

Subject:	Adoption of Rossendale Local Plan 2019 to 2036	Status:	For Publication
Report to:	Council	Date:	15 December 2021
Report of:	Planning Manager	Portfolio Holder:	Environment
Key Decision:	<input checked="" type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required:	Yes/No	Attached: Yes/No
Biodiversity Impact Assessment	Required:	Yes/No	Attached: Yes/No
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1.	RECOMMENDATION(S)
1.1	To accept the recommendations contained in the Inspectors' Report dated 19 November 2021 and letter of 26 November 2021.
1.2	To adopt the Rossendale Local Plan (2019 to 2036) Written Statement and accompanying Policies Map.
1.3	To commence work on the Supplementary Planning Documents referred to in the Local Plan.

2. PURPOSE OF REPORT

- 2.1 To accept the recommendations made by the Inspectors and adopt the Rossendale Local Plan 2019 to 2036 (attached), which will provide the planning framework for the determination of planning applications.

3. BACKGROUND

- 3.1 The new Corporate Plan (agreed 8 September 2021) is focused around four strategic themes, which have been addressed in the Local Plan. These are:
- Thriving local economy
 - High quality environment
 - Healthy and proud communities
 - Effective and efficient council
- 3.2 The Council declared a Climate Change emergency in 2019. Policies to address climate change were already included in the Pre-Submission Publication version (also known as the Regulation 19 version in this Report). Further modifications were made as a result of amendments to national planning guidance published earlier this year. A Supplementary Planning Document (SPD) will be prepared specifically to address climate change
- 3.3 The Council has a statutory duty to prepare and review the Local Plan. The Local Plan (2019 to 2036) will replace the adopted Core Strategy and will ensure the Council has a robust and up-to-date spatial planning policy framework and enable opportunities for further guidance to be issued in the form of SPDs.
- 3.4 This Local Plan identifies strategic policies, including development requirements for the Borough, allocates sites to meet the need for new housing and employment, and sets out

development management policies to assess planning applications. Having an up-to-date Local Plan will better enable the Council to maintain control of development, ensuring it is supported by appropriate infrastructure, designed to take account of Rossendale's character, and safeguards other land from development.

- 3.5 As members will recall consultation took place for 11-weeks over the summer of 2017 on the initial draft (the Regulation 18 version), generating almost 2,000 responses. Changes were made and the Pre-Submission Publication version (known as the Regulation 19 version) was approved by Council at its meeting on 11 July 2018, subject to the relocation of the Gypsy and Traveller Transit site, for further formal consultation and submission for examination to the Secretary of State.
- 3.6 The Local Plan was submitted in March 2019 and two independent Planning Inspectors were appointed – Katie Child and Luke Fleming. Hearings took place over 9-days in September and October 2019, followed by a subsequent day session in June 2020. As reported to Council in December 2019 the Inspectors' initial Post-Hearing Letter set out a large number of Further Actions, mainly for the Council. The Council's responded to these actions and all responses were consulted on as appropriate in two tranches. The first consultation took place in November 2020 for 4-weeks and the second tranche of consultation on the additional information in February and March 2021. All the responses received were forwarded to the Planning Inspectors and published on the Examination webpage, with stakeholders notified accordingly. The Inspectors also requested further information on the updated housing and employment need and supply, and the changes to the National Planning Policy Framework (the NPPF) and the Use Classes Order, before issuing their full Post Hearing Letter on 30 June 2021. They advised the Council to undertake a number of Main Modifications in order to make the Local Plan sound and therefore capable of adoption. In addition a number of Additional Modifications were proposed in order to correct minor errors and typos etc. This consultation took place for 6-weeks commencing in August 2021.
- 3.7 The Inspectors issued their Report on 19 November 2021. Unfortunately due to email issues this Report and its Appendix listing the revised Main Modifications was not received by the Council until Wednesday 24 November. Accompanying this Report is a document called Matters of Clarification (Appendix 9), which will be published alongside the adopted Local Plan. A minor error was identified relating to a specific housing site "Land off Oaklands and Lower Cribden Avenue". Although fully completed, for reasons of consistency this site should not have been deleted from the list of Housing Allocations (Table 7) in the Local Plan Witten Statement, as contained in MM008 (p 30 of the Schedule). The Inspectors have issued a further letter explaining this oversight (dated 26 November), available in the Background documents. Other matters that have been identified and corrected in the Local Plan Adoption Version include a minor change to the text immediately below Table 7 (the Housing Allocations), and some spelling mistakes and incorrect names – for example, Highways England changed its name to National Highways in August, and the Rostron Arms.
- 3.8 The Inspectors' Report identifies 10 main issues upon which the soundness of the Local Plan depends. In total there are 58 Main Modifications to the version of the Local Plan that was approved by members in July 2018 and submitted for examination. These modifications are necessary to ensure that the Local Plan is sound - positively prepared, justified, effective and consistent with national policy, and can therefore be adopted by the Council. There are also Additional Modifications; these are needed to correct typographical errors etc and these do not relate to soundness issues.

3.9 The Main Modifications are explained fully in the Inspectors' Report (attached) and listed in the Schedule of Main Modifications but the key recommendations are explained briefly below:

- Insertion of a vision and strategic objectives
- The plan period has been extended and now runs from **2019 to 2036** (rather than 2034 as originally proposed. This is because it needs to run for 15 years post adoption).
- The **Employment Land requirement has remained at 27 ha**, albeit that the need has reduced, and the supply estimated at 31 ha. This is to ensure choice for businesses and flexibility in supply.
- Changes to the employment policies have been necessary partly as a result of the recently introduced **amended Use Classes Order**.
- **The housing requirement has been reduced to 185 additional new dwellings per annum as of 2021** (from 212 p.a. which is contained in the Submission Version). This is a result of new information which feeds into the Government's Standard Method for calculating new housing. Hence over the new plan period 3,191 dwellings are required compared to 3,180 as set out in the submitted Plan. This equates to 188 dpa over the plan period 2019 to 2036.
- The Inspectors conclude that **exceptional circumstances do exist to justify the release of land from the Green Belt** to deliver identified housing and employment needs in Rossendale.
- In identifying suitable sites for development a number of brownfield sites were suggested. However, many of these suffered from constraints which would affect their deliverability – for example flood risk, viability issues and contamination.
- Land is to be released from the Green Belt to deliver five housing sites, including some on previously developed or partly brownfield land. These sites include: land west of Market Street and land east of Market Street in Edenfield, Edenwood Mill, Irwell Vale Mill, and in Whitworth Cowm Water Treatment Works. The three new employment sites which will involve Green belt releases include land North of Hud Hey, New Hall Hey and the extension to Mayfield Chicks. Measures to compensate for the loss of the Green Belt land will now be necessary when these sites are delivered; measures have been identified and were consulted upon in the document *Compensation Measures for Green Belt Release* – document reference [EL11.001b](#) in the Local Plan Examination Library.
- The policy requiring **30% of homes to be affordable** subject to site and development considerations has been retained.
- All housing sites delivering 5 or more units will need to **provide 20% which will meet the needs of elderly or disabled residents or be easily adaptable** to meet higher Building Regulations standards (M4(2)). However, the Inspectors do not agree that all homes should meet the national described space standard, and so this part of the policy will need to be removed.
- The Council must continue **its review of the Open Space and Play Equipment SPD** to inform site specific development requirements and financial contributions.
- Housing densities of at least 40 dwellings per hectare will be expected in town centres or where within reasonable walking distance to bus stops on key corridors.
- **The Gypsy and Traveller Transit site** at Futures Park (and latterly proposed at Sharneyford) will be deleted. The Council is to implement a negotiated stopping policy to meet identified transit needs, work with partners to identify suitable stopping places, and set out a criteria-based policy to assess any future applications. The need for 4 additional permanent pitches and 4 transit pitches for Gypsies and Travellers has been established, with the permanent pitches coming forward through intensification or as windfalls.
- Changes to the retail section include the deletion of Spinning Point Phase 2 and

updates necessitated by the recent amendments to the Use Classes Order.

- Policy R5 seeks to **restrict new hot food takeaways** where they would lead to an over-concentration in a particular area, risk exacerbating obesity, or promote unhealthy eating habits. The main change is to remove the reference to primary schools as the Inspector's view is younger children are not as likely as secondary school pupils to use hot food takeaways and also the preponderance of primary schools is such that it would leave little opportunity for any unrestricted trading. Promoting healthy eating menu options is also to be deleted from the policy. This policy is still stronger than the Council's existing position.
- Many of the allocations for new housing and employment development are now supported by **site specific policies** highlighting key parameters that applicants will need to address in their submissions. For some allocations there have been changes to capacity/site areas and delivery timescales and to existing site specific policies.
- The Inspectors confirm that Rossendale has a 5-year land supply. Taking into account these allocations, **Rossendale will have 8.26 years supply of housing land** on adoption of the Local Plan in 2021.
- There is a small shortfall in respect of the overall housing supply of 16 dwellings for the plan period. The Inspectors consider it prudent to allow the plan to proceed to adoption rather than delay, especially as there is sufficient supply until the final year of the plan and the Local Plan will be subject to monitoring. Further delay caused by releasing additional sites would be contrary to the Government's objective of boosting the delivery of housing to meet needs.
- The Inspectors' Report confirms that taken as a whole, the Local Plan "includes policies designed to ensure that development and use of land contributes to the mitigation of, and adaptation to, **climate change**" and lists ten relevant policies including high quality design, green infrastructure networks, environmental protection, renewable energy, sustainable drainage systems/flood risk/surface water run-off, and electric vehicle charging points. The Local Plan also provides the hook for developing a Supplementary Planning Document specifically to address Climate Change.
- The 20% net gain for biodiversity was not supported by the Inspectors, and we will have to await further legislation supplementary to the Environment Act before we can use a specific target. However, the inclusion of trees on housing estate roads was mentioned and reference is made to the Rossendale Forest.
- The Inspectors expect the delivery of infrastructure projects (including Rawtenstall Gytratory) to be monitored over the plan period through the Council's Housing Action Plan.

3.10 The Inspectors' Report notes that the "Council's policies are ambitious but sufficiently flexible, such that they will rightly maximise the delivery of affordable housing, Green Belt compensation and infrastructure where viable."

3.11 By adopting the Local Plan the Council will be able to bring forward its strategic aims, ensuring it has greater control over the development that takes place in the Borough and that it is accompanied by appropriate infrastructure improvements as well as other local facilities and is of a design suitable for Rossendale. It will also assist in addressing the Council's climate change priorities as well as meeting the needs of the Borough's residents. Work will be able to start on preparing the Climate Change SPD, updating the Open Space and Playing Pitch work, ensuring accessible homes for the ageing population and restricting developments that would cause harm.

3.12 As well as the Local Plan Written Statement a Policies Map has been created to show the

allocations and designations. It is intended that an interactive Policies Map will be developed which will be available to view on the Council's website following adoption to show these clearly.

4. RISK

4.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

4.2 The Council has a statutory duty to produce and adopt a Local Plan. The Government expects authorities to take steps to have an up-to-date Local Plan in place by March 2023 and may intervene if this is not in place. This is likely to provide the Council with less control over the content of the document, possibly with additional sites allocated for housing to remedy the identified shortfall over the plan period. A new transit site for Gypsies and Travellers may need to be identified. There will also be less control over budget for its preparation.

4.3 By not having a Local Plan in place with robust, up-to-date planning policies, the Council has less control over development within Rossendale. It will be at risk of having applications submitted in unsuitable and unsustainable areas, which will be difficult to refuse, including further Green Belt releases. This may further lead to insufficient infrastructure and less affordable housing being achieved as well as contributing unsustainable patterns of development.

4.4 A considerable amount of money has been spent in terms of preparing the Evidence Base, undertaking consultation and paying for the Examination itself. If the Local Plan is not adopted the Council will need to prepare another Local Plan and will need to spend additional money.

4.5 The Local Plan policies support the other work that the Council is undertaking including regeneration initiatives, and addressing climate change issues and meeting the health and wellbeing needs of its population, including the delivery of affordable housing. Without these up-to-date Local Plan policies in place, this will be difficult to achieve.

5. FINANCE

5.1 The Local Plan has cost the Council c£740k, this has been funded from reserves.

6. LEGAL

6.1 The Inspectors' report concludes that, with the recommended Main Modifications, the Rossendale plan satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and is sound.

6.2 If the Council does not adopt the Local Plan it would face speculative planning applications, which are difficult to resist. The Council would further find it difficult to successfully defend planning appeals, particularly in terms of demonstrating that it has a five year housing land supply.

6.3 The Secretary of State may use intervention powers in terms of the Planning and Compulsory Purchase Act 2004 including requiring the plan to be submitted for their approval, or issuing a temporary direction pending possible use of intervention powers. In the absence of any intervention by the Secretary of State, although the Inspector's function is said by the 2004 Act to be one of recommending, it is in effect that of determining. A local planning authority not minded to accept an inspector's recommendations has only one choice as a matter of law, which is not to adopt the plan.

6.4 If the Council resolves to adopt the plan, a six-week period will follow during which time any person may challenge the decision of the Council in the High Court. Such a challenge can only be brought on the basis that there is a material error of law in the Council's decision to adopt the plan. The Council would robustly defend the plan in the event that this occurs.

7. POLICY AND EQUALITIES IMPLICATIONS

7.1 The Local Plan is a key policy document which sets out the planning framework for the borough. It is a key tool in delivering the objectives of the corporate plan.

7.2 An Equalities Impact Assessment has been undertaken in respect of the Main Modifications required by the Inspectors to the Publication (Regulation 19) version of the Local Plan. As the Gypsy and Traveller Transit site allocation has been removed it is considered that there is now a negative impact. However, this allocation has been replaced by a criteria policy to guide any future development proposals for a transit site in the borough, as well as the declaration in the Local Plan that the Council will be adopting a Negotiated Stopping Policy. The report of the Planning Inspectors confirms the Council has had due regard to the aims expressed in Public Sector Equality Duty and has included consideration of several matters during the examination including the provision of traveller sites to meet need and the requirements for accessible and adaptable housing.

7.3 A Biodiversity Impact Assessment has been undertaken. Each stage of the Local Plan has been accompanied by a Sustainability Appraisal as well as a Habitat Regulations Assessment, which were consulted on. Both the Planning Inspectors and the Government's statutory consultee, Natural England, are satisfied that the Plan will have no detrimental impacts on its own, although reference is made to the South Pennines Visitor Management Plan and this Council's commitment to be involved in this study, which will consider recreational pressures across the area.

8. CONCLUSION

8.1 The Inspectors' Report demonstrates a significant milestone for Rossendale. The Local Plan acknowledges the specific character of the Borough and the difficulty in identifying development sites whilst addressing key issues such as topography, flood risk and access. It is a statutory requirement to have a Local Plan in place and this will help meet the Borough's affordable and specialist housing needs, whilst providing other infrastructure including open space, education etc.

Background Papers	
Document	Place of Inspection
Appendix 1 Adopted Rossendale Local Plan 2019-2036 (Written Statement)	Attached https://www.rossendale.gov.uk/downloads/file/17076/post-examination-local-plan-written-statement Rossendale Borough Council, Futures Park, Bacup, OL13 0BB
Appendix 2 Adopted Rossendale Local Plan 2019-2036 (Policies Map)	https://www.rossendale.gov.uk/downloads/file/17086/post-examination-policies-map Rossendale Borough Council, Futures Park, Bacup, OL13 0BB
Appendix 3 Equalities Impact Assessment	https://www.rossendale.gov.uk/meetings/meeting/1251/council Rossendale Borough Council, Futures Park, Bacup, OL13 0BB
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Appendix 4 Biodiversity Impact Assessment	https://www.rossendale.gov.uk/meetings/meeting/1251/council Rossendale Borough Council, Futures Park, Bacup, OL13 0BB
Appendix 5 Report on the Examination of the Rossendale Local Plan	EL13.001a - Inspectors' Report on the Examination of the Rossendale Local Plan Rossendale Borough Council Rossendale Borough Council, Futures Park, Bacup, OL13 0BB
Appendix 6 Inspectors Report Factual Error Letter	EL13.002 - Inspectors' Report - Further Letter Rossendale Borough Council Rossendale Borough Council, Futures Park, Bacup, OL13 0BB
Appendix 7 Schedule of Main Modifications to the Rossendale Local Plan Publication Draft Plan	EL13.001b - Appendix 1 Rossendale Borough Council Rossendale Borough Council, Futures Park, Bacup, OL13 0BB
Appendix 8 Schedule of Suggested Additional Modifications to the Rossendale Local Plan 2019 - 2036 Publication Draft Plan	EL12.005 - Schedule of Proposed Additional Modifications Rossendale Borough Council Rossendale Borough Council, Futures Park, Bacup, OL13 0BB
Appendix 9 Matters of Clarification	Attached https://www.rossendale.gov.uk/meetings/meeting/1251/council Rossendale Borough Council, Futures Park, Bacup, OL13 0BB
Appendix 10 Sustainability Appraisal and Strategic Environmental Assessment of the Rossendale Local Plan 2019-2036 Post-Adoption Statement	https://www.rossendale.gov.uk/meetings/meeting/1251/council Rossendale Borough Council, Futures Park, Bacup, OL13 0BB
Appendix 11 Rossendale Local Plan 2019 to 2036 Adoption Statement	https://www.rossendale.gov.uk/meetings/meeting/1251/council Rossendale Borough Council, Futures Park, Bacup, OL13 0BB