

Places for Everyone Representation 2021

Family Name	Marsden
Given Name	Daniel
Person ID	1287479
Title	Stakeholder Submission
Type	Web
Include files	PFE1287479_SOSLegality2.pdf PFE1287479_SOSWalshaw.pdf PFE1287479_SOSElton.pdf PFE1287479_SOSLegality_Redacted.pdf
Family Name	Marsden
Given Name	Daniel
Person ID	1287479
Title	Our Vision
Type	Web
Include files	PFE1287479_SOSLegality_Redacted.pdf PFE1287479_SOSElton.pdf PFE1287479_SOSWalshaw.pdf PFE1287479_SOSLegality2.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.	The vision for Greater Manchester has been desktop planned without proper engagement or public consultation from the very beginning. Any consultations that have taken place have been an active deterrent asking far too many intrusive questions of residents to put them off completing them. Also, the consultations have been designed in such a way that they are difficult to respond to especially for residents with limited I.T skills or digital access. Local councils have not properly publicised plans to ensure a place for everyone plan is communicated to everyone. The plan should have been designed by the residents for the

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	<p>residents to address our actual housing requirements over the next 15 years. The above demonstrates a clear lack of community involvement which goes against the council constitution and makes the preparation of this plan unsound.</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>It is questionable whether PfE and the GMSF can effectively be treated as the same plan. Legality must be decided in court before 'Places for Everyone' can proceed any further. It is assumed that a transition between a spatial framework (GMSF) and a Joint Development plan (PfE) is acceptable without a significant re-write. While the GMSF may have been established as legally compliant (complies with Regulation 18 of the Town and Country Planning regulations) and could therefore possibly proceed to final public consultation and submission under Regulation 19 (this current stage) PfE legality is not established. If there is any substantial difference in scope between the GMSF and PfE it cannot be assumed that Regulation 18 is Automatically satisfied for PfE. Para 1.23 states 'The changes made between GMSF 2020 and PfE 2021 are not insignificant in numerical terms, indeed all sections of the plan have seen some form of change.' So, is 'not insignificant' the same as 'substantial', if it is, the plan is not legal. This can only be established by a proper judicial review. So until proven otherwise the plan must be considered illegal and not put to Government.</p>
<p>Family Name</p>	<p>Marsden</p>
<p>Given Name</p>	<p>Daniel</p>
<p>Person ID</p>	<p>1287479</p>
<p>Title</p>	<p>Our Strategic Objectives</p>
<p>Type</p>	<p>Web</p>
<p>Include files</p>	<p>PFE1287479_SOSLegality2.pdf PFE1287479_SOSWalshaw.pdf PFE1287479_SOSElton.pdf PFE1287479_SOSLegality_Redacted.pdf</p>
<p>Our strategic objectives - Considering the information provided for our strategic objectives, please tick which of these objectives your written comment refers to:</p>	<ol style="list-style-type: none"> 1. Meet our housing need 2. Create neighbourhoods of choice 3. Ensure a thriving and productive economy in the districts involved 4. Maximise the potential arising from our national and international assets 5. Reduce inequalities and improve prosperity 6. Promote the sustainable movement of people, goods and information 7. Ensure that districts involved are more resilient and carbon neutral 8. Improve the quality of our natural environment and access to green spaces 9. Ensure access to physical and social infrastructure

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	10. Promote the health and wellbeing of communities
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
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.	Please take the time to read in full the supporting documents I have provided to you to explain why this plan fails on all the above points.
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.	This plan needs to go back to Regulation 18 of the Town and Country planning act and be positively prepared with proper public engagement and consultation.
Family Name	Marsden
Given Name	Daniel
Person ID	1287479
Title	Our Spatial Strategy
Type	Web
Include files	PFE1287479_SOSLegality_Redacted.pdf PFE1287479_SOSElton.pdf PFE1287479_SOSWalshaw.pdf PFE1287479_SOSLegality2.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

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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.	GMCA made the decision to move a poorly prepared plan forward to the publication stage of the Town and Country planning Act even though major changes have been made to the plan since its last round of consultation. For example Stockport withdrew from what was the GMSF and Manchester City council has had a 35% uplift applied to their housing targets to be met within that specific area. This means the plan has changed significantly and therefore requires going back to proper consultation for residents directly affected to comment further.
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.	As above the plan needs to go back to proper consultation with the residents of Greater Manchester.
Family Name	Marsden
Given Name	Daniel
Person ID	1287479
Title	JPA 7: Elton Reservoir Area
Type	Web
Include files	PFE1287479_SOSLegality2.pdf PFE1287479_SOSWalshaw.pdf PFE1287479_SOSElton.pdf PFE1287479_SOSLegality_Redacted.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?	NA
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>- 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: https://www.bury.gov.uk/index.aspx?articleid=15866</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</p>

appear to have been examined. The Elton Reservoir site does not meet the selection criteria laid down in the NPPF or the GMCA guidelines:

<https://www.bury.gov.uk/index.aspx?articleid=16330> 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.

- 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 para1.42 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

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	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 of any legal compliance or soundness matters you have identified above.	Removal of JPA 7 allocation Elton Reservoir from the plan
Family Name	Marsden
Given Name	Daniel
Person ID	1287479
Title	JPA 8: Seedfield
Type	Web
Include files	PFE1287479_SOSLegality_Redacted.pdf PFE1287479_SOSElton.pdf PFE1287479_SOSWalshaw.pdf PFE1287479_SOSLegality2.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	Marsden
Given Name	Daniel
Person ID	1287479
Title	JPA 9: Walshaw
Type	Web
Include files	PFE1287479_SOSLegality2.pdf PFE1287479_SOSWalshaw.pdf PFE1287479_SOSElton.pdf PFE1287479_SOSLegality_Redacted.pdf

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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>Failure to comply with Statement of Community Involvement</p> <p>Bury Council have failed to comply with their Statement of Community Involvement Statement of Community Involvement (bury.gov.uk) at all stages of the creation of the plan. There was no notification to residents of the initial call for sites and the amount spent on making residents aware of the plan is disproportionately small (£100 as per the response to a Freedom of Information request) in comparison to the effect it will have upon them. There has been a deliberate campaign of misinformation and misleading statements to promote and "sell" the Plan to residents, rather than a presentation of the facts eg residents only being told of the plans for their specific ward, and not being informed of the bigger picture across the borough, thus giving the impression that the impact is less than it is. There has been an over reliance on residents finding things out for themselves on social media and websites and thus a failure to engage with various groups due to over reliance on the use of social media and technology. There has been no access to public internet, eg in libraries, during Covid. This has adversely and disproportionately affected older people and those from deprived backgrounds. This is against the SCI 2.4 & 4.17. Countrywide, Covid restrictions are now lifted but restrictions still remain in place in Bury's Statement of Community Involvement (SCI para 1.7). Consultations have been inaccessible in terms of language and terminology used and have been a deterrent to becoming involved in the planning process as they have been wordy, long winded and intrusive, thus producing an irrelevant response rate.</p> <p>National Planning Policy Framework greenbelt protection clauses</p> <p>The purpose of the NPPF greenbelt protection is to prevent urban sprawl. Para 11.119, page 271 of PfE states of the Walshaw allocation,</p> <p>"This is an extensive area of land set entirely within the existing urban area. The land is loosely bounded by the urban areas of Tottington to the north, Woolfold and Elton to the east Lowercroft to the south and Walshaw to the west."</p> <p>Filling in this green belt site will create an urban sprawl contrary to NPPF para 137 and para 138 a,b,c and e.</p> <p>There has been no evidence of the existence of exceptional circumstances to justify the alteration of the greenbelt boundaries to allow building on the Walshaw allocation as is required by the NPPF, para 140. Housing need is not an exceptional circumstance to justify the release</p>

of greenbelt. Government guidance states that housing need is not a target but merely a starting point and figures can be mitigated upwards or downwards according to local circumstances, eg lack of brownfield, economic shock (Brexit, Covid-19).

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.

Assessments

There has been a failure to conduct thorough and independent ecological assessments. Assessments carried out have been done on behalf of developers and are therefore not independent. 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.

The Housing Need Assessment was carried out by Arc4, who were supposed to carry out a non-biased survey of housing need. However, they have a partnership with Greater Manchester Housing Partnership, an organisation of housing associations, including Six Town Housing in Bury. The assessment was therefore not impartial.

Climate change policy and carbon neutral policy

Places for Everyone proposes employment sites on the other side of the borough from Walshaw on the M66 Northern Gateway Corridor, necessitating travel by car as no direct public transport route exists or is proposed, thus increasing carbon emissions. Local transport hubs in Bury are only accessible from Walshaw by a car journey or an expensive, unreliable and infrequent bus service, again increasing carbon emissions. The proposed new link road at Walshaw will do nothing to alleviate congestion on the roads, simply transferring the problem from one place to another.

Up to date information

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: <https://www.bury.gov.uk/index.aspx?articleid=15866>

Soundness

Site Selection

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. Alternative options were ruled out too early or were not

considered despite other areas having direct motorway access or being situated nearer to employment sites.

In addition, the Walshaw site performs poorly against site selection criteria and strongly against greenbelt assessment criteria. Therefore the inclusion of the Walshaw site cannot be justified:

- The Walshaw site only met one of the criteria for site selection, namely the most general and vague criteria, Criteria 7, land that would deliver significant local benefits by addressing a major local problem (Site Allocation Topic Paper JPA 9 Walshaw pg 8, para 5.4). The only major local problem identified in Walshaw is the extra traffic that will be created by the proposed 1250 new houses. Without the houses, there is not a major problem and the infrastructure proposed would not be needed. This is essentially a cyclical argument and not a specific justification for the inclusion of the site.

NB In the Site Selection Background Paper, Criteria 7 is missing from the table of site selection criteria at pg 18.

- The Walshaw allocation only meets 3 out of 10 of the broad objectives within Section 3 of the PfE plan (Site Allocation Topic Paper JPA 9 Walshaw pg 8, para 5.7):

- Objective 1 - Meet our housing need;

- Objective 5 - Reduce inequalities and improve prosperity;

- Objective 6 - Promote the sustainable movement of people, goods and information.

Again, these objectives could be satisfied by any number of sites in the area.

- The Walshaw site makes a strong or moderate to strong contribution to the purpose of the greenbelt in each of the areas of the Greater Manchester Greenbelt Assessment 2016 (Site Allocation Topic Paper JPA 9 Walshaw, pages 27 - 28, para 15.3):

To check the unrestricted sprawl of large built up areas Moderate-Strong

To prevent neighbouring towns from merging into one another Strong

To assist in safeguarding the countryside from encroachment Moderate-Strong

Preserving the setting and special character of historic towns Moderate-Strong

- Site Allocation Topic Paper JPA 9 Walshaw at page 29 para 15.8 refers to The Green Belt Harm Assessment, 2020 which concluded that the Walshaw allocation makes a moderate contribution to checking the sprawl of Greater Manchester and safeguarding the countryside from encroachment. The allocation also makes a relatively limited contribution to maintaining the separation of Bury and Tottington which are already merged to a significant degree. Release of the allocation would therefore cause moderate harm to Green Belt purposes.

The lack of selection criteria met and the harm that will be caused by the release of the Walshaw greenbelt are evidence of the lack of justification for the selection of this site. In

fact, an ex Bury Council leader, David Jones, admitted in writing that sites had been selected due to their sheer size and the ease of implementation of infrastructure, saying,

"the proposed strategy within the GMSF is to release a small number of large strategic sites from the Green Belt as these will provide the scale and massing of development that is needed to enable the viable delivery of the essential major infrastructure to support the development."

The needs of the Walshaw community have been overlooked in favour of mass urbanisation by using this particular site rather than sites on the outskirts nearer motorway access, transport hubs and employment sites. There is too much emphasis on economic growth at the expense of mental and physical health of residents with the benefits of the greenbelt being underestimated.

Infrastructure

The only way in which the funding levels required for infrastructure could be achieved would be through a 5% increase in the price of the properties on the site: Site Allocation Topic Paper- JPA 9 Walshaw pg 44, 45 and 46. Realistically, this makes the infrastructure for the site undeliverable.

"The Three Dragons Viability Appraisal of the allocation has been run using the base model, which showed the allocation would likely require public support to proceed.

The Three Dragons report shows that without a contribution to strategic transport costs, the scheme produces a positive residual value both for the main and the sensitivity test. However, a small increase in house prices of less than 5% would be required to accommodate the full strategic transport costs identified.

26.3 With a small increase in values compared to the base model, the sensitivity test demonstrates that the allocation would be able to support all policy costs including 25% affordable housing and the infrastructure required to support the development, including the strategic transport costs. A 5% increase is considered appropriate for this location as it is in a popular residential area and is closely linked with Walshaw and the areas to the west of Bury where house prices are typically higher than other parts of the town."

There is no guarantee that higher house prices would be achieved. This also suggests that provision of some infrastructure will not be contemporaneous with the building of houses and will only be forthcoming once funds have been raised. This is supported at Site Allocation Topic Paper- JPA 9 Walshaw pg 46 para 27.2 which states that,

"The phasing strategy will be developed through on-going discussions with key stakeholders in relation to infrastructure delivery. The estimated phasing and delivery trajectory will evolve as the plans for the allocation are developed further."

The plan for infrastructure is therefore unsound as it is undeliverable and thus the site unviable. Insufficient and vague infrastructure for Walshaw has been proposed, with no sources of funding specified. Bury have a very poor reputation for obtaining developer contributions for

infrastructure and developers always try to wriggle out of any obligations. We are told by the Council that s106 payments are no longer ringfenced so there is no guarantee that promised infrastructure will be forthcoming.

- Healthcare

There is no specific proposal for additional healthcare facilities. Site Allocation Topic Paper PA 9 Walshaw at page 43, para 25.1 states that,

"Further work will be required to determine whether there is additional capacity within any local healthcare facilities to meet the increased demands arising from the prospective occupants of the new development."

- Education

Whilst there is a plan for an extra primary school in Walshaw, there is no feasible plan in place to deal with the increased number of secondary school age pupils. Site Allocation Topic Paper PA 9 Walshaw at page 43, para 24.1 states that,

"The Walshaw allocation is expected to yield approximately 263 primary age pupils and 175 secondary age pupils. Current forecasts show both primary and secondary schools in the area full to capacity, therefore all additional demand created would require additional school places."

"Cumulative secondary age demand pressures will need to be considered more strategically" (para 24.2)

It is proposed that secondary places will merely be funded from "financial contributions towards off-site secondary school provision" to meet the needs generated by the development (PfE, pg 270). This is not acceptable and will only provide a short term solution. The Elton High School in Walshaw was oversubscribed by 175 places in 2021 and the furthest distance offered from the school was just over 1/3 of a mile. Distribution of places in Bury secondary schools for September 2021. If it is proposed that the Walshaw site will yield an additional 175 secondary age pupils, a more permanent solution (ie an additional secondary school in the locality as well as the proposed secondary school in Radcliffe) needs to be found for them in the immediate area and for the additional primary age children in the area as they move through the education system.

- Transport

"The most significant role which PfE will play in this respect is to locate development in the most sustainable locations which reduce the need for car travel, for example by maximising residential densities around transport hubs." |What are Places for Everyone's proposals for the environment? - Bury Council

Walshaw is not situated near to motorway junctions or to transport or employment hubs, requiring residents to travel across Bury to access them. The only improvement to public

transport that is proposed is "a potential upgrade of existing bus services or a new bus service" (PfE pg 270). No new public transport route to employment hubs is proposed.

The proposed new road link will not ease traffic and will potentially create further congestion. As per the Transport Locality Assessments GMSF 2020, the map at page B9, figure 3 shows that the road will start from a mini roundabout on a narrow residential road, cross a busy main road, enter onto Lowercroft Road at Dow Lane where the road is steep and very narrow (barely wide enough for two cars to pass safely). The road will be sending traffic to all of the same pinch points this side of the Irwell. It will exacerbate congestion on local roads, which are already highly congested. No account has been taken of the additional traffic which will be produced at the Andrews housing development site just down the road from the Walshaw allocation.

Housing delivery targets

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 JPA9 Walshaw Topic Paper PfE 2021, section 27.4 page 46) would be met as they were "unrealistic". So the plan cannot be considered to be effective and fails the effectiveness test for Soundness.

Housing requirements

Government guidance is clear that standard housing methodology is just a starting point and can be changed in exceptional circumstances - this has not been thoroughly explored. A lack of brownfield land in the area and in particular the economic shock caused by Brexit and Covid 19 have not been taken into account.

There is insufficient confidence in the accuracy of the predictions in the current uncertain economic climate to justify Green Belt loss at the start of the plan. Greenbelt loss should only occur once all brownfield has been exhausted. A review mechanism should be built in to only include greenbelt at a later stage if proven necessary. 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. When questioned at a council meeting on 9/9/21 the Leader of the Council 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.

Changes to greenbelt boundaries

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. The loss of the Walshaw site greenbelt has been partially offset by creating extensive but unusable greenbelt in other areas without justifying exceptional circumstances. This is not in accordance with National Policy.

Modifications box

Removal of JPA 9 Walshaw from the plan

Delivering the plan section

Question 113 infrastructure implementation all marked as unsound

Detail's box

Due to the size of the greenbelt sites allocated within the plan it is highly unlikely that the infrastructure can be provided in good time to bring these sites forward within the plan period. This would make the plan undeliverable within the plan period hence making it unsound.

Modifications box

Smaller sites should be considered that would come forward faster like brownfield sites that already have substantial infrastructure provided close by.

Question 104 developer contributions

All marked as unsound

Detail's box

It is very well documented that once a site is approved for development it can be reviewed at a later date with a viability assessment. Local councils have very little control after a site has been approved for houses and it is common practice for a developer to change the number of homes on the site, density, type and number that are classed as affordable. In some extreme cases a developer can state inflated development costs and no section 106 payments will come forward.

Modifications box

Local council authorities need to enter into more housing partnership projects and develop the land they own instead of selling it and losing control. Salford Council has now created it's own housing building company that will deliver affordable homes on land they own and other councils should follow suit.

Proposed Greenbelt additions section

Question 116 - Bury Greenbelt additions

Tick all site additions

Tick all unsound

Detail's box

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	<p>Net greenbelt additions have been nothing but a play on numbers to promote the plan as protecting more greenspace. A lot of the new greenbelt additions are currently not viable for building. This is simply an exercise to take away the protection of greenbelt from useable open greenspaces and apply them elsewhere in the borough to give the impression that the overall net greenbelt percentage loss is less.</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>Leave the greenbelt boundaries unchanged and present the true loss of greenbelt land in any further proposals.</p>
<p>Family Name</p>	<p>Marsden</p>
<p>Given Name</p>	<p>Daniel</p>
<p>Person ID</p>	<p>1287479</p>
<p>Title</p>	<p>Bury - Green Belt Additions</p>
<p>Type</p>	<p>Web</p>
<p>Include files</p>	<p>PFE1287479_SOSLegality_Redacted.pdf PFE1287479_SOSElton.pdf PFE1287479_SOSWalshaw.pdf PFE1287479_SOSLegality2.pdf</p>
<p>GBA Bury - Tick which Green Belt addition/s within this District your response relates to - then respond to the questions below</p>	<p>Bury GBA03 Pigs Lea Brook 1 Bury GBA04 North of Nuttall Park Bury GBA05 Pigs Lea Brook 2 Bury GBA06 Hollins Brook Bury GBA07 Off New Road, Radcliffe Bury GBA08 Hollins Brow Bury GBA09 Hollybank Street, Radcliffe Bury GBA10 Crow Lumb Wood Bury GBA11 Nuttall West, Ramsbottom Bury GBA12 Woolfold, Bury Bury GBA13 Nuttall East, Ramsbottom Bury GBA14 Chesham, Bury Bury GBA15 Broad Hey Wood North Bury GBA16 Lower Hinds</p>

Places for Everyone Representation 2021

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.	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. The loss of the Walshaw site greenbelt has been partially offset by creating extensive but unusable greenbelt in other areas without justifying exceptional circumstances. This is not in accordance with National Policy.
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.	Removal of JPA 9 Walshaw from the plan
Family Name	Marsden
Given Name	Daniel
Person ID	1287479
Title	Supporting Evidence
Type	Web
Include files	PFE1287479_SOSLegality2.pdf PFE1287479_SOSWalshaw.pdf PFE1287479_SOSElton.pdf PFE1287479_SOSLegality_Redacted.pdf
Redacted comment on supporting documents - Please give details of why you consider any of the evidence not to be legally compliant, is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.	It is questionable whether PfE and the GMSF can effectively be treated as the same plan. Legality must be decided in court before 'Places for Everyone' can proceed any further. It is assumed that a transition between a spatial framework (GMSF) and a Joint Development plan (PfE) is acceptable without a significant re-write. While the GMSF may have been established as legally compliant (complies with Regulation 18 of the Town and Country Planning regulations) and could therefore possibly proceed to final public consultation and submission under Regulation 19 (this current stage) PfE legality is not established. If there is any substantial difference in scope between the GMSF and PfE it cannot be assumed that Regulation 18 is Automatically satisfied for PfE. Para 1.23 states 'The changes made between GMSF 2020 and PfE 2021 are not insignificant in numerical terms, indeed all sections of the plan have seen some form of change.' So, is 'not insignificant' the same as 'substantial', if it

is, the plan is not legal. This can only be established by a proper judicial review. So until proven otherwise the plan must be considered illegal and not put to Government.

Soundness

Soundness

- The plan uses 2014 data to predict housing need and ignores the potential impact of Brexit and Covid-19. Housing need must be re-assessed using the latest (2018) ONS population predictions and take into account the effect of Covid on work patterns.

- There is little detail on how the required infrastructure will be paid for. The plan needs to be revised to identify how all the infrastructure will be paid

- There are no partners or industries identified for employment provision. Major partners for employment provision should be identified.

- There has been poor public consultation, a lack of accessible information and little spent by councils in generating awareness. Interest in the plan has mainly been generated by local protest groups. The public consultations should be repeated, providing clear, understandable information. They should be designed to encourage rather than discourage public input.

- The site selection process has been opaque with no explanation as to why some sites in the 'call for sites' were excluded from the plan.

https://mappinggm.org.uk/call-for-sites/#os_maps_outdoor/16/53.6380/-2.3228 The process should be repeated using National and GMCA guidelines for site selection. Meetings with public representation should be held and minutes should be published. The rationale for the selection/rejection of every site should be available including considered alternatives.

- Several of the authorities involved have consistently failed to meet housing delivery targets. An effective a plan must be deliverable. The plan relies on the cooperation of property developers. There is no indication of how delivery targets will be maintained. A strategy to guarantee housing delivery rates must be provided. This cannot be left to any local authority that is currently behind on housing targets. Clear delivery plans for infrastructure should be included.

- 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.

- In addition to PfE each authority needs to come up with its own local plan. No details have been given about when these plans will be available.

- There are no details of how Duty to Cooperate will be achieved. Following their withdrawal Stockport will effectively become a neighbouring borough. However, it is not acceptable to limit neighbouring boroughs to Stockport since each of the authorities in the plan is also neighbouring to other authorities outside of the plan e.g. Bury is neighbours with Rossendale,

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Bolton neighbours Blackburn with Darwen, Wigan neighbours St Helens and Trafford neighbours Cheshire area.

- A change in the methodology for Manchester City Council was resulted in a 35% uplift for the Manchester City Council area. The revised Local Housing Need methodology states that the 35% uplift is to be met within the district and not redistributed (see Places for Everyone Joint Committee documentation, 20th July 2021, author Paul Dennett, Page 7 section 2.2 (ii) https://democracy.greatmanchesterca.gov.uk/documents/s15613/PFE_JC_July2021_ISSUED.pdf) This represents a significant change between the previous spatial framework the Greater Manchester Spatial Framework and the current joint development plan Places for Everyone.