

<b>Family Name</b>	Higginson
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<b>Title</b>	Stakeholder Submission
<b>Type</b>	Web
<b>Family Name</b>	Higginson
<b>Given Name</b>	Neil
<b>Person ID</b>	1286731
<b>Title</b>	JPA 7: Elton Reservoir Area
<b>Type</b>	Web
<b>Soundness - Positively prepared?</b>	Unsound
<b>Soundness - Justified?</b>	Unsound
<b>Soundness - Consistent with national policy?</b>	Unsound
<b>Soundness - Effective?</b>	Unsound
<b>Compliance - Legally compliant?</b>	No
<b>Compliance - In accordance with the Duty to Cooperate?</b>	No
<b>Redacted reasons - Please give us details of why you consider the consultation point not to be legally compliant, is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.</b>	<p>? The PfE indicates in Para 1.63 point 2 that the most up to date information be used in plan making, so being the most recent Bury's Housing Development Needs Assessment 2020 must be taken into consideration:  <a href="https://www.bury.gov.uk/index.aspx?articleid=15866">https://www.bury.gov.uk/index.aspx?articleid=15866</a></p> <p>? The site selection process for Bury has been especially opaque. Little information has been given about why other more apparently suitable sites were rejected, or what alternatives were considered. Bury Council admitted in a Freedom of Information response that site selection was decided at a series of informal meetings with no list of attendees or minutes available. This site choice cannot be justified as the most appropriate when no reasonable alternatives appear to have been examined. The Elton Reservoir site does not meet the selection criteria laid down in the NPPF or the GMCA guidelines:  <a href="https://www.bury.gov.uk/index.aspx?articleid=16330">https://www.bury.gov.uk/index.aspx?articleid=16330</a> Radcliffe the location of Elton Reservoir has the least expensive housing in Bury but was selected in preference to sites in other areas where affordable housing is required.</p>

? Para 11.105 p 264 states: " The allocation [Elton Reservoir] is almost entirely surrounded by the existing urban area" Filling this green belt site in will contribute to creating urban sprawl contrary to compliance with National Policy NPPF para 134 parts a,c and e.

? Para 11.105 p 264 states: "Although the allocation has the capacity to deliver a total of around 3,500 new homes, it is anticipated that around 1,900 of these will be delivered within the plan period. Nevertheless, it is considered necessary to release the site in full at this stage given that the scale of the proposed development means that it will need to be supported by significant strategic infrastructure and this level of investment needs the certainty that the remaining development will still be able to come forward beyond the plan period". Such gross over release of greenbelt is entirely contrary to National Guidelines, which regards greenbelt as a precious resource not to be squandered. JPA7 fails to identify the source of infrastructure funding, indeed shortfalls are expected see para 12.16 of PfE. Site owners Peel are not specifically mentioned as being a contributor to the infrastructure funding. Questions should be asked regarding the reasons for Bury Council offering up a huge amount of greenbelt at Elton Reservoir that is not required during the plan period (and may never be required) instead of retaining it in accordance with National Policy.

? The Elton site apparently cost Peel £27M (as detailed in the site allocation topic paper) for approx. 260 hectares (£104K per hectare) as greenbelt. Allowing a conservative price uplift of around 60 times for green belt conversion to development land, the land for the initial 1900 site becomes worth around £875M. Adding in the land for the totally unjustified additional housing beyond the plan period adds approx. another £750 M. The implication being that unless Peel get the whole £1.325 Billion up front they can't offer any upfront funding for the infrastructure. Infrastructure that would not be needed if the development does not go ahead. Peel have indicated that they will possibly build some homes but will definitely split the site into lots to be developed by other developers so they (Peel) would avoid contributions this way. It would be left to Bury to extract the funding from other as yet unknown developers.

Bury have a very poor reputation for obtaining developer contributions for infrastructure and developers always try to wriggle out of any obligations. It seems Peel have duped Bury Council into ignoring National Policy and granting them a huge financial bonus with no commitment to do anything.

? Site wildlife, flood risk and other surveys have been carried out by consultancies on behalf of and paid for by developers rather than entirely independent wildlife organisations or the Department of the Environment so must be considered potentially biased. This is particularly important at Elton Reservoir as there are currently problems with the reservoir wall which are being addressed by the Canal and Rivers trust. These measures may be suitable for providing some protection to open fields but are they suitable to protect homes from flooding if there is a breach? Such surveys should be entirely independent of benefiter influence.

? As part of the infrastructure a new secondary school for Radcliffe is mentioned. A new secondary free school for Radcliffe is already planned funded by the Government. The proposed new school will not even cater for existing Radcliffe pupil numbers. Since the proposed school is indicated on the site already reserved for the free school we must assume PfE document refers to the school already planned. Regeneration for Radcliffe the location of the Elton Reservoir development is also mentioned as part of the infrastructure funding. A regeneration plan for Radcliffe is already in place. Bury Council have applied for Government levelling up funding and have stated that even if the application does not succeed the regeneration will go ahead using existing Council money. Bury Council have stated that regeneration and the new school for Radcliffe are not dependent on PfE going ahead. Any mention/implication that PfE will contribute to providing a new secondary school (unless it is a second school) and regeneration for Radcliffe must be removed from JPA-7.

? Bury Council have consistently failed to meet housing delivery targets and are now in presumption. To be effective a plan must actually be deliverable. The plan relies heavily on the cooperation of property developers. There is no indication of how they will be made to

keep up with targets and what sanctions will apply if they don't. At a Council meeting held on 9/9/21 the Leader of Bury Council Eammon O'Brien confirmed that it was "unlikely" that the proposed building rates for all developments in Bury (as laid out in JPA7 Elton Reservoir Topic Paper PfE 2021, section 27.8 page 52) would be met as they were "unrealistic". So the plan cannot be considered to be effective. So the plan fails the effectiveness test for Soundness.

? As part of the overall plan Bury have modified green belt boundaries and allocations in such a way to make it appear that less Greenbelt is being sacrificed. So the loss of the Elton Reservoir site greenbelt has been partially offset by creating extensive greenbelt in other areas without justifying exceptional circumstances. This is not in accordance with National Policy.

? PfE puts the majority of housing in the West of Bury (Elton Reservoir site) while locating the jobs on the East side of Bury on the M66 Northern Gateway corridor completely the other side of an already congested Bury. The proposed new link road will not help this problem as it links one congested area to another.

? PfE para 1.42 states: "The majority of development between 2021 and 2037 (the "plan period") will be on land within the urban area, most of which is brownfield land" PfE favours a brownfield first policy wherever possible as does National Policy. Bury Council have informed the public in Bury that they will implement a brownfield first policy; however, they are going for immediate green belt release (see JPA7 Elton Reservoir Topic Paper PfE 2021, section 27.9 page 52). When questioned at a council meeting on 9/9/21 the Leader of the Councillor Eammon O'Brien clarified this statement by saying that for anything the council themselves build they would adopt a brownfield first policy but claimed that the council have no control over the actions of private developers, in reality they do, as they could limit the release of green belt sites in accordance with National Policy NPPF 134 part e.

**Redacted modification - Please set out the modification(s) you consider necessary to make this section of the plan legally compliant and sound, in respect**

Judicial Review Required in my opinion.

**of any legal compliance or soundness matters you have identified above.**