

Places for Everyone Representation 2021

<b>Family Name</b>	Turner
<b>Given Name</b>	Jason
<b>Person ID</b>	1286237
<b>Title</b>	Stakeholder Submission
<b>Type</b>	Web
<b>Include files</b>	<a href="#">PFE1286237_Image3.jpg</a> <a href="#">PFE1286237_Video2.mp4</a> <a href="#">PFE1286237_Video.mp4</a> <a href="#">PFE1286237_Image1.jpg</a> <a href="#">PFE1286237_Image2.jpg</a>
<b>Family Name</b>	Turner
<b>Given Name</b>	Jason
<b>Person ID</b>	1286237
<b>Title</b>	JPA 24: Roch Valley
<b>Type</b>	Web
<b>Include files</b>	<a href="#">PFE1286237_Image2.jpg</a> <a href="#">PFE1286237_Image1.jpg</a> <a href="#">PFE1286237_Video.mp4</a> <a href="#">PFE1286237_Video2.mp4</a> <a href="#">PFE1286237_Image3.jpg</a>
<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>	JPA 24 FAILS TO COMPLY WITH PFE OBJECTIVE 2 AND IS NOT CONSISTENT WITH NPPF CHAPTER 14. THE SITE IS NOT JUSTIFIED, NOT EFFECTIVE AND NOT CONSISTENT WITH NATIONAL POLICY.  In the last few years, the River Roch has flooded regularly at this point preventing any traffic from getting out of Smithybridge via Smithybridge Road in the direction of Littleborough, or

via Hollingworth Road in the direction of Littleborough, causing massive disruption, devastation and damage to hundreds of properties and businesses.

The current fields which are planned to be built upon, are vital for the absorption of surface water and slow down the run off of rainwater down hill where it joins the river. The building of houses and roads on these fields, turning them into huge slabs of concrete and tarmac, will reduce the surface water absorption and cause more rapid and increased water run off so that river levels will rise much higher and much more quickly, making the current flooding problem even worse.

Building at this location and thereby causing the river water to spread further, forcing it onto neighbouring land is against civil law.

Rylands v Fletcher 1868 is an important Tort of Law which is pertinent in this case and should be considered as LEGAL ACTION WILL BE TAKEN.

"A tort is an act or omission that gives rise to injury or harm to another and amounts to a civil wrong for which courts impose liability. In the context of torts, "injury" describes the invasion of any legal right, whereas "harm" describes a loss or detriment in fact that an individual suffers." (<https://www.law.cornell.edu/wex/tort>).

In the case of Rylands V Fletcher, the defendants employed independent contractors to construct a reservoir on their land. The contractors found disused mines when digging but failed to seal them properly. They filled the reservoir with water. As a result, water flooded through the mineshafts into the plaintiff's mines on the adjoining property.

The requirements for this are: that something is brought onto the land; by a non-natural use; that it is likely to do mischief; it escapes; and it was foreseeable.

JPA24 is therefore not legally compliant, as in this case, building on land which acts as a soak for rain water and thereby forcing river levels to rise will bring an increased amount of water onto the land, where it does not usually occur; this will be caused by the non-natural building of dwellings and roads; it does mischief by causing flooding, damage and destruction of land, buildings, roads, homes and businesses; it escapes due to the inability of the land to absorb surface water; it is foreseeable as RBC is fully aware of the flooding of this area and it is being further highlighted in this document.

(<https://www.lawteacher.net/cases/rylands-v-fletcher.php>)

It will also cause flooding up stream as river flow is unable to cope with the amount of water so it backs up, causing flooding in Littleborough village. Similarly, it will increase flooding downstream, through Wardle, Smallbridge and into Rochdale Town Centre, threatening the council offices themselves!

On 3rd September 2019, Cllr David Renard, the Local Government Association's Environment spokesman said,

"Flooding can devastate communities, causing enormous disruption to families and businesses, and resulting in clean-up bills costing hundreds of millions of pounds. To support protection

work by councils to prepare for heavy rainfalls this winter, funding for flood defences needs to be devolved to local areas to ensure money is directed towards projects that best reflect local needs, which includes protecting key roads and bridges to keep local residents and businesses moving."

(<https://www.local.gov.uk/about/news/lga-responds-government-statement-flooding>)

The area of land in JPA24 is currently used as grazing farmland for cattle and sheep and the farmer's herd will have to be drastically reduced in size if this land is used for housing development, at a time when there are food shortages due to farming pressures.

THE SPECIFIC PROBLEM OF FLOODING FARMLAND is an issue being addressed by the National Farmers Union who are currently in discussion with the government on how to reduce the risk to farmers of farmland flooding. As stated by the NFU,

"Productive farmland is an irreplaceable national asset, not just for the provision of food but the other public goods it provides",

(<https://www.nfuonline.com/news/media-centre/press-releases/flood-risk-to-farming-must-be-taken-seriously/>).

The Flooding Manifesto (<https://www.nfuonline.com/assets/92430>) written by the NFU goes into great detail about the risks to British farming from flooding, and the effects on livestock, land and livelihood. The potential damage this development would cause due to increased risk, speed and severity of flooding is enormous to the farm and the livestock on this land.

In 2009, Department for Communities and Local Government published the Planning Policy Statement 25: Development and Flood risk Practice Guide. In this, Section 1.4 states that "The aim of our policies for managing flood risk through the planning system is to avoid such inappropriate development in flood risk areas. The key message of PPS25 is to avoid such inappropriate development and to locate development away from flood risk whenever possible." ([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7772/pps25guideupdate.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7772/pps25guideupdate.pdf)).

As this is the wording of the government policy document, I suggest that JPA24 therefore fails to comply with the duty to co-operate is not legally compliant as it clearly goes against Government policy.

I also believe that by building numerous housing developments in such a small geographical area as Smithybridge / Littleborough, the increased traffic will lead to marked deterioration in air quality and reduce the amount of green space available for the local community to reduce stress levels and take pleasure through exercise and fresh air.

This land would be better served by being left as grazing pasture, to maintain air quality and community enjoyment, or by having some woodland planted to help alleviate the flooding problem.

THIS SITE FAILS TO COMPLY WITH PFE OBJECTIVE 7 AND IS NOT CONSISTENT WITH ADAPTING TO CLIMATE CHANGE, MOVING TO A LOW CARBON ECONOMY AND NPPF CHAPTERS 2 (PARA 8) AND 9.

THE SITE IS NOT JUSTIFIED AND IS NOT CONSISTENT WITH NATIONAL POLICY.

I also believe that by building numerous housing developments in such a small geographical area as Smithybridge / Littleborough, the increased traffic will lead to marked deterioration in air quality and reduce the amount of green space available for the local community to reduce stress levels and take pleasure through exercise and fresh air.

This area already has a huge amount of traffic due to its close proximity to the tourist attraction of Hollingworth Lake, which causes chaos due to gridlock on fine days during summer and on Bank Holidays and weekends, when many hundreds of visitors come, massively adding to air pollution. The increased CO2 emissions from this traffic will be seriously damaging to local air quality and risk the health of our residents, especially young children.

Commuters in the area must use our roads to reach the M62 J21 in Milnrow, and again this causes gridlock when the motorway is closed and traffic is diverted through our locality. Thousands of cars belonging to many hundreds more residents will significantly add to this problem.

There is no access to the Metro tram system which is over 4 km away, with no direct bus link, and the local train stations struggle to meet rush hour demand, leading to many avoiding the use of public transport.

The recent pandemic and fears for personal health has meant that many previous commuters now refuse to use public transport as there is no rule for wearing masks so there are fears for personal safety. I for one, as an NHS nurse refuse point blank to use public transport due to this very point. There is also no public transport available to many work locations meaning that many commuters must use cars.

Our existing road network was built for village traffic, when Smithybridge and Littleborough were small villages and already struggles to cope on busy days. They will certainly not be able to accommodate the extra traffic of over 1000 additional cars. Any traffic assessment which has been undertaken which has not been done when the motorway has been closed, or on a Bank Holiday on a hot day, does not reflect what is a common occurrence in this locality.

The level crossing on Smithybridge Road, just a few hundred metres from the proposed JPA 24 Roch Valley site closes between 4 and 7 times an hour which causes considerable traffic queues to back up along Smithybridge Road to the traffic lights at the top where the road meets Halifax Road, and at the other end at the roundabout for Milnrow Road. Further development along this road will create traffic obstruction which may lead to accidents if these obstruct the level crossing itself.

**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.**

REMOVE JPA 24 FROM THE PFE