

Places for Everyone Representation 2021

Family Name	Lucas
Given Name	Richard
Person ID	1286920
Title	Stakeholder Submission
Type	Web
Include files	PFE1286920_SOSElton.pdf PFE1286920_SOSWalshaw.pdf
Family Name	Lucas
Given Name	Richard
Person ID	1286920
Title	Our Vision
Type	Web
Include files	PFE1286920_SOSWalshaw.pdf PFE1286920_SOSElton.pdf
Soundness - Positively prepared?	Unsound
Soundness - Justified?	Unsound
Soundness - Consistent with national policy?	Unsound
Soundness - Effective?	Unsound
Compliance - Legally compliant?	No
Compliance - In accordance with the Duty to Cooperate?	No
Family Name	Lucas
Given Name	Richard
Person ID	1286920
Title	Our Strategic Objectives
Type	Web
Include files	PFE1286920_SOSElton.pdf PFE1286920_SOSWalshaw.pdf
Soundness - Positively prepared?	Unsound
Soundness - Justified?	NA
Soundness - Consistent with national policy?	NA
Soundness - Effective?	NA
Compliance - Legally compliant?	No
Compliance - In accordance with the Duty to Cooperate?	No
Family Name	Lucas

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Given Name	Richard
Person ID	1286920
Title	JP-Strat 13 Strategic Green Infrastructure
Type	Web
Include files	PFE1286920_SOSWalshaw.pdf PFE1286920_SOSElton.pdf
Soundness - Positively prepared?	Unsound
Soundness - Justified?	Unsound
Soundness - Consistent with national policy?	Unsound
Soundness - Effective?	Unsound
Compliance - Legally compliant?	No
Compliance - In accordance with the Duty to Cooperate?	No
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.	Your policy on strategic green infrastructure is not legally compliant, is unsound and fails to comply with the duty to co-operate. PFE shows removal of greenbelt protection for some areas and creation of greenbelt in others. There is no proof of exceptional circumstances required in the National Planning Policy Framework to justify this.
Family Name	Lucas
Given Name	Richard
Person ID	1286920
Title	JPA 7: Elton Reservoir Area
Type	Web
Include files	PFE1286920_SOSElton.pdf PFE1286920_SOSWalshaw.pdf
Soundness - Positively prepared?	Unsound
Soundness - Justified?	Unsound
Soundness - Consistent with national policy?	Unsound
Soundness - Effective?	Unsound
Compliance - Legally compliant?	No
Compliance - In accordance with the Duty to Cooperate?	No
Redacted reasons - Please give us details of why you consider the consultation point not to be legally compliant,	-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.

<p>is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.</p>	<p>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. 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> <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.</p> <p>-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.</p> <p>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.</p>
<p>Redacted modification - Please set out the modification(s) you consider necessary to make this section of the plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified above.</p>	<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.</p>
<p>Family Name</p>	<p>Lucas</p>
<p>Given Name</p>	<p>Richard</p>
<p>Person ID</p>	<p>1286920</p>
<p>Title</p>	<p>JPA 8: Seedfield</p>
<p>Type</p>	<p>Web</p>
<p>Include files</p>	<p>PFE1286920_SOSWalshaw.pdf PFE1286920_SOSElton.pdf</p>
<p>Soundness - Positively prepared?</p>	<p>Unsound</p>
<p>Soundness - Justified?</p>	<p>Unsound</p>
<p>Soundness - Consistent with national policy?</p>	<p>Unsound</p>

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Soundness - Effective?	Unsound
Compliance - Legally compliant?	No
Compliance - In accordance with the Duty to Cooperate?	No
Family Name	Lucas
Given Name	Richard
Person ID	1286920
Title	JPA 9: Walshaw
Type	Web
Include files	PFE1286920_SOSElton.pdf PFE1286920_SOSWalshaw.pdf
Soundness - Positively prepared?	Unsound
Soundness - Justified?	Unsound
Soundness - Consistent with national policy?	Unsound
Soundness - Effective?	Unsound
Compliance - Legally compliant?	No
Compliance - In accordance with the Duty to Cooperate?	No
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.	<p>GM Allocation 9: Walshaw is not legally compliant, is unsound and fails to comply with the duty to co-operate for the following reasons:</p> <p>Paragraph 35 of the NPPF (2021) sets out the tests of "soundness" these are that plans have to be:</p> <ul style="list-style-type: none"> a)Positively prepared b)Justified c)Effective d)Consistent with national policy <p>The proposals whilst positively prepared, i.e. seeking to meet the areas objectively assessed need are neither justified, effective or consistent with National Policy for the reasons set out below.</p> <p>JP Allocation 9 is currently designated as Green Belt. Sufficient evidence has not been put forward to justify release of Green Belt in this location. The Greater Manchester Green Belt Study confirms that the "Harm Rating" for removing this site from the Green Belt is "moderate." The required housing should be located in an area of lower importance in Green Belt terms.</p> <p>Paragraph 140 of the NPPF states that: "Once established, Green Belt Boundaries should only be altered where exceptional circumstance are fully evidenced and justified."</p> <p>The five purposes of the Green Belt are set out in paragraph 38 of the NPPF, these are repeated below for ease, with commentary on each purpose in relation to JP Allocation 9.</p> <ul style="list-style-type: none"> a)to check the unrestricted sprawl of large built-up areas; <p>Development here would cause unrestricted sprawl - hence this site is performing one of the Key purposes of the Green Belt.</p>

b)to prevent neighbouring towns merging into one another;

Development of the Green Belt in this location would lead to the merger of neighbouring towns of Elton, Starling, Walshaw and Woolfold. This piece of land plays an important role in the identity of these towns.

c)to assist in safeguarding the countryside from encroachment;

Development here would encroach on the countryside - this piece of land should remain undeveloped to preserve the intrinsic value of the countryside.

d)to preserve the setting and special character of historic towns;

This does not apply here.

e)to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

This applies strongly, Bury and Greater Manchester as a whole has a large number of deliverable brownfield sites which are badly in need of regeneration. Development here will undermine regeneration efforts in the town centres.

The plan is therefore not justified and not consistent with National Policy - as this is a piece of important Greenbelt land which is performing the functions as set out in paragraph 38 of the NPPF, the Green Belt Assessment admits that moderate harm will be caused to the Green Belt in this location through development. Exceptional circumstances have not been fully evidenced or justified.

Furthermore there is not robust evidence that alternative sites have been tested, the plan does not justify why this site should be developed ahead of other sites.

The NPPF defines deliverability in relation to housing sites as: "sites for housing should be available now, offer a suitable location for development now and be achievable with a realistic prospect that housing will be delivered on the site within 5 years."

With regards to JP Allocation 9 the policy includes the following: 1,250 dwellings; New Highways infrastructure a through road and offsite highways upgrades; major public transport investment; new cycling and walking routes; 25% affordable housing provision; a new one form primary school; financial contributions to a secondary school; new local centre, retail, health clinic and community facilities; High quality green and blue infrastructure; Biodiversity Net Gain; Reduced flood risk through SUDS; Protection and Enhancement of heritage assets. There is no evidence that this level of policy ask is deliverable on site and will not render the site unviable. Therefore the site is not deliverable.

The site is in fact in multiple ownerships, there does not appear to be any evidence that land agreements between landowners are in place to enable the whole site to be delivered. The site is therefore not available.

The site is in the Greenbelt and will harm the countryside. It will cause the merging of several settlements. Part of the site falls within a special landscape area. Heritage assets will be harmed by the proposals. Therefore the site is not suitable.

There is insufficient evidence that the scheme is achievable - the ground report notes potential contamination from previous use of the site. An intrusive investigation has not been carried out. Without a Phase 2 ground investigation it is very difficult to ascertain what the foundation solution may be, what mitigation is required for contamination and potential made ground. These abnormal costs may render the site unviable.

There is no evidence regarding the off site highways works required, the impact upon the local road network and the deliverability of the proposed improvements. The proposed scheme will have a major impact upon local road infrastructure which may not be able to cope and will result in severe

	<p>residual cumulative impacts and potentially unacceptable impacts upon road safety which will be in conflict with paragraph 11 of the NPPF.</p> <p>There is no evidence of viability testing of the scheme, this is a major housing scheme with significant infrastructure requirements. Given the level of policy contributions required (25% affordable) and so on there are major question marks over the viability of the scheme.</p> <p>No planning application has been submitted on the site - there is no detailed worked up scheme and therefore the achievability of the site has not been proved.</p> <p>There is no evidence that the site can deliver the number of dwellings required over the plan period. Using typical build out rates applicable for volume house builders at an average delivery rate of 0.75 dwellings per week over the plan period the site will only deliver approximately 486 dwellings. Even with 3 outlets on the site delivering 75 units per year the realistic delivery allowing for the local plan to be adopted and planning permission to be granted over the plan period would only be 1010. This would also result in a lower revenue for the housebuilders due to increased competition driving down sales prices and impacting viability further.</p> <p>The site is not available, suitable or achievable (or viable) and therefore in accordance with the NPPF is demonstrably not deliverable.</p>
Redacted modification - Please set out the modification(s) you consider necessary to make this section of the plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified above.	<p>In its current form the plan is demonstrably unsound. To make the plan sound amendments to the plan are required:</p> <ul style="list-style-type: none"> -Delete site JP Allocation 9 Walshaw, Bury. -Replace with smaller deliverable sites on non Green Belt sites. <p>To prove that exceptional circumstances to justify alteration to greenbelt boundaries exist, the NPPF requires evidence that all other reasonable options to meet identified need have been considered (NPPF para 141). This must include maximising use of brownfield and underutilised sites and maximising density.</p>
Family Name	Lucas
Given Name	Richard
Person ID	1286920
Title	JP-D1 Infrastructure Implementation
Type	Web
Include files	PFE1286920_SOSWalshaw.pdf PFE1286920_SOSElton.pdf
Soundness - Positively prepared?	Unsound
Soundness - Justified?	Unsound
Soundness - Consistent with national policy?	Unsound
Soundness - Effective?	Unsound
Compliance - Legally compliant?	No
Compliance - In accordance with the Duty to Cooperate?	No
Family Name	Lucas
Given Name	Richard

Places for Everyone Representation 2021

Person ID	1286920
Title	JP-D2 Developer Contributions
Type	Web
Include files	PFE1286920_SOSElton.pdf PFE1286920_SOSWalshaw.pdf
Soundness - Positively prepared?	Unsound
Soundness - Justified?	Unsound
Soundness - Consistent with national policy?	Unsound
Soundness - Effective?	Unsound
Compliance - Legally compliant?	No
Compliance - In accordance with the Duty to Cooperate?	No
Family Name	Lucas
Given Name	Richard
Person ID	1286920
Title	JP-G 10 Green Belt
Type	Web
Include files	PFE1286920_SOSWalshaw.pdf PFE1286920_SOSElton.pdf
Soundness - Positively prepared?	Unsound
Soundness - Justified?	Unsound
Soundness - Consistent with national policy?	Unsound
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Compliance - Legally compliant?	No
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