

ROSSENDALE LOCAL PLAN 2019 – 2034
EXAMINATION HEARING STATEMENT
MR K HOWIESON (**RESPONDENT REF. 18**)

MATTER 2 – VISION AND SPATIAL STRATEGY

1. QUESTION 2K

**ARE THE URBAN BOUNDARIES CLEARLY DEFINED AND ROBUSTLY BASED?
ARE THE PROPOSED BOUNDARY CHANGES TO REFLECT EXISTING
DEVELOPMENT ON THE GROUND, PROVIDE DEFENSIBLE EDGES AND CORRECT
ERRORS, AS SET OUT IN DOCUMENT EL1.002D, JUSTIFIED?**

- 1.1 The council is proposing an allocation of housing land to the west of Burnley Road and has failed to consider our client's Representations. We have concerns about the ability of the proposed housing allocations to deliver across the plan period and the plan as drafted makes no contingency for the failure of allocations. Consequently, it is our view that Policy SD2 (and subsequently policy HS2) is not 'sound' as required by the Framework. It is not positively prepared, not justified, not effective and is not consistent with national policy.
- 1.2 We attach our earlier Representations for consideration by the Inspector.
- 1.3 The site is suitable, available and achievable.

SOUNDNESS

- 1.4 In respect of this site, the plan is not positively prepared, justified, effective and consistent with national policy.

Appendix 1

ROSSENDALE BOROUGH COUNCIL

DRAFT LOCAL PLAN

REGULATION 18 CONSULTATION

CLIENT:

Mr Ken Howieson

SITE:

Land opposite 1019 Burnley Road, Loveclough

DATE:

9 October 2017

Report Drafted By	Report Checked By	Report Approved By
RT	DC	DC
06.10.2017	09.10.2017	09.10.2017

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Appendix 1 Proposed change to Urban Boundary

1. INTRODUCTION

- 1.1 Rossendale Borough Council (RBC) is preparing a new Local Plan which will guide the future planning and development of the area. The Council are asking for comments on the Draft Local Plan which will replace the Core Strategy once it is adopted.
- 1.2 The Draft Local Plan document has been informed by a series of evidence base documents, and previous consultations undertaken on proposed changes to the Urban Boundary and the Green Belt¹.
- 1.3 The evidence base comprises the following documents:
- Strategic Housing Land Availability Assessment (SHLAA) - Stages 1 & 2 and Site Assessments 2017
 - Strategic Housing Market Assessment (SHMA) 2017
 - Employment Land Review 2017
 - Green Belt Review 2016
 - Environmental Network Study 2017
 - Gypsies and Travellers Accommodation Assessment 2016
 - Town Centre, Retail, Leisure and Tourism Study 2017
 - Playing Pitch Strategy 2016 (previously published)
 - Strategic Flood Risk Assessment (SFRA) 2016
 - Local Plan Viability Study 2015 and Updated Viability Study in relation to Affordable Housing 2017
 - Landscape Study 2015 (previously published)
 - Landscape capacity study for wind energy developments in the South Pennines (2014) (previously published).
- 1.4 Rossendale's Local Plan will designate land and buildings for future uses to meet the Borough's needs and set out what developments should look like and how they should fit in with their surroundings.

¹ Consultation was undertaken on the Green Belt & Urban Boundary Review between October – December 2012, January 2013 and December 2014, with further comments accepted by the Council during 2015 and 2016 to inform the previous Local Plan Part 2 consultation, which was late withdrawn.

1.5 Sites have been proposed for development (such as housing or employment sites), for environmental protection and for recreation uses on the Draft Policies Map. Changes are also proposed to the existing Green Belt and the Urban Boundary. Also, four additional Conservation areas and an extension to an existing Conservation area are being considered.

BACKGROUND

1.6 Hourigan Connolly is instructed to review and comment on the Draft Local Plan in relation to land opposite 1019 Burnley Road in Loveclough, Rossendale. Currently the site is designated as being located beyond the Urban Boundary within the open countryside. On behalf of our client, we seek to promote a change to the Urban Boundary to include the subject site.

1.7 This Statement will demonstrate that a change to the Urban Boundary to include the subject site would accord with the criteria set out by the Council as part of their consultation for the Review of existing Green Belt and Urban Boundary in 2012 / 2013 (no update to this appears to be available as part of the 2017 consultation).

1.8 The location of the site is shown below, at Figure 1.1.

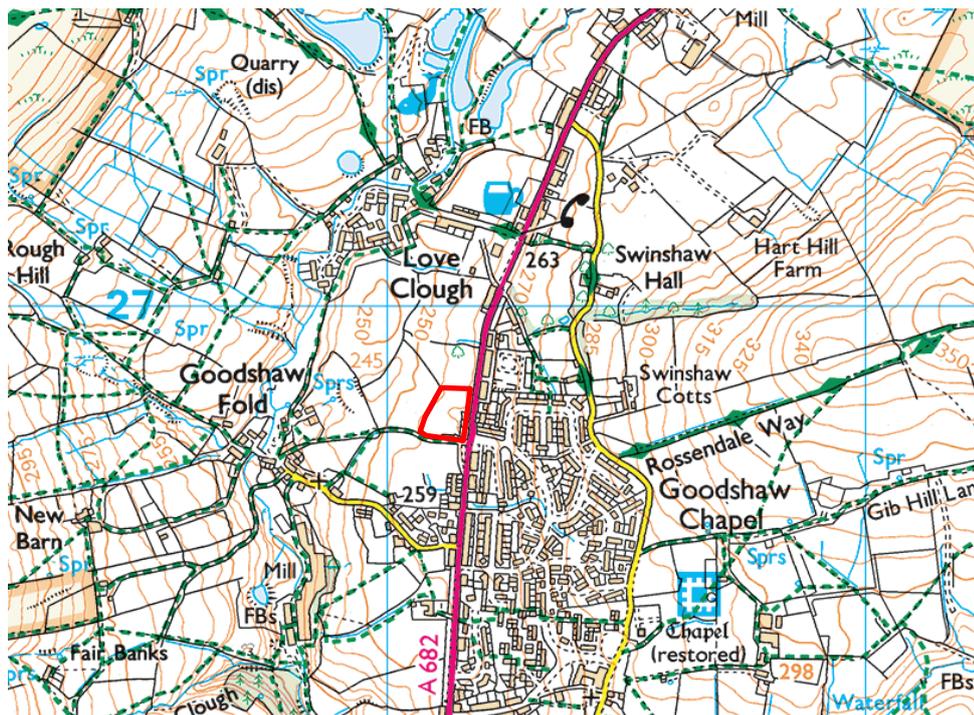


Figure 1.1 Site Location & Context (NB. Red line is for indicative purposes only).

1.9 The site itself has been previously developed and includes nine existing garages, which are currently used for storage purposes, with two being used as workshops for local builders. These are accessed via an existing track which is in private ownership but is a public right of way. Abutting the site to the east is an allotment and further garage which is under separate ownership. The to the south is greenfield land, beyond which is existing residential development.



Figure 1.2 Existing garages within the site, viewed from Burnley Road

- 1.10 The site is bordered to the north by recreational sports fields (Loveclough Sports Field), to the east by Burnley Road with residential uses beyond and to the south by further existing residential uses.
- 1.11 Land to the north west of the site benefits from a recent planning permission for a large allotment development², which was approved by the Council's Planning Committee on 10 December 2013 and is under construction. This development is known as Badgercote Allotments and is on land owned by the Council. Also to the west is the settlement of Goodshaw Fold.
- 1.12 The site is within walking distance of a number of settlements including Goodshaw, Crawshawbooth and Dunnockshaw, which provide a variety of services, and the topography of the area is conducive to walking, with good, well-surfaced and street-lit footways on both sides of all the roads in the area. There are a number of facilities within a 5km cycling distance of the site, including primary, secondary and further education facilities, convenience and large-format foodstores, accessible via traffic-free routes.
- 1.13 The site has previously been subject to an appeal against the Council's decision to refuse full planning permission on 05 February 2015 for the erection of 15no. detached dwellings including formation of access from Burnley Road and landscaping³. The appeal was dismissed by the Planning Inspectorate, primarily on the grounds of landscape impact on 4th February 2016.
- 1.14 In preparing these submissions we have reviewed the documents mentioned above as well as other documents forming the evidence base that underpins the emerging Local Plan.

² Council ref: 2013/0461

³ PINS Reference: APP/B2355/W/15/3130570

OVERVIEW

- 1.15 The starting point for consideration of the Draft Local Plan document is the well-established principle embodied in Paragraph 158 of the National Planning Policy Framework (hereafter referred to as the Framework) that Development Plans must be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area.
- 1.16 On behalf of Mr Ken Howieson we strongly recommend that the Council redraw the Urban Boundary so that it includes the area of land subject to this Representation.
- 1.17 Needless to say we will wish to participate in the Examination in Public and attend the relevant hearings and will make further representations at the Regulation 19 Submission stage.

2. LEGISLATIVE & POLICY CONTEXT

INTRODUCTION

- 2.1 In this Chapter we set out the relevant legislative and policy context before going on to examine the Council's Development Strategy.

LEGISLATIVE CONTEXT

- 2.2 Part 2 of the Planning & Compulsory Purchase Act 2004 (As amended) deals with Local Development.
- 2.3 The Rossendale Borough Council Local Plan is being brought forward following changes to the Development Plan making system in England which are set out in the Localism Act 2011. Part 6 Sections 109 – 144 of the Localism Act deal with Planning.
- 2.4 Following revocation of the North West Regional Strategy (RS) in May 2013, Council's such as RBC will set their own housing and employment targets against objectively assessed needs.
- 2.5 The Town & Country Planning (Local Planning) (England) Regulations (SI No. 767) came into force on 6 April 2012 and will guide the preparation of Local Plans.

MINISTERIAL STATEMENTS

- 2.6 In his Written Statement of 23 March 2012 the then Minister for Decentralisation and Cities the Rt. Hon Greg Clark MP referred to a pressing need to ensure that the planning system does everything it can to help England secure a swift return to economic growth. He urged local planning authorities to make every effort to identify and meet the housing, business and other development needs of their areas.
- 2.7 The National Planning Policy Framework (hereafter referred to as the Framework) (see below) was subsequently published on 27 March 2012 and urges local planning authorities to boost significantly the supply of housing.
- 2.8 In his Written Statement of 6 September 2012 the Secretary of State for Communities and Local Government the Rt. Hon Eric Pickles MP noted an increase in house building starts between 2009 and 2011 but said that there was far more to do to provide homes to meet Britain's demographic needs and to help generate local economic growth.
- 2.9 There can be no doubt that house building is a driver of the local economy besides providing homes for local people.

FRAMEWORK REQUIREMENTS

- 2.10 Paragraphs 150 to 185 of the Framework deal with Plan-making.
- 2.11 The importance of the Local Plan is identified as the key to delivering sustainable development and a cornerstone of the development management process (Paragraph 150 refers).
- 2.12 The requirement for Local Plans to be prepared with the objective of contributing to the achievement of sustainable development is embodied in Paragraph 151 of the Framework and stems from the requirements set out under Section 39(2) of the Planning & Compulsory Purchase Act 2004. Local Plans must also be consistent with the principles and policies of the Framework.
- 2.13 Paragraph 152 of the Framework requires local planning authorities to seek opportunities to achieve and secure net gains for each of the three dimensions of sustainable development. These three dimensions are defined in Paragraph 7 of the framework as economic, social and environmental. According to Paragraph 7 of the Framework these dimensions give rise to the need for the planning system to perform a number of roles:
- *“an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
 - *a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and*
 - *an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy”.*
- 2.14 Paragraph 8 of the Framework states that the roles mentioned in Paragraph 7 should not be undertaken in isolation, because they are mutually dependant and should be sought jointly and simultaneously through the planning system.
- 2.15 The importance of Local Plans taking into account local circumstances is highlighted in Paragraph 10 of the Framework to ensure that they respond to the different opportunities for achieving sustainable development.
- 2.16 Paragraph 152 of the Framework goes on to deal with adverse impacts on any of the dimensions of sustainable development and sets out three tests:

- Firstly significant adverse impacts on any of the dimensions should be avoided, and where possible, alternative options which reduce or eliminate such impacts should be pursued.
- Where adverse impacts are unavoidable, measures to mitigate the impact should be considered.
- Where adequate mitigation measures are not possible, compensatory measures may be appropriate.

2.17 Paragraph 154 of the Framework requires Local Plans to be aspirational but **realistic** and address the spatial implications of economic, social and environmental change.

2.18 The requirement for local planning authorities to set out strategic priorities for their areas in their Local Plans is established in Paragraph 156 of the Framework. Such policies are required to deliver:

- *“the homes and jobs needed in the area;*
- *the provision of retail, leisure and other commercial development;*
- *the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);*
- *the provision of health, security, community and cultural infrastructure and other local facilities; and*
- *climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape”.*

2.19 The importance of using a robust and proportionate evidence base for Plan making is dealt with in Paragraphs 158 to 177 of the Framework. Paragraph 158 is of particular relevance to these submissions:

“Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals”.

2.20 A number of topics are discussed and for the purpose of this document we will focus on housing (Paragraph 159), business (Paragraphs 160 – 161), infrastructure (Paragraph 162) and environment (Paragraphs 165 – 168).

HOUSING

- 2.21 Paragraph 159 outlines the importance of preparing a Strategic Housing Market Assessment (SHMA) to assess **full** housing needs and a Strategic Housing Land Availability Assessment (SHLAA) to establish **realistic** assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.
- 2.22 Of particular importance is the requirement for the SHMA to identify the scale and mix of housing and the range of tenures that the local population is likely to need over the Plan period which:
- *“meets household and population projections, taking account of migration and demographic change;*
 - *addresses the need for all types of housing, including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); and*
 - *caters for housing demand and the scale of housing supply necessary to meet this demand”.*

BUSINESS

- 2.23 Paragraph 160 of the Framework outlines the importance of local planning authorities having a clear understanding (from a robust evidence base) of business needs within the economic markets operating in and across their area.
- 2.24 Paragraph 161 of the Framework establishes the importance of understanding business needs (both quantitative and qualitative) and ensuring that sufficient suitable land (both existing and future) is available to meet needs.

INFRASTRUCTURE

- 2.25 An objective of government policy is the delivery of growth. Central to this objective is ensuring that infrastructure has the capacity or can be enhanced to deliver growth. A number of factors are outlined in Paragraph 162 of the Framework which need to be considered at a local level including transport, water, foul drainage, energy, telecommunications, waste, health, social care, education, flood risk and coastal change management.

ENVIRONMENT

- 2.26 Paragraphs 165 to 168 of the Framework deal with environmental matters and set out the requirement that a sustainability appraisal which meets the requirements of the European

Directive on strategic environmental assessment should be an integral part of the plan preparation process, and should consider all the likely significant effects on the environment, economic and social factors.

SOUNDNESS

2.27 Paragraph 182 of the Framework deals with the examination of Local Plans. The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. Local planning authorities are required to submit Plans for examination which they consider “sound” – namely that they are:

- **“Positively prepared** – *the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;*
- **Justified** – *the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;*
- **Effective** – *the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and*
- **Consistent with national policy** – *the plan should enable the delivery of sustainable development in accordance with the policies in the Framework”.*

NATIONAL PLANNING PRACTICE GUIDANCE

2.28 The NPPG replaces some 230 planning guidance documents but will result in no amendments to the Framework.

2.29 The Housing and Economic Land Availability Assessment section of the NPPG is worthy of specific mention in relation to this Submission, in particular paragraph 030 (reference ID: 3-030-20140306 confirms):

Housing requirement figures in up-to-date adopted Local Plans should be used as the starting point for calculating the five year supply. Considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light. It should be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs.”

- 2.30 The NPPG deals with deliverable sites as follows at paragraph 031 (Reference ID 3-031-20140306):

WHAT CONSTITUTES A 'DELIVERABLE SITE' IN THE CONTEXT OF HOUSING POLICY?

Deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within five years.

However, planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the five-year supply. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgments on deliverability are clearly and transparently set out. If there are no significant constraints (e.g. infrastructure) to overcome such as infrastructure sites not allocated within a development plan or without planning permission can be considered capable of being delivered within a five-year timeframe.

The size of sites will also be an important factor in identifying whether a housing site is deliverable within the first 5 years. Plan makers will need to consider the time it will take to commence development on site and build out rates to ensure a robust five-year housing supply

- 2.31 In regards to how often a Local Plan should be reviewed, the NPPG states at paragraph 008 (Reference ID 12-008-20140306) that:

HOW OFTEN SHOULD A LOCAL PLAN BE REVIEWED?

To be effective plans need to be kept up-to-date. Policies will age at different rates depending on local circumstances, and the local planning authority should review the relevance of the Local Plan at regular intervals to assess whether some or all of it may need updating. Most Local Plans are likely to require updating in whole or in part at least every five years. Reviews should be proportionate to the issues in hand. Local Plans may be found sound conditional upon a review in whole or in part within five years of the date of adoption.

GOVERNMENT CONSULTATION ON STANDARDISED METHODOLOGY FOR HOUSING NEED (SEPTEMBER 2017)

- 2.32 On 14 September 2017 the Government announced a consultation on a Standardised Methodology for Assessing Local Housing Need, the basis of which was included in the White Paper (February 2017) and is aimed at helping local authorities plan for the right homes in the right places.

- 2.33 As the consultation document sets out, the root cause of the dysfunctional housing market in the UK is that for too long we have not built enough homes. The Government is aiming to deliver 1.5 million new homes between 2015-2022 and is attempting to create a system which is clear and transparent for local authorities. The new methodology will apply to all future plans, with the exception of those which have been submitted or will be submitted before 31 March 2018.
- 2.34 The standard methodology is principally aimed at tackling problems of affordability as the proposed formula simply uplifts the household projections figure, based on market signals.
- 2.35 For Rosendale the proposed standard methodology has little impact on the annual housing requirement (which, it is suggested should be 212 rather than the current 265 dwellings per annum). However, it should be noted that the proposed standard methodology is currently on consultation and may therefore be subject to changes in due course. It is also worth noting the heavy speculation that the proposed methodology focuses on growth in the south east to the detriment of other parts of the UK, in particular the north west.

3. DRAFT LOCAL PLAN POLICIES

POLICY SD1 PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

- 3.1 This policy is in line with the Framework and supports sustainable development in accordance with the Local Plan, unless material considerations indicate otherwise. In addition, where policies are out of date or irrelevant the Council will grant permission unless material considerations indicate otherwise, taking into account any adverse impacts that would demonstrably outweigh the benefits or any specific policies in the Framework that indicate development should be restricted.
- 3.2 This policy is supported as it is directly in line with the Framework.

POLICY SD2 URBAN BOUNDARY AND GREEN BELT

- 3.3 This policy seeks to restrict new development to within the Urban Boundary, except where development specifically needs to be located within a countryside location and the development enhances the rural character of the area.
- 3.4 The principle of this policy is supported; however, the proposed extent of the Urban Boundary is not. We consider that there is scope within the Borough to further revise the line of the Urban Boundary to accommodate the level of growth required to ensure the Borough's growth is sustainable and meets the aspirations of the Council moving forward.

SUGGESTED MODIFICATION

- 3.5 The Council should change the Urban Boundary to include the subject site within this boundary line to further deliver a sustainable level of growth. To change the Urban Boundary at this location would be sound and would not harm the objectives of the Local Plan and would accord with the Council's criteria set out in the Review of the Urban Boundary.
- 3.6 The detailed proposed amendment to the Urban Boundary is shown in the following Chapter.

HS1 HOUSING

- 3.7 This Policy sets out the need to provide at least 4,000 additional dwellings over the plan period (2019-2034), equating to 265 dwellings per annum. The policy seeks to address prior under-provision in the first five years of the plan period, by increasing the annual requirement to 350 in the first five years. This strategy is supported.
- 3.8 It is however noted that the SHMA sets out a range of need from 265-335 dwellings per annum, it is therefore questionable as to why the Council has simply chosen the lower end of this range,

rather than opting for an aspirational target to ensure need is met and sustainable growth achieved.

4. PROPOSED AMENDMENT TO THE URBAN BOUNDARY

INTRODUCTION

- 4.1 Previous consultations by the Council on the Review of the Green Belt and Urban Boundary has resulted in a number of proposed changes to the Urban Boundary line as shown on the draft Proposals Maps⁴. The Council used a number of criteria to assess whether a change to the Urban Boundary would accord with the purpose of the Urban Boundary to clearly define and differentiate between designated settlements, Countryside and Green Belt.
- 4.2 The subject site is situated within the Ward of Goodshaw in Loveclough. Loveclough is a village located between Burnley and Rawtenstall with quick and direct access by public transport to both towns via Burnley Road (A682). The bus shelters opposite the site are served by the X43 ‘Witch Way’ bus service which provides an express service into Manchester City Centre.
- 4.3 **Appendix 1** contains an extract from the Goodshaw Ward Proposals Map where the location of the subject site has been indicated with an arrow. Currently the site is located directly adjacent to the Urban Boundary. In the second extract, we have indicated how the Urban Boundary should be changed to include the site. The amendment to the delineation of the boundary line is minor.
- 4.4 By assessing the inclusion of the site within the Urban Boundary against the Council’s criteria (as listed above), we reach the following conclusions:

1	<i>The Urban Boundary will be amended to correct any cartographic errors, anomalies and inconsistencies where:</i>	
(a)	Boundaries are inaccurately drawn, or	The current Urban Boundary in this location is some 20 years out of date, representing the old field boundaries in this locality.
(b)	Do not follow strong, robust and permanent boundaries, on the ground, or	The boundary should include the subject site which would be bounded by a clearly defined boundary line associated with the allotment development immediately adjacent to the west. The new boundary would be well established, permanent and robust.
(c)	Areas of land no longer read as part of the wider built up area, or	N/A
(d)	Areas of land clearly read as part of the wider built up area.	This site reads as part of the built up area along Burnley Road, where there is residential development on both sides of the main road. This relationship has been strengthened following the development of the approved allotments to the immediate west of the site.
2	<i>To meet the Borough’s future development and community needs, additional land will be considered for inclusion within the Urban Boundary where</i>	
(a)	It is capable of being developed sustainably and integrated into the existing built-up area, and	Yes. The site is sustainably located and is already integrated into the existing built-up area.

⁴ The Council has produced a Borough-wide Proposals Maps and a number of Ward Proposals Maps.

(b)	It would not adversely affect aspects of the natural environment unless it is capable of full mitigation, and	Yes. There would be no adverse effect.
(c)	It would not result in the amalgamation of settlements or adversely affect the character of the settlement; and	Yes. There would be no amalgamation of settlements or adverse effect on the character of the settlement.
(d)	It would not adversely affect heritage assets or their setting, and	N/A
(e)	It is capable of being developed without a significant adverse impact on local views and viewpoints, including where appropriate the use of appropriate mitigation measures.	Yes. Development could be achieved without significant impact.
3	<i>Open land on the edge of existing settlements will be excluded from the Urban Boundary where it has existing recreational or community value (e.g. playing fields, allotments, playgrounds etc) to ensure it remains undeveloped</i>	
	The site is not used for recreational purposes.	

- 4.5 The subject site is sustainably located and any future development, would represent sustainable development, which the Framework establishes a presumption in favour of.
- 4.6 The Framework also encourages Local Planning Authorities to positively seek opportunities to meet the objectively assessed development needs of their area unless, inter alia, any adverse impacts of doing so would **significantly and demonstrably** outweigh the benefits.
- 4.7 With this in mind, we would recommend that the draft Proposals Map for Goodshaw Ward be revised to take account of a change to the Urban Boundary so that the site on land opposite 1019 Burnley Road, Loveclough is included within the Urban Boundary.
- 4.8 We reserve the right to add to make further submissions to the Council during the Local Plan preparation period.

5. CONCLUSIONS

- 5.1 The Council should amend the Urban Boundary to include the subject site within this boundary line to further deliver a sustainable level of growth and to properly reflect the lie of the land. To amend the Urban Boundary at this location would be sound and would not harm the objectives of the Local Plan and would accord with the Council's criteria set out in the Review of the Urban Boundary.