

## Response to the Inspector's Matters Issues and Questions

### **Matter 1 – Legal and procedural matters**

*Issue - Has the Plan been prepared in accordance with statutory procedures and Regulations?*

#### **Question**

Has the Council submitted robust evidence to demonstrate that they have met the duty to cooperate? Did engagement take place on the level of housing growth in the Plan, based on the standard method in national planning guidance? Are there any outstanding concerns relating to strategic matters from other Councils or duty to cooperate bodies?

#### **Response**

Whereas most of the plan was available for public consultation within a timescale which allowed residents to absorb the implications for their own area and respond accordingly, H13 - Loveclough Working Men's Club and land at rear and extension (2018-554), was submitted by the landowner at the very last opportunity and subsequently included by the Council in the Plan. Despite this extremely short notice, the I submitted a response despite this lack of duty to co-operate. Subsequently a planning application was submitted in 2019 for 80 houses. I am concerned that Regulations 17 and 18 had not been followed giving sufficient time for a proper consultation with residents. I would suggest that the Council has not met their duty to fully co-operate regarding H13.

#### **Question**

b)(i) Does the SA work assess reasonable alternative site options, and set out clear reasons for their rejection? How has the SA work been fed into the site assessment process and informed the selection of site allocations?

#### **Response**

In 2011 in response to the Council's previous and subsequently rejected plan. The LVRA, of which I am an officer, conducted a full survey of available land in the Ward. The Association identified a total of 155 potential plots using mainly brownfield land and largely infill sites with developments of between 2 and 20 houses. This would have accommodated the then perceived requirement housing allocation for the Goodshaw Ward. The Council failed to investigate the viability of this option and subsequently produced the current Plan.

### **Matter 2 - Vision and Spatial Strategy**

*Issue - Does the Plan set out a clear vision, strategic objectives and spatial strategy which present a positive framework that is consistent with national policy and will contribute to the achievement of sustainable development?*

#### **Question**

d) Is the predicted distribution of growth in line with the spatial strategy? To what extent is development focused on Key Service Centres rather than Major Sites? Does it represent an appropriate balance between locational sustainability, and other strategic factors and priorities?

#### **Response**

Available land is at a premium in the nearest Key Service Centre (Rawtenstall) and the Council's decision to select large tracts of countryside land at the boundary of the Borough is unnecessary and inappropriate as travel to the Key Service Centres would involve vehicular travel and impact inevitably on the carbon footprint.

#### **Question**

e) What strategic factors/priorities were key in determining the Major Sites?

#### **Response**

It is my firm belief that, other than available undeveloped countryside land, there appears to be no valid reasons for selecting these sites, particularly H5 and H1

### Question

j) Is the approach to development in the countryside as set out in the first paragraph of Policy SD2. justified? What type of development needs to be in a countryside location?

### Response

The linear nature of the areas within the boundaries of Goodshaw Ward, imply that what is NOT needed is large tracts of land given over to development. In particular, the setting of Swinshaw Hall would be impoverished under H5, and the proximity of the Conservation Areas of Goodshawfold and Loveclough Fold would likewise be detrimentally affected by H17 and H13 respectively. The type of development needed in countryside areas needs to be small and carefully located. Proposed sites such as H5 and H13 damage the countryside and replace it with urbanization.

### Question

k) To what extent does the Plan seek to reduce out-commuting and promote greater self-containment? Is a significant shift in commuting patterns attainable?

### Response

In the absence of significant employment opportunities in or near to Goodshaw Ward, commuting to work would be necessary for the 250 or so households proposed.

In respect of the Government Inspectors MIQ EL1.007 Matter 5e and RBC's response on the 7th August 2019, the MIQ suggests that the Inspectors are looking to understand the employment opportunities for the new residents.

Table 2 of RBC's response indicates that none of the "Sources of employment land and supply between 2019 and 2034" is local to or in the vicinity of the proposed developments.

Access to all named sources would require travelling through Rawtenstall along the A682 and using valley roads which are already severely congested during rush hours.

There is no direct means of public transport from the proposed developments to the majority of named sources, which will result in a significant increase of vehicles passing through already congested St Mary's Way and the Fire Station roundabout. Potentially vehicles from an additional 350 houses designated in

H4 - Turton Hollow, Goodshaw

H5 - Swinshaw Hall, Loveclough

H6 - Land south of 1293 Burnley Road, Loveclough

H7 - Land Adjacent Laburnum Cottages, Goodshaw

H13 - Loveclough Working Mens Club and land at rear and extension

H17 - Land south of Goodshaw Fold Road

together with

H11 - The Hollins, Hollin Way

H12 - Reedsholme Works, Rawtenstall

(a potential total of up to 350 houses = 700 cars) would all pass along the A682 Rawtenstall - Burnley corridor, an already congested route to Manchester and local employment spots. The inclusion of the daily "school run" would increase the problem in term time.

### **Matter 3 - Housing need and requirement**

*Issue - is the identified housing requirement of 3,180 dwellings between 2019 and 2034 (212 per year) justified and consistent with national policy?*

### Question

c) The housing need and requirement of 3.180 dwellings or 212 dwellings per annum (dpa), as identified in Policy HSI in the Plan, is based on the minimum number of homes needed using the standard method. Is the proposed objectively assessed need (OAN) and the absence of an uplift justified and soundly based? In particular:

c)(i) How does the housing need and requirement align with forecast jobs growth in the Employment Land Report and the employment land requirement in the Plan of 27 hectares between 2014 and 2034? What is the justification for planning for a lower level of housing than is needed to support baseline employment growth? What weight has been given to the Council's aspiration to reduce out-commuting in the process of determining OAN and the housing requirement?

Response

I am aware that Rossendale in general and the A682 corridor in particular, is a dormitory settlement due to the absence of significant local employment opportunities. It also acknowledges that out-commuting is an essential feature for Rossendale residents. The selection of the sites H4, H5, H6, H7, H13, H17 exacerbates the traffic problems associated with out-commuting. Sites more accessible to the M66, the main commuting route to the Manchester conurbation, would be preferable if available.

Question

c)(iii) Does the housing need/requirement of 3.180 homes/212 dpa have appropriate regard to growth strategies and strategic infrastructure improvements in the borough or wider region?

Response

Inadequate infrastructure is a major concern. The A682 is the only major route to Key Centre Rawtenstall and beyond. The road is unsuitable for improvements to accommodate additional traffic due to the large number of houses bordering the road. Additionally, the majority of such houses are of the standard two bedroom terrace without parking facilities. Consequent roadside parking effectively narrows the A682 for much of its length from Rawtenstall to Loveclough. Furthermore the Council policy of giving low priority to snow clearance on side roads results in many such residents parking their vehicles on the A682 in snowy periods to avoid being snowed-in. This causes further seasonal congestion in the road from the norther Borough Boundary to Crawshawbooth and beyond. At an altitude of 900-950ft, winters are usually white.

Service provision is also a concern with one oversubscribed primary school in the Ward and an absence of doctors and dentist surgeries. Statistics indicate that medical practices will be oversubscribed within 1½ -2 years of the plan being implemented with the NHS having no plans to inject funds.

**Matter 7 - Infrastructure delivery**

*Issue - Does the Plan set out a robust framework for infrastructure delivery which is justified, effective and consistent with national policy?*

Question

a) Does the Infrastructure Delivery Plan (2018) and the 2019 update (SD014 & SD015) provide a thorough assessment of infrastructure needs, and reflect levels of growth in the Local Plan?

Response

The Infrastructure delivery pla (2018) and update (2019) are well prepared. However, scant reference to the viability of the A682 to cope with the projected increase in traffic has not been addressed. The reference to the Rawtenstall Gyratory assumes, incorrectly, that this development will solve the traffic congestion issue in Rawtenstall at its junction with the A56/M66. In addition to the increased volume of traffic entering the Gyratory from the north, the planned development of around 1000 houses to the east of Rawtestall in Bacup will add more pressure on this junction. As with Goodshaw Ward, and Reedsholme the majority of employment opportunities for Bacup will lie in the direction of Manchester. Currently a bottleneck at the Gyratory site the LVRA feel that developments in Loveclough, Reedsholme and Bacup will magnify the problem.

### Question

c) Is there a reasonable likelihood that the specific infrastructure projects identified in SD014 & SD015 will be delivered when they are required? Particularly

c)(i) Is the Rawtenstall Gyratory deliverable? Have the concerns of Lancashire Fire and Rescue been addressed? Can the scheme be delivered with the Fire Station remaining in place? if not has a strategy been agreed for its relocation which includes funding and timing? is there an overall strategy which demonstrates the Rawtenstall Gyratory is deliverable and when it would be likely to be delivered? What would be the implications for the Local Plan if this scheme was not delivered on time or at all?

### Response

Looking at proposals for the Gyratory, the problem a larger volume of traffic approaching the Gyratory from the north via the A682 would not be solved. Tailbacks along the M66 are extreme due to congestion on the motorway and in particular at its junction with the M60 at Simister. Although the Simister problem is outside the scope of the Plan, plans for the Rawtenstall Gyratory would not solve the problems caused by a significant increase in traffic along the A682.

### **Matter 8 - Approach to site allocations and Green Belt release**

*Issue - is the Plan's approach to identifying site allocations(housing, employment and mixed use) and Green Belt releases soundly based and in line with national policy? Do the allocation policies provide a clear and effective framework for growth?*

### Question

f) Are changes made to the list of proposed allocations between Regulation 18 and Regulation 19 Plan justified and supported by appropriate evidence? Are all de-selected sites unsuitable for development or not available?

### Response

Rosendale has a substantial supply of brownfield land, largely due to its previous industrial heritage. Polluted land and land subject to flooding are common reasons for not considering many such sites. Polluted land can be transformed at a cost and flood precautions can be incorporated in many developments. I feel that closer investigation of brownfield sites would be worthwhile.

### Question

p) Did the Council consider whether to designate safeguarded land in the Plan? Should it be identified?

### Response

Hitherto, the Council has indicated verbally to the LVRA a wish to safeguard unallocated land to the west of the A682 at Loveclough should the Plan in its present form be accepted; and to resist future applications for development in the area. No written statement has as yet been made. The Association whilst pleased with this approach are at a loss to understand how it can be enforced.

### Question

Does the Plan provide sufficient detail on site-specific requirements, constraints and mitigation measures relating to housing, employment and mixed-use allocations in order to effectively guide development? is it clear what developers are expected to provide and when? Why are detailed site allocation policies only provided for sites H72, H13, H5, M4 and NE4?

### Response

I do not understand why detailed site allocation policies only provided for sites H13 and H5 other than to assume that the processes associated with planning approval and subsequent development for these sites have begun. Should this be so, the consultation process with residents may have also meet a similar fate as H13 in Matter 1 above

## **Matter 9 - Housing site allocations: Rawtenstall, Crawshawbooth, Goodshaw and Loveclough**

*Issue - Are the proposed housing allocations in Rawtenstall, Crawshawbooth, Goodshaw and Loveclough justified, effective, developable/ deliverable and in line with national policy?*

- H1 - Greenbridge Mill (HallCarr Mill) Lambert Haworth
- H2 - Magistrates Court, Rawtenstall
- H3 - Land at former Oakenhead Resource Centre
- H4 - Turton Hollow, Goodshaw
- H5 - Swinshaw Hall, Loveclough
- H6 - Land south of 1293 Burnley Road, Loveclough
- H7 - Land Adjacent Laburnum Cottages, Goodshaw
- H8 - Oak Mount Garden, Rawtenstall
- H9 - Land off Oaklands and Lower Cribden Avenue
- H10 - Land at Bury Road, Rawtenstall
- H11 - The Hollins, Hollin Way
- H12 - Reedsholme Works, Rawtenstall
- H13 - Loveclough Working Mens Club and land at rear and extension
- H14- Hall Carr Farm, off Yarraville Street
- H15 -Willow Avenue off Lime Tree Grove
- H16 - Land East of Acrefield Drive
- H17 - Land south of Goodshaw Fold Road
- H18 - Carr Barn and Carr Farm –
- H19 - Land off Lower Clowes Road, New Hall Hey

The general questions below apply to each of the above sites. Additional specific questions are set out in the following sections.

### *General*

#### Question

a) Is the site suitable for housing? Are there any specific constraints or requirements associated with the site, or a need to seek mitigation measures to achieve an acceptable form of development? Should these be specified in the Plan?

#### Response

The response to H13 Loveclough WM Club site has been addressed below. However, my concern is that the site was not included in “*EL1.001c Lives and Landscapes Assessment Volume 4:Loveclough, Goodshaw & Crawshawbooth*” but subsequently added at a very late stage. Planning approval was subsequently given despite the Council’s refusal for a previous site 300 yards to the south. The latter refusal was a correct decision and was backed by the Building Inspector following appeal. I fail to understand why approval was denied for one site whilst it was given to another. I feel that both sites should have been included in the Council’s undertaking to residents that “*there should be no substantial development to the west of the A582 Burnley Road at Loveclough*”.

#### Question

b) Is the proposed site capacity appropriate, taking account of constraints and the provision of necessary infrastructure?

#### Response

I believe that the site capacities are excessive and do not take into account the constraints and provisions of necessary infrastructure, namely transport, flood control, schools, and medical provision.

#### **H4 - Turton Hollow, Goodshaw**

##### Question

i) What effect would the proposed allocation have on Stone Holme Terrace, particularly in terms of ground stability, drainage, flooding and existing residents living conditions?

##### Response

In the recent past, landslip in times of heavy rain has threatened the safety of the residents of Stoneholme Terrace. Previous stability problems have been solved by heavy engineering works and no doubt could be done again. Any approval of a planning application for developing this site should be accompanied by requirements which would alleviate any fears of land slip which the residents of Stoneholme Terrace would have.

#### **H5 - Swinshaw Hall, Loveclough**

##### Question

i) Is the site capable of being safely accessed? Have the concerns of the Local Highways Authority been satisfied? Specifically, can a widened access from Burnley Road, a private access to Broad ing House and a secondary/emergency and pedestrian/cycle access onto Goodshaw Road be achieved?

##### Response

Traffic essentially needs to access the A682 either by new access roads from the site or by way of Goodshaw Lane. Any additional traffic from the site would increase the volume of south-bound traffic and the latter is unviable since Goodshaw Lane is effectively single track for much of its length.

Furthermore residents report that the houses from 1205 Burnley Road to the Old School House have all in the past been subjected to flooding in periods of very heavy rainfall. Most of the time the fields(which slope quite steeply) absorbed the rain but if built on would just exacerbate the problem. With climate change and the risk of more heavy and unusual rainfall the risk would be multiplied. Of course the above applies to other sites and the risks associated with flooding need to be taken into account when deciding on the viability of the scheme.

##### Question

ii) What effect would the proposed allocation have on drainage, flooding and existing residents nearby living conditions?

##### Response

Surface water from the site drains to the west, into the Limey Water passing the rows of terraced houses on the eastern side of the A682. A major issue is controlling the surface drainage from the site effectively. Additionally the Limey Water has issues of seasonal flooding which have been dealt with under H13

##### Question

iii) Can the setting and significance of Swinshaw Hall be preserved? if so how?

##### Response

Swinshaw Hall sits in a setting befitting its style and location and has done so since its construction. It is highly unlikely that a development in excess of 120 dwellings will preserve the setting and significance of the hall.

#### **H7 - Land Adjacent Laburnum Cottages, Goodshaw**

##### Question

i) Is the site of open space of public value? if so, is its loss justified within the terms of paragraph 97 of the National Planning Policy Framework?

### Response

Traditionally this land has been used for recreation by local residents and their children. Removal of this facility would deny open space opportunities for a significant number of families. A smaller development than the numbers suggest, leaving open areas for recreation would be a suitable compromise.

### **H13 Loveclough Working Mens Club and land at rear and extension**

#### Question

i) Should the capacity of the site be increased to 105 dwellings as suggested by the landowner?

#### Response

For reasons already given any increase in house numbers would result in around extra vehicles accessing the A682 Burnley road each day at a point where the 40mph speed limit has a serious impact on visibility due to parked cars of nearby terraced house residents near to the proposed junction. The Council should seek to reduce the figure of 80 rather than to increase it by 25%.

ii) Is the site safe in flood risk terms?

#### Response

The recent survey by Betts Hydro (November 2018) suggests that the flood risk associated with surface water run-off on the site ranges from very low to high. They indicate that surface discharge of surface water to a watercourse could be the solution. The nearest watercourse is the Limey Water to the west of the site. My concerns are twofold. Firstly the land currently drains to the Limey Water but at a steady rate, the land retaining water and releasing the same at an even rate. Building over the entire site would release water at the rate it falls – very heavy in the rainy seasons possibly overstressing the capacity of the Limey Water. Secondly the small development at Penny Lodge between the site and the Limey Water is at a lower level and in the path of surface water run-off from the proposed development. These properties could suffer flooding as a result. In the winter floods of 2015, the Limey Water at Penny Lodge, Loveclough Fold came close to breaching. Since this time no additional flood precautionary measures have been installed. Similar conditions were experienced further downstream at Goodshawfold, Crawshawbooth and Reedsholme. Additional volumes of surface water entering the Limey Water from the proposed developments, could have a disastrous impact on the residents living close to the river.

ii) What impact would the proposal have on the local road network and are mitigation measures necessary? What is Lancashire County Council's latest position?

#### Response

As has been reported several times in this response. The impact on the only main thoroughfare into and from Goodshaw Ward is the A682 Rawtenstall to Burnley,. This road carries considerable local traffic to and from these centres together with other through traffic. For most of its length, it travels between rows of 19<sup>th</sup> century terraced properties – a typical feature of Rossendale. This makes any road widening scheme to accommodate the significant numbers of cars generated by the proposed sites, virtually impossible. Since most employment opportunities exist in the south of the Borough and further afield towards Manchester, traffic movement from the sites will be largely concentrated in this direction, towards Rawtenstall. Consequently, it is difficult to visualize what mitigation measures can be put in place with the proposed development at the present level.

## **H17 - Land south of Goodshaw Fold Road**

### Question

i) Is the site capable of being safely accessed? What impact would the proposal have on the local road network, and are mitigation measures necessary? What is Lancashire County Council's latest position?

### Response

Access and egress from Goodshawfold Road to the A682 Burnley Road has, for many years, been the source of traffic problems. Residents of the terraced properties on each side of the A682 necessarily park cars on the main road outside their properties. This, consequently reduces visibility to the north and south when emerging from Goodshawfold Road. There have been numerous road traffic accidents at this narrow junction, thankfully mostly without injury to persons. Since it is impossible to widen the junction and not viable to remove parking facilities, the LVRA believes that developing this site will have a negative impact on the traffic movement on the A682 as well as exacerbating the road safety issue mentioned.

### Question

ii) Could the site be developed whilst also maintaining acceptable living conditions for residents living nearby?

### Response

Aside from the reason referred to in (i) above, development of this site would have an impact on the acceptable living conditions on the residents of the terraced houses on the eastern side of the site. From its junction with the A682, Goodshawfold Road presents a linear settlement of mixed properties dominated by open views across the countryside, until it enters the Conservation Area of Goodshawfold. A block development, even of only 7 houses may be seen as having a negative impact on the acceptable living conditions for residents living nearby.

## **Matter 19 - Housing supply and delivery**

*Issue - Does the Plan identify sufficient land to enable the housing requirement of 3,180 dwellings to be delivered over the Plan period?*

### Response

Without doubt, the Plan identifies sufficient land to enable the housing requirement of 3180 dwellings. The LVRA questions the choice of some of this land when the issues and problems caused by such development have not been addressed by the Council. The various brownfield sites in the Borough which have not been included in land availability puzzles the Association particularly when countryside land has been identified. I feel that many decisions have been developer driven who, as a rule prefer large, more economical sites to smaller ones. Larger sites are more attractive to developers rather than the more suitable smaller developments and infill.

### Summary

In summary, I reject the above elements of the plan for the reasons given. Whereas some degree of development is necessary and inevitable, the proposed scale is considered excessive and has been determined by the Council to meet Government targets rather than meeting the housing needs of the Ward. The resulting issues, as a consequence of the proposed development, would have a permanent and negative effect on the community far outweighing any benefits which may have been achieved.

Darryl Nugent  
August 2019