach is out.

Paragraph 2.14 in somewhat fractured English claims that Rochdale Road has a local bus service and that the Vale Mill stop offers amongst several primary routes the X1 service to Accrington. Discounting school buses, all those claims are wrong. It should have said X41, not X1, and made clear that the X41 is the only service on Blackburn Road. Rochdale Road has had no local bus service since January 2005.

Paragraph 2.15 says "The site and surrounding area benefits from a dedicated cycle lane along the eastern boundary across Blackburn Road . . ." Again, this is wrong. It should read ". . . eastern boundary of Parcel 1 . . ." and should say that there are two such lanes, one in each direction. They are not "dedicated"; they are advisory only and vehicles are free to enter, if safe to do so.

Similarly, unnumbered page 86 refers to a

dedicated cycle lane that runs along the eastern boundary across Blackburn Road towards . . . Haslingden.

To be clear, this is an advisory cycle lane. Vehicles may enter, if safe to do so. "Dedicated" is not the right word.

It is bizarre to claim, without any evidence or explanation of the term, at Figure (2.3) that Bury Road between Market Place and Bolton Road North is a "Bike-friendly Road".

Oddly, Figure (2.3) marks a "Cycle Trail" along Blackburn Road. A bicycle trail normally connotes an off-road route, possibly surfaced, but certainly not cycle lanes in the carriageway, which are a feature of Blackburn Road.

Paragraph 2.19 purports to offer a planning history for H66 but omits application 2022/0577 for 9 dwellings at Alderwood, validated on 14th July 2023, over a month before the Planning Statement was signed off (page i) on 17th August 2023.

Paragraph 5.28 states:

Green Belt Land *The site is located within Edenfield's defined settlement boundary, having been released from the Green Belt as part of the recently adopted local Plan and is now allocated for housing.*

Once again the Planning Statement misleads. The fact is that only a portion of the site, the land west of Blackburn Road, has been released from Green Belt and lies within the urban boundary. The land east of Burnley Road remains in the Green Belt.

Paragraph 5.28 adds:

Northstone is committed to a continued dialogue with other applicants within the wider allocation to deliver a comprehensive masterplan and ensure proposals do not prejudice anything included within the masterplan and design code once adopted.

The strength of that commitment may be doubted, as the Planning Statement ignores the applicant at Alderwood. In any case, it is landowners, not just applicants, who should be involved. Northstone must not be allowed to pre-judge the content of the masterplan and design code - they are not in a position to know what will and what will not be included in the MDC. The application is contrary to the SSP requirement for a MDC, a programme of phasing and implementation and an infrastructure delivery schedule.

Paragraph 4.13 needs to make clear that the requirement for *the delivery of 456 additional dwellings between 2019-2036* applies to the Edenfield Neighbourhood Area.

Paragraph 6.6 states:

The Site is located within the Defined Boundary of Edenfield (see red line) and is an allocated for residential development of up to 400 homes (H66 (orange shading)).

Once again the Planning Statement misleads. The 'red line' and 'H66 (orange shading)' references are not explained but presumably refer to the Policies Map, of which an extract appears at Figure (2.2) in paragraph 2.10, where it is variously called the 'proposals map' and 'Policies Map' (*sic*). Even less clear is what is meant by 'The Site'. The only reasonable interpretation is that it means H66 in its entirety. However, the last preceding appearance of the word 'site' is in paragraph 6.3, which refers to 'the application site'. Paragraph 6.6 thus perpetuates the false narrative that the application site (*i.e.*, both the Blackburn Road parcel and the Burnley Road parcel) is entirely within the Urban Boundary. The fact is that only a portion of the site, the land west of Blackburn Road, has been released from Green Belt and lies within the urban boundary. The land east of Burnley Road remains in the Green Belt.

Paragraphs 6.7 and 6.8 double down on the deception, stating,

6.7 Strategic Policy SD2 Urban Boundary and Green Belt confirms that the H66 allocation (including the application site) was removed from the Green Belt on the basis that exceptional circumstances exist. . .

6.8 Policy H66: Land west of Market Street, Edenfield this application site forms part of site allocation H66..

It is necessary to repeat, although it should not be, that H66 includes only part of the application site, not the whole.

Paragraphs 6.9, 6.10, 6.13, 6.21 and 6.27 fail to identify the Spatial Strategy and Policies SD1, HS1, ENV1 and TR1 as Strategic Policies.

The third bullet in paragraph 6.38 conveniently omits the part of the SPG that says the matters in question would be considered as part of the overall Masterplan for H66.

Paragraph 10.4 incorrectly calls East Street 'East Lane'.

Unnumbered page 90 refers to gardens of "bungalows" and apartments, but only one bungalow is proposed. "Bungalows" are mentioned again at unnumbered page 98.

Unnumbered page 104 states that

The southern portion of the Parcel 1 will retain the current tree belt

but 0.41ha of that tree belt is to be removed in the interests of profit viability (see paragraphs 3.7.2, 3.7.3 and 20.2 of the representations).

ooo000ooo