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# **Report on the Edenfield Neighbourhood Plan 2021 – 2036**

**An Examination undertaken for Rossendale Borough Council with the support of Edenfield Community Neighbourhood Forum on the January 2024 submission version of the Plan.**

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Date of Report: 28 November 2024

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## Main Findings - Executive Summary

From my examination of the Edenfield Neighbourhood Plan (the Plan) and its supporting documentation, including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- the Plan has been prepared and submitted for examination by a qualifying body – Edenfield Community Neighbourhood Forum;
- the Plan has been prepared for an area properly designated – the Edenfield Neighbourhood Area – Figure 1 on Page 2 of the Plan;
- the Plan specifies the period to which it is to take effect – 2021 - 2036; and
- the policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

## 1. Introduction and Background

### Edenfield Neighbourhood Plan 2021 - 2036

- 1.1 The Edenfield Neighbourhood Area forms part of the Greenfield and Eden Ward (the central southern part) in the Borough of Rossendale in Lancashire. This ward was created in May 2024 as a result of a Borough-wide boundary review. The Neighbourhood Area was previously part of the smaller Eden ward. It is clustered around the junctions of Bury Road with Bolton Road North and Rochdale Road. It then extends in linear form along the B6527 Market Street and along Burnley Road to the north. The M66 forms the western boundary of the designated area and has its terminus to the southwest of Edenfield. It then continues north as the A56 Edenfield Bypass.
- 1.2 The village lies to the east of the River Irwell in the Rossendale Valley. The landscape is dominated by Scout Moor to the east and Holcombe Moor to the west. Ramsbottom is approximately 2 km to the south with Rawtenstall some 4 km to the north. On the northern fringe of the Manchester conurbation, the towns of Bolton, Bury and Rochdale are located a short distance away to the southwest, south and southeast respectively.

- 1.3 The Edenfield Community Neighbourhood Forum and Edenfield Neighbourhood Area were designated by the Borough Council in 2018. The designation of the Forum was renewed in 2023. Over the years, work has progressed on preparation of the Neighbourhood Plan and consultation with the local community. The resultant Plan has a vision and nine objectives together with 31 detailed policies under 10 different themes.

### The Independent Examiner

- 1.4 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Edenfield Neighbourhood Plan by Rossendale Borough Council, with the agreement of Edenfield Community Neighbourhood Forum.
- 1.5 I am a chartered town planner and former government Planning Inspector with over forty years' experience. I have worked in both the public and the private sectors. I am an independent examiner and do not have an interest in any of the land that may be affected by the draft Plan.

### The Scope of the Examination

- 1.6 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
  - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
  - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.7 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ("the 1990 Act"). The examiner must consider:
- Whether the Plan meets the Basic Conditions.
  - Whether the Plan complies with provisions under Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act"). These are:
    - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
    - it sets out policies in relation to the development and use of land;
    - it specifies the period during which it has effect;

- it does not include provisions and policies for “excluded development”; and
  - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.
- Whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum.
  - Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) (“the 2012 Regulations”).
- 1.8 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

### The Basic Conditions

- 1.9 The “Basic Conditions” are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the Neighbourhood Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
  - contribute to the achievement of sustainable development;
  - be in general conformity with the strategic policies of the development plan for the area;
  - be compatible with and not breach European Union (EU) obligations (under retained EU law)<sup>1</sup>; and
  - meet prescribed conditions and comply with prescribed matters.
- 1.10 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Neighbourhood Development Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.<sup>2</sup>

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<sup>1</sup> The existing body of environmental regulation is retained in UK law.

<sup>2</sup> This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

## 2. Approach to the Examination

### Planning Policy Context

- 2.1 The Development Plan for this part of Rossendale Borough, not including documents relating to excluded minerals and waste development, is the Rossendale Local Plan 2019 to 2036, adopted in December 2021.
- 2.2 Planning policy for England is set out principally in the National Planning Policy Framework (NPPF) and is accompanied by the Planning Practice Guidance (PPG), which offers guidance on how this policy should be implemented. All references in this report are to the latest iteration of the NPPF dated December 2023 and the accompanying PPG.<sup>3</sup>

### Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Edenfield Neighbourhood Plan 2021 - 2036, January 2024;
  - a map which identifies the area to which the proposed Neighbourhood Development Plan relates;
  - the Consultation Statement, June 2024;
  - the Basic Conditions Statement, January 2024;
  - the Strategic Environmental Assessment (SEA) Screening Opinion (August 2020) prepared by Rossendale Borough Council;
  - all the representations that have been made in accordance with the Regulation 16 consultation; and
  - the request for additional clarification sought in my letter dated 7 October 2024, and the responses from the Edenfield Community Neighbourhood Forum and Rossendale Borough Council dated 17 and 18 October respectively.<sup>4</sup>

### Site Visit

- 2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 22 October 2024 to familiarise myself with it and visit relevant sites and areas referenced in the Plan and evidential documents.

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<sup>3</sup> It is anticipated that the revised NPPF will be published in final form late 2024/early 2025): [Proposed reforms to the National Planning Policy Framework and other changes to the planning system - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system)

<sup>4</sup> View the documents at: <https://www.rossendale.gov.uk/local-plan/neighbourhood-plan/3>

## Written Representations with or without Public Hearing

- 2.5 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum.

## Modifications

- 2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

## 3. Procedural Compliance and Human Rights

### Qualifying Body and Neighbourhood Plan Area

- 3.1 The Edenfield Neighbourhood Plan has been prepared and submitted for examination by Edenfield Community Neighbourhood Forum. An application to designate the Forum and the Neighbourhood Plan Area was subject to public consultation between 23 February and 19 April 2018. The Borough Council subsequently designated the Forum and the Edenfield Neighbourhood Area for a period of 5 years until 22 April 2023. In accordance with the legislation<sup>5</sup>, an application to redesignate the Forum for a further 5 year period was submitted in January 2023. Following consultation held between 8 January to 1 March 2023, the Forum was redesignated for a second period (of 5 years) until 18 April 2028.
- 3.2 It is the only Neighbourhood Plan for Edenfield Neighbourhood Area and does not relate to land outside the designated Neighbourhood Plan Area.

### Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2021 to 2036.

### Neighbourhood Plan Preparation and Consultation

- 3.4 Details of plan preparation and consultation are set out in the Neighbourhood Forum's Consultation Statement, January 2024. As noted, an application for designation of the Forum and the Neighbourhood Plan Area was submitted to Rossendale Borough Council on 21 February 2018. Designation followed on 23 April 2018. This was renewed in April 2023 and now expires on 18 April 2028.

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<sup>5</sup> See section 61F(8)(a) of the 1990 Act.

- 3.5 Details of community engagement activities from March 2018 are set out in Section 3 of the Consultation Statement. They include newsletters, open meetings, a village fete, an online scoping questionnaire and a workshop session.
- 3.6 Formal consultation under Regulation 14 took place between 3 March and 20 April 2023. As well as including details of community engagement, Section 3 of the Consultation Statement contains details of those consulted and how they were consulted. A summary of the main issues and concerns raised is set out in Section 5 as well as details of how the representations were considered and addressed. Material amendments to the Plan following the consultation are detailed in Appendix 19.
- 3.7 Consultation by the Borough Council under Regulation 16 took place over a six-week period from 17 June to 30 July 2024. Some 22 representations were received from private individuals, various public bodies and agents acting for landowners.
- 3.8 I am satisfied that, at both the Regulation 14 and the Regulation 16 stages, the consultation process met the legal requirements and there has been procedural compliance. Regard has also been paid to the advice on plan preparation and engagement in the PPG.

### Development and Use of Land

- 3.9 The Plan sets out policies in relation to the development and use of land in accordance with Section 38A of the 2004 Act. The exception is Policy DMR2, which refers to a timetable for the review of the Neighbourhood Plan and is the subject of proposed modification PM17 (see paragraph 4.39 below).

### Excluded Development

- 3.10 The Plan does not include provisions and policies for “excluded development”.<sup>6</sup>

### Human Rights

- 3.11 Edenfield Community Neighbourhood Forum is satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998). From my independent assessment, I see no reason to disagree.

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<sup>6</sup> See section 61K of the 1990 Act.

## 4. Compliance with the Basic Conditions

### EU Obligations

- 4.1 The Neighbourhood Plan was screened for Strategic Environmental Assessment (SEA) by Rossendale Borough Council, which found that it was unnecessary to undertake SEA. Having read the Strategic Environmental Assessment Screening Opinion, I support this conclusion.
- 4.2 The Edenfield Neighbourhood Plan was further screened for Habitats Regulations Assessment (HRA), which also was not triggered. The Neighbourhood Area does not contain or adjoin any European designated nature site. Although there are four European sites within a radius of 20km, the Plan does not allocate any sites for development and any significant effects are unlikely. Natural England agreed with this conclusion.<sup>7</sup> From my independent assessment of this matter, I have no reason to disagree.

### Main Issues

- 4.3 Having regard for the Edenfield Neighbourhood Plan, the consultation responses and other evidence, and the site visit, I consider that there are nine main issues relating to the Basic Conditions for this examination. These concern:
- Settlement Limits;
  - Housing;
  - Design;
  - Heritage Assets;
  - Transport and Travel;
  - Community Facilities;
  - Commerce, Businesses and Services;
  - Green Infrastructure; and
  - Delivery, Monitoring and Review.
- 4.4 Before I deal with the main issues, I have a few observations to make with regard to the representations. First, the Edenfield Neighbourhood Plan should be seen in the context of the wider planning system. This includes the Rossendale Local Plan as well as the NPPF and PPG. It is not necessary to repeat in the Neighbourhood Plan matters that are quite adequately dealt with elsewhere.<sup>8</sup> Having said that, there may be scope to give emphasis to matters particularly relevant in the context of Edenfield.
- 4.5 Secondly, the Neighbourhood Plan does not have to deal with each and every topic raised through the consultation. In this regard, the content of the Neighbourhood Plan and the scope of the policies is largely at the

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<sup>7</sup> See email dated 13 July 2020 in Appendix A of the Screening Opinion.

<sup>8</sup> See NPPF, Paragraph 16 f).

discretion of the qualifying body, albeit informed by the consultation process and the requirements set by the Basic Conditions.

- 4.6 Thirdly, my central task is to judge whether the Neighbourhood Plan satisfies the Basic Conditions. Many of the representations do not demonstrate or indicate a failure to meet those conditions or other legal requirements. Similarly, many of the suggested additions and improvements are not necessary when judged against the Basic Conditions.
- 4.7 The following section of my report sets out modifications that are necessary in order to meet the Basic Conditions. Some of the proposed modifications are factual corrections.<sup>9</sup> Others are necessary in order to have closer regard to national policies and advice. In particular, plans should be succinct and contain policies that are clearly written and unambiguous.<sup>10</sup> A decision maker should be able to apply them consistently and with confidence when determining planning applications. In addition, the policies should be supported by appropriate evidence.<sup>11</sup>

#### Issue 1 – Settlement Limits

- 4.8 Policy UB1 of the Neighbourhood Plan indicates that future development in the area shall be focussed within the settlement boundary as shown on the Policies Map. On the Policies Map, the key shows the settlement boundary as the “Urban Boundary”. Although these are one and the same<sup>12</sup>, for clarity, the Plan should use the term “Urban boundary” to ensure consistency.
- 4.9 The fourth paragraph of the policy concerns compensatory measures in respect of land removed from the Green Belt. These are to be in accordance with Policy SD4 of the Local Plan and *other guidance*. The reference to other guidance is unclear and uncertain. In this regard, the Neighbourhood Forum has produced some notes on what could be regarded as other guidance.<sup>13</sup> For the benefit of applicants, this information should be summarised in the text accompanying the policy.
- 4.10 Necessary amendments to refer to the term ‘Urban boundary’ throughout the Plan and to provide clarity to Policy UB1 are set out in proposed modification **PM1**.

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<sup>9</sup> Modifications for the purpose of correcting errors is provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act.

<sup>10</sup> NPPF, Paragraphs 15 and 16 d).

<sup>11</sup> PPG Reference ID: 41-041-20140306.

<sup>12</sup> See Neighbourhood Forum’s answers dated 17 October 2024 to my questions.

<sup>13</sup> See Neighbourhood Forum’s answers dated 17 October 2024 to my questions.

## Issue 2 – Housing

- 4.11 The opening paragraph of Policy HO3 recognises that eligibility for affordable housing is a matter to be administered by Rossendale Borough Council as Housing Authority. Nevertheless, the policy continues by saying that priority will be given to applicants who can demonstrate a local connection with Edenfield. This is of the nature of an allocation policy rather than a development management policy.
- 4.12 To avoid encroaching into matters of allocation, it would be appropriate to restrict the first *occupation* of the properties to those with a local connection. These points are the subject of proposed modification **PM2**.
- 4.13 In response to one of the representations, I have no reason to suppose that application of the policy would lead to material delays. I would expect the Housing Authority to be well practised in inviting and processing applications of various descriptions. If no qualifying Edenfield residents came forward, the Council would no doubt pass on quickly to others in need of affordable housing accommodation.
- 4.14 Turning to Policy HO4, this concerns “Site H66 design and layout”. Site H66 is an area allocated under the Local Plan. In this respect, there is both a related policy under the Rossendale Local Plan (Policy H66) and a Masterplan and Design Code. The Masterplan has been prepared pursuant to Paragraph 1 of Policy H66 and was approved by the Council at its Cabinet meeting on 18 September 2024. In addition, I note that there are four extant planning applications relating to different parts of the site.<sup>14</sup>
- 4.15 I have had regard to whether there is any conflict between, on the one hand, Local Plan Policy H66 and the Masterplan and, on the other, Policy HO4 in the Neighbourhood Plan. This is in circumstances where, “The Council does not consider that the now adopted Masterplan Design Code necessarily conflicts with the Neighbourhood Plan’s Policy HO4.”
- 4.16 I am aware that both Policy H66 and Policy HO4 require “Retention and strengthening of the woodland enclosures to the north and south of the church”. This is slightly at variance with the provision of the Masterplan whereby some tree cover would be removed. Be that as it may, it will be for the Borough Council to decide whether, in any application, there is accordance with the development plan or whether material considerations come into play.
- 4.17 On a separate point, the Neighbourhood Plan policy makes provision for safe non-vehicular access to Edenfield Community Centre. I have been advised<sup>15</sup> that H66 is separated from the Community Centre by land where there is no immediate prospect of purchase from the owners. In

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<sup>14</sup> Application References: 2022/0015; 2022/0451; 2022/0577; and 2023/0396.

<sup>15</sup> See Neighbourhood Forum’s answers dated 17 October 2024 to my questions.

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such circumstances, access provision could not be made. Removal of the references would be appropriate (proposed modification **PM3**).

- 4.18 In all other respects, although Policy HO4 repeats provisions of the Local Plan, I appreciate that the policy will give emphasis to matters of particular importance to the Neighbourhood Forum.

### Issue 3 – Design

- 4.19 Amongst other things, Policy D1 (Design and amenity standards and village character) requires that all development must reflect the local vernacular and be in keeping with local character. Whilst this is a laudable objective, it may be legitimate for new large scale housing developments to have, at least in part, areas of distinct yet positive character that may vary from the established norm. Adding the words “as appropriate” to the policy would give an appropriate degree of latitude (proposed modification **PM4**).

- 4.20 A related point arises in Policy D2, Built heritage and character. This indicates that developments should incorporate architectural features similar to those found in local tradition buildings. However, in line with national policy<sup>16</sup>, there should be scope for innovation and change. An amendment similar to that required for Policy D1 is called for.

- 4.21 A further point is the reference to best practice design principles *including* those set out in Building for a Healthy Life. This begs the question as to what other best practice guidelines should be taken into account. Further examples have been provided by the Neighbourhood Forum.<sup>17</sup> For clarity and assistance to developers, these should be set out in the text supporting the policy. Similarly, in the interests of clarity and internal consistency<sup>18</sup>, the reference to “Applicants” in paragraph 4 of Policy D2 should be to “Developers”.

- 4.22 Proposed modification **PM5** sets out necessary amendments in regard to Policy D2.

### Issue 4 – Heritage Assets

- 4.23 Policy HE1 (Conservation and enhancement of heritage assets) states that any listed or non-listed heritage assets and their setting will be conserved and enhanced. However, there is no evidence to indicate that, if preserved, enhancement would be necessary as well. The policy should refer to conservation *or* enhancement as in proposed modification **PM6**.

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<sup>16</sup> See NPPF, Paragraph 135 c).

<sup>17</sup> See Neighbourhood Forum’s answers dated 17 October 2024 to my questions.

<sup>18</sup> For example, see Policies UB1 and LC2.

## Issue 5 – Transport and Travel

- 4.24 Policy T2 (Mitigation measures and Transport Assessments), in referring to traffic movements and traffic flows, uses inconsistent and potentially confusing terminology. For clarity, the term traffic movements should be used throughout.
- 4.25 The third part of the policy calls for Transport Assessments to calculate the effects on certain junctions on the M66 motorway where more than 30 two-way trips per day would be generated. This provision was included at the request of National Highways in an email although there is no further evidence on the matter.
- 4.26 The requirement is likely to be onerous. It is also inconsistent with scoping advice given on previous occasions by Lancashire County Council. Whilst it is useful to flag up the possible need to take into account the effects on Junctions 0 and 1 on the M66 in certain circumstances, it would be appropriate for such information to be supplied on request. Both necessary amendments are addressed in proposed modification **PM7**.

## Issue 6 – Community Facilities

- 4.27 Policy LC2 is concerned with sports facilities. The policy indicates that developers will be expected to secure the provision of new or improved facilities if existing facilities do not have the capacity to absorb the additional demand. However, through Section 106 contributions, it is the Council not the developer who would deliver and implement such provision. Alternative wording is needed as in proposed modification **PM8**.
- 4.28 Under Policy LC4, development proposals concerning current or proposed sporting facilities will be required to comply with related NPPF policy, Sport England’s Playing Fields Policy and Guidance and the Borough Council’s Sport Strategy. Whilst these would be material considerations, it would be inappropriate to require compliance with such documents as part of the policy. Revised wording is set out in proposed modification **PM9**.

## Issue 7 - Commerce, Businesses and Services

- 4.29 Policy E1 offers qualified support to proposals for new E(a), E(b) and E(c) uses, or drinking establishments, “within the Neighbourhood Parade or at other locations in the Neighbourhood Area”. The effect of this reference is to support such proposals anywhere within the designated Edenfield Neighbourhood Area and, as such, is superfluous. Removal would be effected through proposed modification **PM10**.
- 4.30 Policy E2 (Loss of commercial, business and service establishments) aims to protect E(a), E(b) and E(c) uses, or drinking establishments. Given extensive permitted development rights, it would be appropriate to qualify

the policy by adding “where planning permission is required”. Such wording would be added through proposed modification **PM11**.

## Issue 8 – Green Infrastructure and the Natural Environment

- 4.31 Policy GI1, designates, as Local Green Space, three local areas within Edenfield. Of these, I am aware that Edenfield Cricket Club is a location within the Green Belt. As such, I have considered what additional local benefit would be gained by designation as Local Green Space.<sup>19</sup> Bearing in mind the club’s value to the community, in circumstances where sites have been removed from the Green Belt, I am satisfied that designation as Local Green Space would be justified. All the sites meet the criteria set out in Paragraph 106 of the NPPF and appear capable of enduring beyond the end of the Plan period (NPPF, Paragraph 105).
- 4.32 The final paragraph of the policy indicates that development will only be permitted in very special circumstances; but this provision ignores the fact that, under the terms of the NPPF, the development may be “not inappropriate”. Proposed modification **PM12** recommends alternative wording.
- 4.33 Policy GI3 (Footpaths, cycle paths and green spaces accessibility) provides as follows: “New development will establish publicly accessible links from development sites to the wider footpath and cycle-path network and green spaces wherever possible”. In this regard, I note that the tests applying to planning obligations would apply to provision beyond application sites; also, it may not be possible to guarantee that links would be publicly accessible. An alternative form of wording is required as in proposed modification **PM13**.
- 4.34 Policy GI4 concerns development that would affect Local Green Spaces. Provision is made for measures that include a proportionate increase in Local Green Space where there are impacts or increased use. Since Local Green Space can only be designated through a development plan, it is not possible to assume, in a development plan such as a neighbourhood plan, that any land provided as part of a proportionate increase would be designated as Local Green Space. Modified wording is required (proposed modification **PM14**).
- 4.35 Policy NE1 identifies 8 locally important views. Several of these views (KV1, 2, 3, 4 and 8) are likely to be affected by development within the H66 housing site. Be that as it may, I saw that the land falls towards the valley bottom and then rises to the heights of Holcombe Moor in the west. I would expect that, standing at any of the viewpoints post-development, it is likely that “continued visual connectivity with the surrounding countryside” could be maintained. The provisions of the policy are acceptable.

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<sup>19</sup> PPG Reference ID: 37-010-20140306.

- 4.36 Policy NE3 (Development and landscape and topography) opens by saying that development will retain and enhance well-established features of the landscape. In this regard, there is no evidence to indicate that, if retained, enhancement would be necessary as well. The policy should refer to retention *or* enhancement as in proposed modification **PM15**.
- 4.37 In passing, I note that the policy also addresses adverse impacts on views through changes to skyline, hill slopes, height or mass. These are all matters that are likely to change as a result of the H66 development. However, I would not expect that the changes would be regarded as “adverse impacts”.

#### Issue 9 – Delivery, Monitoring and Review

- 4.38 With regard to the final main issue, Policy DMR1 (Local Infrastructure and delivery plan) offers support for the improvement or development of locally important infrastructure provided that the need is consistent with other policies in the Plan. Given the importance of the tests identified in the NPPF (Paragraph 57), these should also be referenced. Proposed modification **PM16** refers.
- 4.39 The final policy in the Plan, Policy DMR2, deals with Neighbourhood Plan reviews. This is essentially a timetabling issue. It is not a policy for the development and use of land. The policy should be deleted and the content moved to the supporting text (proposed modification **PM17**).

#### Other Policies

- 4.40 There remain a number of policies that have not been the subject of commentary in the above report. These are Policy HO1 Identified housing needs; Policy HO2 Affordable housing delivery; Policy HE2 Non-designated heritage assets; Policy HE3 Planning applications and heritage assets; Policy HE4 Site H66 mitigation measures; Policy T1 Promotion of sustainable forms of transport; Policy LC1 New, improved or extended community facilities; Policy LC3 Required local infrastructure; Policy GI2 Wildlife areas and green spaces connectivity; Policy NE2 Development proposals and the local environment; Policy NE4 Development and ecology; Policy NE5 Site H66 watercourses and ecology; and Policy NE6 Site H67 watercourses and ecology
- 4.41 To a greater or lesser extent, these topics are covered in NPPF Sections 5 (Delivering a sufficient supply of homes); 8 (Promoting healthy and safe communities); 9 (Promoting sustainable transport); 15 (Conserving and enhancing the natural environment); and 16 (Conserving and enhancing the historic environment). I find that there has been regard for national policy and that the Basic Conditions have been met.

## Other Matters

- 4.42 All policy areas have been considered in the foregoing discussion. With the modifications that I have recommended, the Plan would meet the Basic Conditions. Other minor changes (that do not affect the Basic Conditions), as well as consequential amendments, corrections and updates (for example the additional factual text to be inserted as a result of PM1, PM5 and PM17)<sup>20</sup>, could be made prior to the referendum at the Councils' discretion.

## 5. Conclusions

### Summary

- 5.1 The Edenfield Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

### The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Edenfield Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

### Overview

- 5.4 It is evident that a considerable amount of time and effort has been devoted to the development and production of this Plan and I congratulate those who have been involved. The Plan should prove to be a useful tool for future planning and change in Edenfield over the coming years.

*Andrew S Freeman*

Examiner

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<sup>20</sup> See PPG Reference ID:41-106-20190509.

## Appendix: Modifications

| <b>Proposed modification number (PM)</b> | <b>Page no/ other reference</b> | <b>Modification</b>  |
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| PM1                                      | Pages 16, 17 and 19             | References to the 'settlement boundary' in the Neighbourhood Plan should be changed to 'Urban Boundary', to ensure consistency with the Local Plan and Policies Map. These references are located in :<br><ul style="list-style-type: none"> <li>- Paragraph 5.4;</li> <li>- Policy UB1 (in three places: the title of the policy and in points 1 and 2); and</li> <li>- Policy HO1.</li> </ul> In the text supporting Policy UB1, identify the "other guidance" that is to be taken into account by applicants. |
| PM2                                      | Page 20                         | In the first paragraph of Policy HO3, replace "priority will be given in the first instance to" with "the affordable housing shall be first occupied by".  |
| PM3                                      | Page 21                         | Delete numbered paragraph 2 in Policy HO4.<br><br>As a consequence, delete the words "and to the Community Centre" in paragraph 1.c) of Policy HO4,  |
| PM4                                      | Page 23                         | In Policy D1 d), add "as appropriate," before "reflect".   |
| PM5                                      | Page 25                         | In Policy D2 a), add "As appropriate" before "incorporating".<br><br>In numbered paragraph 4 of Policy D2, replace "Applicants" with "Developers". In paragraph 7.8 of the text supporting the policy, list the best practice guidelines to be taken into account by developers.   |
| PM6                                      | Page 32                         | In Policy HE1, replace "conserved and enhanced" with "conserved or enhanced".  |
| PM7                                      | Page 35                         | In Policy T2, replace "traffic flows" with "traffic movements".  |

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|      |                 | At the beginning of the third part of the policy, insert "Upon the request of the Local Planning Authority, and" before "given".   |
| PM8  | Page 39         | In the first sentence of Policy LC2, replace "the developer" and all subsequent words with the following: "... financial contributions will be sought from the developer through negotiations with Rossendale Borough Council and secured as appropriate through a Section 106 planning obligation." |
| PM9  | Page 39         | In Policy LC4, replace "will be required to comply with" with "shall have regard to".  |
| PM10 | Page 41         | In Policy E1, delete the words: "within the Neighbourhood Parade or at other locations in the Neighbourhood Area."   |
| PM11 | Page 42         | At the commencement of Policy E2, add "Where planning permission is required" before "all existing premises".  |
| PM12 | Page 44         | Replace the second paragraph of Policy GI1 with the following: "Development shall be consistent with national and local policy for Green Belts."   |
| PM13 | Page 44         | In Policy GI3, replace "establish publicly accessible links" with "provide for links".   |
| PM14 | Page 44         | In Policy GI4, replace "proportionate increase in Local Green Space" with "proportionate increase in space that meets the criteria set out in the NPPF".   |
| PM15 | Page 48         | At the opening of Policy NE3, change the text so that it reads, "Development will retain or enhance...".   |
| PM16 | Page 51         | At the end of the first sentence in Policy DMR1, add "and Paragraph 57 of the NPPF".   |
| PM17 | Pages 15 and 51 | Delete Policy DMR2. Include the content as part of the supporting text within Section 14 of the Plan.  |

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|  |  | A change to Table 3 (paragraph 4.3) will also be required to reflect this deletion. |
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