

Rossendale Local Plan Examination

Inspectors – Katie Child B.Sc. (Hons) MA MRTPI and
Luke Fleming B.Sc. (Hons) MRTPI

Programme Officer – Tony Blackburn tel. 01254 260286
Email: tonyblackburn@rossendalebc.gov.uk

Michael Atherton
Planning Manager
Rossendale Borough Council
Futures Park
Newchurch Road
Bacup
Lancashire OL13 0BB

30 June 2021

Dear Mr Atherton,

ROSSENDALE LOCAL PLAN EXAMINATION - POST HEARINGS LETTER FROM THE INSPECTORS

1. Following the completion of the hearing sessions and submission of requested evidence, we are writing to set out our thoughts on the Plan at this stage and the way forward for the examination.
2. Our comments in this letter are based on the submitted written evidence and representations, and all that has been heard at the hearing sessions. However, the examination has not yet concluded, and consultation on main modifications has yet to take place. Consequently these findings are without prejudice to our final conclusions on the Plan.
3. Overall, we consider that, subject to main modifications, the Plan is likely to be capable of being found legally compliant and sound. We are also satisfied that the Duty to Cooperate has been met. A number of main modifications which are necessary for soundness reasons were discussed at the hearing sessions and are referenced in the Council's Preliminary List of Main Modifications (EL6.002). Following the close of the hearing sessions and receipt of new evidence and representations we consider that a number of further main modifications are necessary for reasons of soundness. These are in addition to modifications proposed in EL6.002 (albeit in some cases they amend or supersede them). The further changes are briefly covered in the following sections. Full reasoning and conclusions will be set out in the Inspectors' report.

Housing need/requirement and the Plan period

4. Policy HS1 in the Plan identifies a housing requirement of 3,180 additional dwellings over the Plan period 2019/20 to 2033/34, or 212 dwellings per annum (dpa). This figure is based on the Council's calculation of minimum housing need using the standard methodology in the Planning Practice Guidance (PPG) and data from 2016.
5. The Council's approach raises a number of issues. Firstly, as discussed at the hearing session, the need calculation is not consistent with the Planning Practice Guidance (PPG), which states that the current year should be used as the starting point for projections and the most recent affordability ratio should be applied. The proposed main modification in EL6.002 identifies a revised figure of 208 dpa based on data available when the draft Plan was published in August 2018.
6. Secondly, paragraph 008 in the PPG states that 'local housing need calculated using the standard method may be relied upon for a period of 2 years from the time a plan is submitted to the Planning Inspectorate for examination.' It is now more than two years since the Plan was submitted in March 2019.
7. Thirdly, the calculation of need and the housing requirement covers a 13-year period from anticipated adoption of the Plan in late 2021. Paragraph 22 in the National Planning Policy Framework (NPPF) states that strategic policies should look ahead over a minimum 15-year period from adoption.
8. The Council has subsequently produced document EL10.001 (May 2021) which sets out revised housing need calculations using the standard methodology. The Council's preferred option applies the adjusted figure of 208 dpa for the period 2019/20 to 2020/21, updated need figures from 2020/21 onwards based on current data and the latest affordability ratio, and an extended Plan period to 2035/36 (covering a 15-year period post-adoption). A revised Local Housing Need figure of 3,191 dwellings is identified, which is only slightly different to the housing need and requirement figure in the submitted Plan, of 3,180 dwellings. The revised housing need calculations are soundly based and the extension of the Plan period would enable compliance with national policy.
9. The Council proposes that the housing requirement figure in the Plan should be based on the minimum number of homes derived from the standard methodology. There are no proposals to deliver any unmet needs arising from neighbouring authorities. There is a Growth Deal in place in Lancashire as a county but there is no evidence before us that it will accelerate housing delivery in Rossendale on a significant scale. There is no other compelling evidence that an uplift above Local Housing Need is necessary. Further details on this will be provided in our final report.
10. The delivery of the submitted and updated housing requirement would involve an element of Green Belt release, as identified in the Council's

evidence base. However, based on the evidence currently before us we are satisfied there are exceptional circumstances to justify the release of Green Belt land for housing in principle. The Council has examined all other reasonable options and sought to maximise the use of brownfield sites and optimise density, in line with paragraph 137 in the NPPF. Further detail on this issue and on the suitability of specific Green Belt allocations will be covered in our final report.

11. It is therefore recommended that the housing requirement in Policy HS1 should be amended to 3,191 dwellings over an extended Plan period covering the years 2019/20-2035/36, with a requirement for 208 dpa between 2019/20 and 2020/21 and 185 dpa from 2021/22 to 2035/36. These changes are necessary to ensure the policy is justified and consistent with national policy. Consequential modifications will also be necessary to the explanation text.
12. The extended Plan period should apply to the whole Plan for the purpose of consistency and to ensure compliance with paragraph 22 in the NPPF. The amended period should be referenced in modifications to Policy SS and the introduction to the Plan. Other implications linked to the extension of the Plan period are explored in the following sections.

Employment land need, requirement and supply

13. The Council has recently produced a series of updated employment projections (in document EL10.002) which take account of the extended Plan period 2019/20-2035/36 and the revised housing requirement figure outlined above. This shows a need for some 14-19 hectares of employment land between 2019-36, which is lower than the employment land requirement figure of 27 ha in Policy EMP1 in the submitted Plan.
14. However, qualitative evidence indicates there is a shortage of good quality premises, particularly in the Rossendale Valley Growth Corridor close to the A56. Further, the provision of additional employment land would help to provide choice for businesses and ensure flexibility in supply. Overall, it is therefore considered that no modifications are necessary to the requirement figure in Policy EMP1. Full reasoning will be set out in the Inspectors' final report. However, changes to EMP1 are necessary to reflect the amended Plan period as outlined above and refer to the fact the requirement figure is gross. Changes will also be needed to the explanation text to refer to the updated evidence on need.
15. The estimated net developable area for sites in Policy EMP2 should be updated to reflect the Council's latest estimates as set out in EL10.002 and EL8.015. These modifications will need to be consistent with the new site-specific policies required for sites NE1-NE5 as detailed below.

The Use Classes Order and Employment and Retail Chapters

16. Recent changes to the Use Classes Order (UCO) will need to be reflected in the employment and retail chapters in the Plan.
17. The reference to B1 in Policy EMP1, Policy EMP2 and related explanation text should be replaced with an appropriate word description and reference to Class E(g). Adjustments should also be made to the site-specific allocations as listed in Table 2 and covered in Policies EMP6 and EMP7 to ensure consistency with the legislative position. The Council is also requested to put forward amended wording to Policy EMP3 to ensure it is effective and deliverable.
18. Policies R2, R3 and R4 and associated explanatory text will also need to be modified by replacing references to A1, A2, A3, A4, A5 and D2 with use descriptions which are consistent with the amended UCO. Furthermore, Policy R2 and its explanatory text will need to be amended to reflect the change in circumstances associated with mixed-use allocation M2 Spinning Point, Rawtenstall as detailed below and in EL8.015.

Open spaces

19. Following discussion at the hearings the Council has updated its open space evidence (EL8.004.3 and EL8.004.2). This evidence includes new standards for open space which should be incorporated into the Plan. It also includes an assessment of the Council's proposed housing allocations which are currently in use as public open space.
20. Where housing allocations involve the loss of open space which is shown not to be surplus to requirements site-specific-policies will need to specify mitigation measures to ensure replacement with equivalent or better provision in line with the requirements of paragraph 97 of NPPF. This will need to be dealt through modifications which include new site-specific policies as set out below.

Green infrastructure and biodiversity

21. The explanation text of Policy ENV5 says that the Council will seek a minimum of a 20% net gain. Document EL8.016.1 seeks to explain and justify the Council's approach to achieving net gains in biodiversity and or green infrastructure. However, it provides insufficient justification for either a 10% or 20% net gain in either green infrastructure or biodiversity, when only net gains are currently required by the PPG. Policies ENV4 and ENV5 and their explanation text should therefore be amended to make clear that only net gains in biodiversity and green infrastructure will be sought to ensure consistency with current national policy.

Green Belt compensatory improvements

22. Policy SD2 should be amended to provide additional information on compensatory improvements to the Green Belt where land is to be released for development. This is to ensure consistency with paragraph 138 in the NPPF and effectiveness. References should also be included in relevant site-specific policies as appropriate.
23. The Council has undertaken an assessment of potential improvement schemes in document EL8.008.10 and is currently in the process of refining the list in a further document in conjunction with key partners and landowners. Although the list has not been finalised, the extent of the work undertaken to date indicates there is likely to be scope for some specific deliverable measures. Costings for Green Belt improvements have also been included in the Council's Viability Assessment. Overall, based on the evidence currently before us, we consider that the issue is capable of being dealt with through the modifications process.

Housing allocation H5 – Swinshaw Hall

24. In addition to the modifications listed in EL6.002, it is considered that further modifications are necessary to Policy HS5 to clearly specify the constraints and the required mitigation for this site. New criteria should be added concerning the loss of open space and how that will be mitigated. Additional information should also be provided on access requirements and highways mitigation.

Housing allocation H15 – Willow Avenue off Lime Tree Grove

25. The Council's Strategic Housing Land Availability Assessment makes clear it is concerned with sites where it can be demonstrated that they can provide 5 or more dwellings. The landowner has clearly stated the intention to develop this site for four dwellings only. On that basis, it does not meet the threshold for allocation and is not therefore justified and should be deleted.

Housing allocation H35 – Shadlock Skip, Stacksteads

26. This site is split into two parcels by the River Irwell linked by a bridge. A significant part of the site is in Flood Zone 3a including land which would be needed to access both parcels either side of the River Irwell, with the majority of the remainder of the site in Flood Zone 2. There are no details which show the site can reasonably and safely be developed without developing land in Flood Zone 3a, particularly with regard to its access. It has not therefore been demonstrated its development will be safe, without increasing flood risk elsewhere and where possible reduce flood risk overall. The exception test has not been satisfied and the allocation is not therefore justified and should be deleted.

Housing allocation H41 – Thorn Bank, Bacup

27. This site is in use as public open space (urban greenspace and provision for children and young people). The Council's updated evidence (EL8.004.3 and EL8.010) demonstrates it is not surplus to requirements, is of good quality and is valued. Furthermore, the evidence shows, that through its size and location it presents an opportunity to fill a gap in parks and gardens provision. Overall, the evidence does not show it can be replaced by equivalent or better provision and allocation for housing is not therefore justified. The proposed housing allocation should therefore be deleted.

Housing allocation H69 – Cwm Water Treatment Works, Whitworth

28. The site has a number of highways issues, as highlighted by Lancashire County Council in their objection to the scheme. There is no clear evidence before us to show that suitable pedestrian provision is deliverable, or that safe access can be provided. It is therefore considered that the allocation is not justified or effective. Accordingly, exceptional circumstances are not demonstrated and the site should be deleted from the Plan and retained in the Green Belt. Further reasoning will be provided in the Inspectors' final report.

Housing allocation H72 - Edenfield

29. Further to the modifications listed in EL6.002, it is considered that additional wording in Policy HS3 is necessary on heritage in order to provide sufficient protection for the historic environment. Criteria n should be amended to refer to the range of designated and non-designated assets in the vicinity and outline the types of mitigation measures that may be necessary. Further Heritage Impact Assessment (HIA) work should also be specified.
30. The Local Education Authority has indicated that the expansion of either Edenfield or Stubbins primary school will be required to facilitate growth. Criteria t in Policy HS3 should be amended accordingly, including removal of reference to a new school. The designated area to the rear of Edenfield school, as shown on the Policies Map, should be re-termed 'potential school and playing field extension' to reflect the existence of two options.
31. Further information on access and highways mitigation measures should be included in the policy, for reasons of effectiveness. The wording should be sufficiently flexible to reflect on-going work relating to the number of access points and impacts on the local highways network.

Gypsy and traveller transit site provision

32. As discussed at the hearings, the site at Futures Park (M4) should be deleted as an allocation for a Gypsy and Traveller transit site as it is no longer available for that purpose.

33. The Council's proposed replacement transit site at Little Tooter Quarry, Sharneyford (as set out in consultation documents in January 2020) has a number of constraints including its elevation on a hillside and absence of a confirmed on-site water supply. Taking account of the topography and setting of the site, it is considered that the proposed caravan development in this location would appear incongruous and detract from the moorland setting and character. Overall, it is considered that the proposed site is not suitable for transit accommodation and that deliverability has not been adequately demonstrated. Further details will be provided in the Inspectors' final report.
34. As an alternative the Council has indicated it would seek to implement a negotiated stopping policy to meet identified transit needs and include a new criteria-based policy in the Plan for dealing with any future potential transit sites or temporary stopping places that come forward over the Plan period. This approach, involving a mix of planning and other measures, is a pragmatic and justified way forward, and associated modifications should be made.

New site-specific policies for housing allocations

35. The Plan includes site-specific policies for three housing allocations. Additional site-specific policies should be included in the Plan, in order to provide detail on site requirements and mitigation measures where necessary. It is considered that new policies should be drawn up for:
- H8 Oak Mount Garden, Rawtenstall – including constraints/mitigation measures relating to heritage.
 - H10 Land at Bury Road, Rawtenstall - including constraints/mitigation measures relating to heritage, trees and open space.
 - H20 Old Market Hall, Bacup – including constraints/mitigation measures relating to heritage.
 - H25 Land at Blackwood Road, Stacksteads – including constraints/mitigation measures relating to heritage and access.
 - H29 Land off Pennine Road, Bacup – including constraints/mitigation measures relating to open space, landscaping, ecology and access.
 - H31 Lower Stack Farm - including constraints/mitigation measures relating to heritage.
 - H33 Land Off Rockcliffe Road and Moorlands Terrace - including constraints/mitigation measures relating to heritage.
 - H34 Land at Higher Cross Row Bacup - including constraints/mitigation measures relating to heritage and open space.
 - H37 Land off Gladstone Street, Bacup – including constraints/mitigation measures relating to heritage, landscaping, trees and access.
 - H49 Land adjacent to 53 Grane Road – including constraints/mitigation measures relating to open space.

- H50 Land Adjacent Park Avenue/Criccieth Close – including constraints/mitigation measures relating to open space.
- H51 Land to side and rear of petrol station, Manchester Road – including constraints/mitigation measures relating to heritage and contamination.
- H57 Foxhill Drive – including constraints/mitigation measures relating to open space.
- H58 Land off Lea Bank, Cloughfold – including constraints/mitigation measures relating to open space.
- H64 Hargeaves Fold Lane, Chapel Bridge, Lumb – including constraints/mitigation measures relating to heritage and access.
- H70 Irwell Vale Mill – including constraints/mitigation measures relating to flood risk, heritage and compensatory improvements to the Green Belt.
- H71 Land east of Market Street – including constraints/mitigation measures relating to landscaping and compensatory improvements to the Green Belt
- H73 Edenwood Mill, Edenfield – including constraints/mitigation measures relating to heritage, landscaping, flood risk, access and Green Belt compensatory improvements.
- H74 Grane Village, Helmshore – including constraints/mitigation measures relating to highways, drainage, ecology and landscaping.

Site-specific policies for employment allocations

36. The Plan allocates five new sites for business, general industrial or storage and distribution listed in Table 2 as NE1 to NE5. Policy EMP7 – New Hall Hey sets out criteria to guide the development of NE4, but the details are broad and there are no details in the Plan to guide the development of the other four new employment sites.
37. These sites are integral to the overall development strategy, seeking to provide a supply of readily available employment land where it is needed most, but have constraints which will need to be mitigated if they are to be developed. Therefore, for effectiveness new site-specific policies for sites NE1, NE2, NE3 and NE5 should be added to the Plan and more detail should also be added to Policy EMP7. The site-specific policies should include updated net developable areas informed by the evidence in EL8.015, and address the following constraints/mitigation issues:
- NE1 Extension to Mayfield Chicks, Ewood Bridge – landscape, public right of way, ecology, access, flooding and drainage and compensatory improvements to the Green Belt
 - NE2 Land north of Hud Hey, Haslingden – landscape, trees, drainage, access/ground stability and compensatory improvements to the Green Belt
 - NE3 Carrs Industrial Estate North Extension, Haslingden – landscape, heritage, access/ground stability and compensatory improvements to the Green Belt

- NE4 (EMP7) - Extension of New Hall Hey, Rawtenstall - landscape, public right of way, open space, trees, ecology, access, underground infrastructure, flooding and drainage and compensatory improvements to the Green Belt
- NE5 Baxenden Chemicals Ltd, Rising Bridge – ecology, access, flooding and drainage.

Site-specific policies for mixed-use allocations

38. The Local Plan allocates five sites (M1 to M5) for mixed-use development. Site M1 Waterside Mill, Bacup is a vacant grade II listed building in poor condition. For effectiveness, a site-specific policy should be drawn up to provide detail on constraints and mitigation measures particularly with regard to heritage.
39. Site M2 Spinning Point, Rawtenstall was originally intended to be developed in two phases. However, phase one including a new bus station and commercial development is now complete and due to changes in circumstances the Council have resolved not to pursue phase two at the current time. It should therefore be deleted as a mixed-use allocation with tables 1 and 2 and Policy R2 and its explanatory text adjusted accordingly in line with EL8.015.
40. Further evidence (EL8.015) shows M5 Park Mill, Helmshore is in multiple ownership with no clear aspiration to bring the site forward for development. Consequently, it is not available for development and should be deleted as a mixed-use allocation with table 2 adjusted accordingly.

Housing standards

41. Policy HS8 seeks to ensure all new homes meet the national described space standard (NDSS). The PPG says evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed. The Council's evidence (EL8.004.2) refers to three schemes and shows that all the dwellings assessed met the total relevant total internal space standard but some had rooms which fell short.
42. However, this sample is too narrow in terms of geography, development size and type. The positive or negative effects of implementation cannot be properly assessed. Overall, the imposition of this requirement on developments in the area would compromise flexibility and is not justified. Policy HS8 should therefore be modified to remove the requirement for developments to meet the NDSS.

Parking standards

43. Paragraph 256 of the Plan says the parking standards in Appendix 1 are maximum parking standards. Paragraph 106 of the NPPF makes clear

that maximum parking standards should only be set where there is compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport.

44. Document EL8.018.1 does not provide the necessary justification for maximum standards. However, it is considered that local parking standards within the terms of paragraph 105 of the NPPF are justified based on local circumstances. The Plan should therefore be modified to make clear that the proposed parking standards are not maximum standards.

Housing supply

45. The Council's list of extant permissions includes 50 dwellings on land at Clod Hall Lane in Haslingden. On balance, based on the evidence before us, we are not persuaded that there is sufficient certainty at this stage to conclude that the scheme will come forward by 2035/36. The site has technical issues relating to land stability which require further investigation and the fallback position of the permission has been disputed. Clod Hall Lane should therefore be excluded from the extant permissions source in the housing supply calculations.
46. Taking account of the above change and alterations to housing allocation sites identified elsewhere in this letter, it is calculated that the Council has a slight shortfall in the overall amount of housing likely to be delivered within the Plan period against a housing requirement of 3,191 dwellings. This matter will be dealt with in our final report, although we are satisfied that, nonetheless, the Plan is capable of being found sound.
47. The aforementioned changes to extant permissions and allocation sites will result in some adjustments in the Council's five-year supply calculations. However, based on the trajectory in EL10.001 the changes are likely to be modest and it appears that the Council will still be able to demonstrate five-year supply.

Next steps

48. The Council is now invited to prepare an updated comprehensive set of proposed main modifications for our consideration prior to publication, based on the changes detailed within this letter and those referred to in EL6.002. The modifications will need to be subject to Sustainability Appraisal and Habitats Regulation Assessment as necessary, and published for consultation. The documents should also be accompanied by a schedule of any necessary changes to the Policies Map.
49. The Inspectors' final report will set out conclusions on the main issues discussed at the hearing sessions, taking account of consultation responses on the main modifications.

50. It would be appreciated if you could confirm if the Council is content to proceed on the basis outlined in this letter. Please note that we are not expecting to receive or accept comments from any other parties on the contents of this letter.
51. In producing the updated set of proposed main modifications, the Council is requested to liaise with the Inspectors via the Programme Officer regarding projected timescales and formatting. A copy of this letter should be placed on the Council's website and made available on request.

Katie Child
Luke Fleming

INSPECTORS