

**Rossendale Local Plan Examination**  
**MATTERS, ISSUES AND QUESTIONS (MIQs)**



**Matter 1 – Legal and procedural matters**

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

**Questions**

**a) Has the Council submitted robust evidence to demonstrate that they have met the duty to cooperate?<sup>1</sup> 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?**

**Has the Council submitted robust evidence to demonstrate that they have met the duty to cooperate?**

1.1 Rossendale Borough Council considers that it has fully engaged with the Duty to Cooperate and this is set out in the "Duty to Co-operate Statement incorporating Draft Statement of Common Ground" (March 2019) [SD008](#). This was updated in May 2019 in response to the Inspectors' Preliminary Question 2 (recorded as Appendix 2) - [EL1.002b\(iii\) Appendix 2 Q2 Draft Duty to Co-operate and Statement of Common Ground Update May 2019](#).

1.2 No further updates have been received from Duty to Co-operate partners since we responded to the Inspectors Preliminary Questions in May.

**Did engagement take place on the level of housing growth in the Plan, based on the standard method in national planning guidance?**

1.3 Throughout the preparation of the Local Plan Rossendale Borough Council has actively engaged with adjoining authorities and other Duty to Co-operate consultees, both formally and informally. Not only have meetings been arranged to discuss

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<sup>1</sup> Section 20(5)(c) and Section 33A of the Planning and Compulsory Purchase Act 2004.

Rossendale's Local Plan but also officers have participated in meetings with other authorities and consultees in order to fully understand the potential implications to Rossendale's Local Plan. One particular key meeting, as referred to in Appendix 4 of the Duty to Co-operate Statement (SD008 p 30), held 6 June 2018 explained that using the standard method to calculate housing need had resulted in a reduced requirement compared with the figure consulted on under Regulation 18, which had identified a requirement for 265 additional new dwellings per year (based on work undertaken for the Strategic Housing Market Area Assessment (SHMA) by Lichfields). This meeting was arranged with colleagues from adjoining authorities and other Duty to Co-operate organisations in order to explain the key rationale behind the policies and explain how the Local Plan had changed from the previous iteration which was consulted on during the Regulation 18 consultation. Colleagues verbally agreed with this approach, the minutes were shared, and no comments were received objecting to the methodology used or the actual housing requirement being taken forward. Indeed it is noted that the approach undertaken by Rossendale in respect of using the Standardised Methodology has later been used across the Greater Manchester area for the emerging Greater Manchester Spatial Framework (GMSF).

1.4 As a result of the meeting held and the agreement of other districts to the approach taken, the Council made no substantive changes to the Plan.

1.5 Further discussions took place in January 2019 on the use of the 212 dwellings per annum identified using the standardised methodology with adjoining Greater Manchester authorities (Bury and Rochdale), as well as with the Combined Authority (GMCA). The Greater Manchester authorities were likewise adopting the standardised methodology for the Greater Manchester Spatial Framework (GMSF) albeit the spatial distribution is based on the sub-housing markets so Rochdale's requirement is proposed to be higher than set out using the standardised methodology, whilst Bury's will be lower. GMCA has not objected to Rossendale's approach and only reiterated its earlier position that it was unable to provide for any of Rossendale's development requirements.

### **Are there any outstanding concerns relating to strategic matters from other Councils or duty to cooperate bodies?**

1.6 There are no outstanding strategic matters between Rossendale and neighbouring authorities or other Duty to Cooperate bodies.

**b) Has the Plan's formulation been based on a sound process of sustainability appraisal (SA)? In particular:**

- 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?**
- ii. Does the SA work assess reasonable alternative spatial strategy options, levels of housing and employment need, and options relating to other policies in the Plan?**
- iii. Has the SA Addendum 2019 been published for consultation purposes?**

**Has the Plan's formulation been based on a sound process of sustainability appraisal (SA)?**

1.7 Rossendale Borough Council considers that the Local Plan preparation has been based on a sound SA process (incorporating a strategic environmental assessment) as required by the Planning and Compulsory Purchase Act 2004 and the Environmental Assessment of Plans and Programmes Regulations 2004.

1.8 The SA process draws on the scoping report and Alternatives SA Report which were undertaken for the Site Allocation and Development Management Plan (withdrawn in February 2016). The SA framework was updated by an external consultant (Lepus Consulting) in 2016. Based on the updated SA Framework, the SA of the Rossendale Local Plan 2017 (Regulation 18 stage) was carried out in May 2017 (submitted document [SD037](#)), followed by an SA of the Draft Local Plan Pre-Submission Publication Version 2018 (Regulation 19 stage) in August 2018 (submitted document [SD005](#)). The reports were published and made available for consultation in accordance with the regulations.

**Does the SA work assess reasonable alternative site options, and set out clear reasons for their rejection?**

1.9 The SA undertook assessments of 228 sites in total which represented a number of reasonable alternative site options at the Regulation 18 stage. These site options include sites proposed for allocation in the Local Plan. An assessment protocol was used to appraise the sites using the SA Framework. The result of the reasonable alternative site options assessment does not set out clear reasons for their rejection, however the result for each assessment is presented in a matrix with a colour code to show the likely effects of each site option.

**How has the SA work been fed into the site assessment process and informed the selection of site allocations?**

1.10 The SA work that was undertaken under Regulation 18 was used in the process of site selection together with the findings of other Evidence Base studies as set out in section 2 of Annex 1 of the Housing Topic Paper 2019 (Submitted document [EB006](#)).

1.11 The Addendum to the Regulation 19 SA/ SEA Report published in March 2019 (submitted document [SD005.1](#)) shows in Table 3.1 a summary of the site selection process carried out by Rossendale Borough Council.

**Does the SA work assess reasonable alternative spatial strategy options, levels of housing and employment need, and options relating to other policies in the Plan?**

1.12 Yes. The SA of the Draft Local Plan Pre-Submission Publication Version 2018 (Regulation 19 stage) assesses four spatial strategy options each showing various levels of housing and employment growth.

1.13 The SA of the Rossendale Local Plan 2017 appraised 50 policies which were proposed at the Regulation 18 stage. Some of the policies have been amended or merged together following the comments received during the Regulation 18 consultation. The policies proposed in the Local Plan have been further assessed within the SA of the Draft Local Plan Pre-Submission Publication Version 2018 (Regulation 19 stage).

**Has the SA Addendum 2019 been published for consultation purposes?**

1.14 An Addendum to the Regulation 19 SA/ SEA Report was published in March 2019 (submitted document [SD005.1](#)) to address comments received during the Regulation 19 consultation. This report has not been subjected to public consultation.

**c) How does the work being undertaken by the Edenfield Community Neighbourhood Forum and the intended Neighbourhood Plan fit with the proposals for Edenfield in the Rossendale Local Plan (including housing allocations H72, H71 and H73 and the proposed school and playing field extension)? What stage has been reached in the production of the Edenfield Neighbourhood Plan? What cooperation or joint working has taken place to date between the Forum and the Borough Council?**

**How does the work being undertaken by the Edenfield Community Neighbourhood Forum and the intended Neighbourhood Plan fit with the proposals for Edenfield in the Rossendale Local Plan (including housing allocations H72, H71 and H73 and the proposed school and playing field extension)?**

1.15 At the time of writing this response, Rossendale Borough Council has not seen any detailed work undertaken by Edenfield Community Neighbourhood Forum (ECNF) on the intended Neighbourhood Plan, as the ECNF has chosen to keep this confidential. A request has been made for the ECNF to share with the Council the more detailed work they have undertaken but they have not done so. The Council has held several meetings with members of the Forum and, at the latest meeting (held 30<sup>th</sup> July 2019), the Council was expecting to see a Draft Plan. However, as the ECNF explained, they have been delayed due to the late availability of grant funding from Government to Locality. Additionally the ECNF have stated "we have a relatively small volunteer management team which has had to give priority to the current Local Plan public examination". The Council understands that the next stage of consultation is expected to be in Autumn 2019.

**What stage has been reached in the production of the Edenfield Neighbourhood Plan?**

1.16 The Edenfield Community Neighbourhood Forum is still currently preparing a plan proposal and, as explained above, only very high level information has been seen by the Council to date. The ECNF has asked for this to be kept confidential by the Council at this stage.

**What cooperation or joint working has taken place to date between the Forum and the Borough Council?**

1.17 Several meetings have taken place with the Council and members of the Forum. The Council has also shared information and responded to the Forum's requests for information, particularly in respect of the Evidence Base studies.

**d) Are there any other Neighbourhood plans being prepared or in the pipeline in Rossendale?**

1.18 It is the Council's understanding that the area of Bacup and Stacksteads wishes to prepare a Neighbourhood Plan. The area to be covered by the Neighbourhood Plan has been agreed informally with officers and the Council is awaiting formal notification in order to embark on a consultation as required by the legislation.

**e) Has the Plan been prepared in accordance with the Council's Statement of Community Involvement and met the minimum consultation requirements in the Regulations?**

1.19 The [Statement of Community Involvement 2019 \(SCI\)](#) was adopted on 27 February 2019. This updates the 2014 version in relation to recent changes in the planning system such as prior notification, prior approval and permission in principle. The implications of the new General Data Protection Regulations (GDPR) are also covered. The 2019 SCI also makes reference to Neighbourhood Plans and the consultation involved.

1.20 As part of the submission of the Local Plan for examination all three relevant versions of the SCI were included, referenced as below:

- [SD018 Statement of Community Involvement 2019](#)
- [SD019 Statement of Community Involvement 2018 Consultation Document](#)
- [SD020 Statement of Community Involvement 2014 \(Updated\)](#)

1.21 The Council prepared a Self-assessment for Soundness ([SD021](#)) and Legal Compliance ([SD022](#)) Checklist and these accompanied the Local Plan when it was submitted for examination. These documents explain how consultation was undertaken, together with dates, and this is further discussed in the Statement of Consultation 2019 ([SD007](#)) and 2018 ([SD031](#)).

**f) Has the Plan been prepared in accordance with the Council's Local Development Scheme?**

1.22 The timetable for the preparation of the Local Development Scheme 2018-2021, effective from 13<sup>th</sup> December 2018, is included as [SD017](#) and is reproduced below. Up to now, the timetable has been met, apart from a one month delay in submission and the Examination Hearings now starting later in the year than expected.

1.23 Please note a decision has not yet been taken by the Council in respect to the Community Infrastructure Levy. If it is decided to proceed, documentation will include information on infrastructure requirements, viability and other funding sources for infrastructure as well as the Charging Schedule.

Local Development Scheme and Proposals Map Timetable 2018 to 2021

Effective from 13<sup>th</sup> December 2018

Rossendale Local Plan (2019-2034)

<b>Draft Plan</b>	<b>Publication</b>	<b>Submission to Planning Inspectorate</b>	<b>Examination in Public</b>	<b>Inspector's Report</b>	<b>Adoption by Council</b>	<b>Draft Plan</b>
July 2017	July 2018	February 2019	June 2019	Nov 2019	March 2020	July 2021

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<b>Consultation on Preliminary Draft Charging Schedule &amp; other documentation</b>	<b>Consultation on draft Charging Schedule &amp; other documentation</b>	<b>Submission to Planning Inspectorate</b>	<b>Examination in Public</b>	<b>Inspector's Report</b>	<b>Adoption by Council</b>
July 2020	July 2021	Feb 2022	June 2022	Nov 2022	March 2023

DPD Preparation Stages and alignment with Town and Country Planning (Local Planning) (England) Regulations 2012	
Public Participation (Regulation 18)	Examination in Public (Regulations 23 & 24)
Publication of the DPD and Representations (Regulations 19 & 20)	Inspectors Report (Regulation 25)
Submission of the DPD (Regulation 22)	Adoption (Regulation 26)

The table above shows the timetable for the preparation of the Local Plan and the Proposals Map, through to adoption in 2020.

**g) Are the likely effects of the Plan adequately and accurately assessed in the Habitat Regulations Assessment? Will the Plan, alone or in combination, adversely affect the integrity of any European protected sites? Has the Council taken account of the EU Court of Justice judgement (12 April 2018)? Are there any outstanding issues from Natural England? Is additional work required to address any matters?**

**Are the likely effects of the Plan adequately and accurately assessed in the Habitat Regulations Assessment?**

1.24 The HRA screening report concluded that “a Likely Significant Effect (LSE) on any European site, caused by the RBC Plan either alone or in-combination, was unlikely” ([SD038](#)). Following consultation of the HRA screening report, Natural England disagreed that potential Likely Significant Effects could be ruled out at that stage and requested further information.

1.25 Therefore an Appropriate Assessment was undertaken, published and consulted upon in 2018 (submitted document [SD006](#)). The Appropriate Assessment indicates that the Local Plan, in combination with other Plans and Projects, could have an impact on the South Pennine Moors by increasing recreational pressure.

1.26 However, the Council has included mitigation in its Local Plan policy ENV4, such as working with other local authorities on a Visitor Management Plan and requiring development proposals to incorporate habitats of values for priority species. Furthermore, other Local Authorities have included mitigation in their Local Plans to address this issue.

1.27 The mitigation on protected sites has been judged by the Council's consultants (Lepus) to be capable of avoiding any likely significant effect (LSE) on European Sites.

1.28 Accordingly, the Appropriate Assessment confirms that: "LSE on all European sites caused by the Plan, alone or in-combination with other plans and projects, can be objectively ruled out at this stage."

1.29 Natural England reviewed the Appropriate Assessment 2018 and provided further comments. These are addressed in the Appropriate Assessment 2019 (submitted document [SD006.1](#)).

1.30 The Appropriate Assessment 2019 concludes "It is considered unlikely that the Rossendale Local Plan will lead to adverse effects on site integrity at either the South Pennine Moors SAC or South Pennine Moors Phase 2 SPA alone or in-combination with other plans. Similarly, no adverse effects on site integrity are associated with Rochdale Canal SAC or Manchester Mosses SAC".

1.31 Natural England reviewed the Appropriate Assessment 2019 and are satisfied with the information provided and the study's conclusion (please see response of the Council to the Question 4 of the Pre-Hearing Note 1 – Examination library item [EL1.002b \(i\)](#)).

### **Will the Plan, alone or in combination, adversely affect the integrity of any European protected sites?**

1.32 The Appropriate Assessment 2019 concludes that "It is considered unlikely that the Rossendale Local Plan will lead to adverse effects on site integrity at either the South Pennine Moors SAC or South Pennine Moors Phase 2 SPA alone or in-combination with other plans. Similarly, no adverse effects on site integrity are associated with Rochdale Canal SAC or Manchester Mosses SAC".

### **Has the Council taken account of the EU Court of Justice judgement (12 April 2018)?**

1.33 Yes. The Appropriate Assessment 2018 refers to the 12 April 2018 judgement of People Over Wind and Peter Sweetman v Coillte Teoranta to explain that mitigation measures to avoid or reduce likely significant effects must not be undertaken at the screening stage but at the appropriate assessment stage. That is the approach the Council has taken.

### **Are there any outstanding issues from Natural England?**

1.34 Natural England reviewed the Appropriate Assessment 2019 and are satisfied with the information provided and the study's conclusion (please see response of the Council to the Question 4 of the Pre-Hearing Note 1 – Examination library item [EL1.002b \(i\)](#)).

### **Is additional work required to address any matters?**



1.35 The Appropriate Assessment 2019 suggests improvements to the explanation text of Policy ENV4 regarding the Visitor Management Plan. It also proposes to remove the threshold of 100 dwellings for development proposals to carry out an appropriate assessment. Furthermore, the HRA recommends that the sites' appropriate assessment considers the potential impacts on the breeding bird assemblage for which the South Pennine Moors Phase 2 SPA is designated and the habitats supporting these species.

**h) How have issues of equality been addressed in the Local Plan?**

1.36 An Equalities Impact Assessment 2018 ([SD016](#)) was undertaken in-house, in consultation with the Council's People and Policy team, and is included in the Examination library. This considered equality issues and was presented to Council to accompany the Proposed Submission version of the Local Plan.

1.37 Each of the Local Plan policies has been assessed for impact from an equalities perspective on any of the protected equality groups identified as well as wider equality of opportunity and community cohesion impacts within and between the groups identified. No negative impacts were identified where mitigating actions were not sufficient.