

Rossendale Local Plan Examination

MATTERS, ISSUES AND QUESTIONS (MIQs)

July 2019

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This document sets out matters, issues and questions (MIQs) relating to the soundness of the submitted Rossendale Local Plan. Hearing Statements on the MIQs are invited from representors, prior to the hearing sessions commencing on **Tuesday 24th September 2019**.

When preparing Hearing Statements you should have regard to the Inspector's *Examination Guidance Note* and the draft *Hearings Programme*. Other examination documents, including the Council's responses to the Inspectors' Pre-Hearing Note, can be viewed on the examination website at:

https://www.rossendale.gov.uk/info/210148/local_plan/10629/emerging_local_plan/2

Hearing statements must be received by Friday 30th August (by 5pm). If you wish to appear at the hearing sessions you should **also confirm your attendance with the Programme Officer** by this date. However, please note that only those who have previously made representations relevant to the matters being discussed and are seeking to change the Plan have a right to participate at the hearing sessions. However, the sessions are open for anyone to observe.

Matter 1 – Legal and procedural matters

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

Questions

- a) Has the Council submitted robust evidence to demonstrate that they have met the duty to cooperate?¹ Did engagement take place on the level of housing growth in the Plan, based on the standard method in national planning guidance? Are there any outstanding concerns relating to strategic matters from other Councils or duty to cooperate bodies?

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

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

- i. Does the SA work assess reasonable alternative site options, and set out clear reasons for their rejection? How has the SA work been fed into the site assessment process and informed the selection of site allocations?
 - ii. Does the SA work assess reasonable alternative spatial strategy options, levels of housing and employment need, and options relating to other policies in the Plan?
 - iii. Has the SA Addendum 2019 been published for consultation purposes?
- c) How does the work being undertaken by the Edenfield Community Neighbourhood Forum and the intended Neighbourhood Plan fit with the proposals for Edenfield in the Rossendale Local Plan (including housing allocations H72, H71 and H73 and the proposed school and playing field extension)? What stage has been reached in the production of the Edenfield Neighbourhood Plan? What cooperation or joint working has taken place to date between the Forum and the Borough Council?
 - d) Are there any other Neighbourhood plans being prepared or in the pipeline in Rossendale?
 - e) Has the Plan been prepared in accordance with the Council's Statement of Community Involvement and met the minimum consultation requirements in the Regulations?
 - f) Has the Plan been prepared in accordance with the Council's Local Development Scheme?
 - g) Are the likely effects of the Plan adequately and accurately assessed in the Habitat Regulations Assessment? Will the Plan, alone or in combination, adversely affect the integrity of any European protected sites? Has the Council taken account of the EU Court of Justice judgement (12 April 2018)? Are there any outstanding issues from Natural England? Is additional work required to address any matters?
 - h) How have issues of equality been addressed in the Local Plan?

Matter 2 – Vision and spatial strategy

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

**[Policy SS
Policy SD1
Policy SD2]**

- a) Does the Plan clearly articulate a vision and strategic priorities for the development use of land in Rossendale, in line with legislation and national policy?
- b) What is the basis for the overall spatial strategy, as set out in Policy SS, which seeks to focus growth and investment in Key Service Centres, on major sites and on well located brownfield sites? Is the strategy and distribution justified and sustainable? What other strategies were considered, and why were they discounted?
- c) Are the settlement groupings in the Development Hierarchy soundly based and supported by robust evidence? In particular:
 - i. Should Rawtenstall be identified in a different category to the other Key Service Centres?
 - ii. What category does Edenfield fall under?
 - iii. Does the hierarchy capture all other relevant settlements in Rossendale?
 - iv. How do the settlement groupings fit with the Retail Hierarchy in Policy R1?
- d) Is the predicted distribution of growth² in line with the spatial strategy? To what extent is development focused on Key Service Centres rather than Major Sites? Does it represent an appropriate balance between locational sustainability, and other strategic factors and priorities?
- e) What strategic factors/priorities were key in determining the Major Sites?
- f) To what extent does the spatial strategy seek to focus development on non-Green Belt sites in the countryside rather than Green Belt land?
- g) How has flood risk been factored into decisions about the spatial strategy and distribution of growth?
- h) Does Policy SS provide sufficient clarity on the degree of concentration and the distribution of growth?
- i) Is Policy SS also intended to be used to determine individual planning applications? In this context are the constraints relating to the scale of growth in

² As set out in the Council's response to the inspector's Pre-Hearing Note (Question 15).

Urban Local Service Centres, Rural Local Service Centres and Other Places robustly based and adequately defined? Would the policy allow effective re-use of brownfield sites in sustainable village locations?

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

[changes to urban boundaries to enable development of allocation sites are a separate issue and will be covered under the site-specific matters below]

- l) To what extent does the Plan seek to reduce out-commuting and promote greater self-containment? Is a significant shift in commuting patterns attainable?
- m) Does Policy SD1 adequately reflect the presumption in favour of sustainable development?

Matter 3 – Housing need and requirement

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

[Policy HS1]

Questions

- a) Is the identified Housing Market Area appropriate and robustly-based?
- b) The identified housing need of 212 dwellings per annum (dpa) is based on the standard method in the National Planning Policy Framework. Is the Council's application of the standard method in accordance with the methodology in the Planning Practice Guidance (PPG)? Is the use of baseline figures for the period 2016-26 and the 2016 affordability ratio justified?
- c) The housing need and requirement of 3,180 dwellings or 212 dwellings per annum (dpa), as identified in Policy HS1 in the Plan, is based on the minimum number of homes needed using the standard method. Is the proposed objectively assessed need (OAN) and the absence of an uplift justified and soundly based? In particular:
 - i. How does the housing need and requirement align with forecast jobs growth in the Employment Land Report and the employment land requirement in the Plan of 27 hectares between 2014 and 2034? What is the justification for planning for a lower level of housing than is needed to support baseline employment growth? What weight has been given to the Council's aspiration to reduce out-commuting in the process of determining OAN and the housing requirement?

- ii. What are the implications of the updated demographic modelling, employment growth forecasts and recommendations on housing need in the Strategic Housing Market Assessment (SHMA) Addendum produced in March 2019?
 - iii. Does the housing need/requirement of 3,180 homes/212 dpa have appropriate regard to growth strategies and strategic infrastructure improvements in the borough or wider region?
 - iv. Will the provision of 3,180 homes/212 dpa ensure that identified affordable housing needs are delivered?
 - v. Is the Plan period for housing (2019 – 2034) sufficient to take account of long-term requirements and opportunities and consistent with national policy (taking account of the estimated date of Plan adoption in 2020)?
- d) Is the separate requirement for 456 dwellings in Edenfield justified and supported by sound evidence? To what extent is it based on strategic borough-wide needs and priorities? Does the figure take account of all potential forms of housing supply?

Matter 4 – Other housing needs

Issue – Have affordable housing needs, traveller accommodation needs and the housing needs of other groups been satisfactorily assessed and addressed in the Plan, in line with national policy?

[Policies HS6 – H20]

Questions

Affordable housing including rural exception sites

- a) What is the total affordable housing need over the plan period (overall and by affordable housing type)?
- b) How will the affordable housing need be met (overall and by affordable housing type and from which sources)?
- c) Is the requirement of 30% on site affordable housing on sites of 10 or more (0.35ha or part thereof) justified and consistent with national policy? What is the justification for 0.35ha when the Planning Practice Guidance states 0.5ha or more?
- d) How will the requirement for older peoples housing and housing suitable for disabled people set out in Policy HS6 be applied to development proposals? Have these requirements been appropriately considered in the Local Plan viability evidence?

Gypsies, Travellers and Travelling Showpeople

- e) Does the Council's Gypsy and Traveller and Travelling Showperson Accommodation Assessment (2016) provide a robust assessment of needs in Rossendale?
- f) What is the identified requirement for the provision of additional permanent pitches in the borough over the Plan period? Does Policy HS18 reflect these needs and set a clear strategy for provision, in line with national policy?
- g) Is the proposed intensification of use on existing sites at Tong Lane and Cobland View justified and deliverable, and sufficiently clarified in the Plan?
- h) Is the proposed transit site at Futures Park suitable, achievable and available? Does the flexible approach to the land-use mix at Futures Park, as set out in Policy EMP6, have implications for delivery of the transit site?
- i) Do the criteria in the bullets in Policy HS18 provide a robust and fair framework for assessing potential windfall sites that come forward over the Plan period?

Other housing provision

- j) Would Policy HS7 optimise the use of land in the area and achieve a significant uplift in average density in line with national policy?
- k) Is the threshold of 10 or more new dwellings (0.35 hectares or part thereof) set out in Policies HS10 and HS11 justified and consistent with national policy?
- l) Is Policy HS8 justified? Specifically, is it viable and are there any implications for the delivery of other requirements such as infrastructure and affordable housing? Does it apply to all development? Was a threshold considered?
- m) Does Policy HS9 apply only to residential gardens in the urban area boundaries? If so what is the justification for this?
- n) Is the 100 dwelling threshold for the provision of open space on site in Policy HS10 justified?
- o) Is Policy HS10 clear as to when and where development will be expected to contribute towards Suitable Alternative Natural Green Space (SANG). Will the Supplementary Planning Document (SPD) referred to in Policy HS10 also deal with SANG's and when is it expected that the SPD will be adopted?
- p) Does Policy HS11 apply to all new housing development above the threshold or only where there is an identified need for playing pitches (new or required improvements to existing)?
- q) Does Policy HS14 appropriately deal with the effect of replacement dwellings on protected species?

- r) Is Policy HS14 consistent with national policy with particular regard to replacement dwellings in the Green Belt? What is the justification for an increase of up to 30% (volume) not considered to be materially larger?
- s) Is Policy HS16 consistent with national policy? Does HS16 apply to proposals in the Green Belt? Do all of the criteria have to be met for a proposal to accord with the Policy? Should proposals be expected to deliver a net gain in biodiversity?
- t) What is the justification for the threshold of 50 dwellings in Policy HS20?

Matter 5 – Employment need and supply

Issue - Does the Plan set out a positively prepared strategy for the delivery of employment development and jobs, which is justified, effective and consistent with national policy?

[Policies EMP1 – EMP5]

Questions

Employment provision

- a) Is the identified Functional Economic Market Area of Rossendale justified?
- b) Is the identified objectively assessed need (OAN) of 22-32 hectares of employment land over the period 2014 to 2034, as set out in the Employment Land Review, soundly based? In particular:
 - i. Is the allowance for employment land/premises which may be lost to non-employment use (some 26 hectares) justified and supported by the evidence? To what degree could the allowance be affected by an upturn in the local economy?
 - ii. Is it reasonable to apply a flexibility buffer (1.99 ha), in the context that an uplift above OAN is also applied in the Plan (see below)?
 - iii. Are the employment density and plot coverage assumptions used to translate the jobs estimates into land requirements justified and robustly based?
- c) Paragraph 116 in the Plan confirms that the Council has identified an employment land requirement of 27 hectares. Is this figure justified and supported by robust evidence? If the employment requirement is based on labour supply estimates, are there implications arising from the different Plan periods for the housing and employment requirements in the Plan (2019-34 v. 2014-34)?
- d) Are there any implications for employment OAN and employment land requirements arising from the updated employment forecasts in the SHMA 2019? (also see Matter 3cii)

- e) The Council is requested to provide information on all potential sources of employment land supply between 2014 and 2034, including completions between 2014 and 2019, outstanding commitments, surplus land within existing employment sites, supply from new employment allocations, and employment supply from mixed use allocations – and to confirm the total estimated supply figure between 2014 and 2034. The figures should be gross in order to allow direct comparison with the gross OAN figure and housing requirement figure.

[please note, this information should be placed on the Council's website as soon as possible in order to allow representors an opportunity to digest the document and respond to the question below]

- f) Taking account of the detailed supply information above, how does the employment land requirement compare to the amount of employment land provided for within the Plan? If the estimated supply figure exceeds the employment requirement, is the uplift justified and soundly based? Does it take account of qualitative issues and the aim to reduce out-commuting? Is the supply figure capable of being delivered, or is it intended to allow choice?
- g) How does the level of estimated provision compare to recent rates of employment land take-up in the district?
- h) Is the estimated supply of surplus land on existing employment sites based on a comprehensive assessment of all existing sites?
- i) What assumptions have been made about the proportion of employment development that will be delivered on the mixed-use allocations?

Employment policies

- j) Is the retention of all existing employment sites and sites last used for employment, as set out in Policy EMP3, justified and deliverable? In particular:
- i. Does the policy apply to new and existing employment sites which are allocated in Policy EMP2?
 - ii. Outside these areas, what are the benefits of the policy?
 - iii. Is criterion b deliverable where proposed redevelopment schemes involve housing provision only?
 - iv. Are criteria c and e adequately defined?
 - v. Does the policy give sufficient recognition to biodiversity/ecology issues?
 - vi. Why do the demand/viability/structural assessment requirements in criteria j) to l) only apply to proposals for residential re-use?
- k) What is the definition of 'employment generating development', as set out under Policy EMP4? Does it relate to B1, B2, B8 development, or is it wider than this? Is the policy intended to apply in the countryside and Green Belt?

Matter 6 – Provision for retail and other town centre uses

Issue – Does the Plan set out positively prepared policies for protecting and enhancing town centres and supporting retail growth, which are justified, effective and consistent with national policy?

[Policies R1 – R6]

- a) Are Policies R1 to R6 justified by robust up to date evidence? Particularly:
 - i) Has account been taken of retail development at New Hall Hey (Policy NE4 and EMP7)
 - ii) Have any significant developments been committed or taken place which have not been taken account of in the retail evidence base? If so what are they and what are the implications for the Local Plan?
- b) Does Policy R1 define a soundly based network and hierarchy of town centres?
- c) How and when were the boundaries/extents of the Centres, Parades, Primary Shopping Areas and the Rawtenstall Future expansion defined? Are they justified and consistent with national policy? Particularly:
 - i. Is the Rawtenstall Primary Shopping Area the defined areas where retail development is concentrated in the town? Should it incorporate the Asda Superstore?
 - ii. Should the Newchurch Road frontage of the Toll Bar Business Park (EE30) be included within the Stacksteads Neighbourhood Parade?
- d) What is the basis for the impact assessment thresholds set out in Policy R1 and are they justified?
- e) Do Policies R3 and/or R4 apply to development and change of use within the Stacksteads Neighbourhood Parade? If not what is the approach to managing development within the Stacksteads Neighbourhood Parade?
- f) Is Policy R5 justified and effective? Is it clear with regard to opening hours? How would a proposal demonstrate it would not contribute to obesity?
- g) Is Policy R6 effective and consistent with national policy and legislation? With reference to Conservation Areas should it refer to character and appearance?

Matter 7 – Infrastructure delivery

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

**[Policy SS
Policy SD3]**

Questions

- a) Does the Infrastructure Delivery Plan (2018) and the 2019 update (SD014 & SD015) provide a thorough assessment of infrastructure needs, and reflect levels of growth in the Local Plan?
- b) What is the justification for including site specific infrastructure requirements for some sites proposed for allocation and not others?
- c) Is there a reasonable likelihood that the specific infrastructure projects identified in SD014 & SD015 will be delivered when they are required? Particularly:
 - i. Is the Rawtenstall Gyrotory deliverable? Have the concerns of Lancashire Fire and Rescue been addressed? Can the scheme be delivered with the Fire Station remaining in place? If not has a strategy been agreed for its relocation which includes funding and timing? Is there an overall strategy which demonstrates the Rawtenstall Gyrotory is deliverable and when it would be likely to be delivered? What would be the implications for the Local Plan if this scheme was not delivered on time or at all?
- d) Is the approach to developer contributions, as set out in Policy SD3, effective and soundly based? Should it include reference to contributions towards or provision of Suitable Alternative Natural Green Space?

Matter 8 – Approach to site allocations and Green Belt release

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

**[Policy HS2
Policy EMP2]**

Site assessment

- a) How were potential site options identified as part of the preparation of the Plan?
- b) What uses were the sites assessed for? Was mixed-use development routinely considered?

- c) Is the site assessment methodology robust and based on an appropriate set of criteria? How have results from the Sustainability Appraisal, Green Belt Review and other studies been factored into the site selection process?
- d) Are the reasons for selecting site options, and rejecting others, clearly set out and justified?
- e) Has the sequential test, and exception test where necessary, been correctly applied in the assessment of flood risk on potential development sites? Is this adequately evidenced? Are there any outstanding concerns from the Environment Agency?
- f) Are changes made to the list of proposed allocations between Regulation 18 and Regulation 19 Plan justified and supported by appropriate evidence? Are all de-selected sites unsuitable for development or not available?

Green Belt

- g) Has a comprehensive assessment of capacity within built-up areas been undertaken? Have all potential options on non-Green Belt land in the countryside been assessed?
- h) Have all opportunities to maximise capacity on non-Green Belt sites been taken, including increasing densities?
- i) Have discussions taken place with neighbouring authorities about whether they could accommodate some of the identified housing need?
- j) What methodology has been applied in the Green Belt Review (2016), and is it soundly based? Does the assessment process give sufficient recognition to the strategic role that some sites play in preventing the unrestricted sprawl of Manchester (purpose 1a and 1b)? Is the framework for assessing harm, based on the existence of one 'strong' score (rather than the number of strong/medium scores), robust and appropriate?
- k) How have the conclusions of the Green Belt Review informed the Local Plan? Have decisions on Green Belt release taken account of the need to promote sustainable patterns of development, and given priority to Green Belt sites which are previously developed and/or well served by public transport (in line with the National Planning Policy Framework)? Where is this evidenced?
- l) Do exceptional circumstances exist in principle to alter Green Belt boundaries in Rossendale for housing and employment development? If so, what are they? How many hectares of allocated housing and allocated employment/mixed-use sites are proposed on current Green Belt land?
- m) Are the other (non-allocation site) changes to Green Belt boundaries, as set out in document EL1.002d, justified? Have exceptional circumstances been broadly demonstrated?

- n) Is the requirement for development on Green Belt release sites to minimise the impact on openness, as set out in Policy SD2, justified and consistent with national policy?
- o) Is the requirement for development on Green Belt release sites to contribute to compensatory improvements to land elsewhere in the Green Belt, as set out in Policies SD2, justified and deliverable? Does the policy provide sufficient guidance on the scope/form of developer contributions? Would this affect scheme viability? How would off-site improvements be co-ordinated, facilitated and delivered in Rossendale? Does the Council intend to use additional funding sources or delivery methods, and to bring forward an overall strategy?
- p) Did the Council consider whether to designate safeguarded land in the Plan? Should it be identified?

Allocation policies

- q) Do Policies HS2 and EMP2 provide sufficient clarity regarding the location of the proposed site allocations?
- r) Are the housing density figures in Table 1 in the Plan based on the gross or net site area?
- s) Does the Plan provide sufficient detail on site-specific requirements, constraints and mitigation measures relating to housing, employment and mixed-use allocations in order to effectively guide development? Is it clear what developers are expected to provide and when? Why are detailed site allocation policies only provided for sites H72, H13, H5, M4 and NE4?
- t) Is the proposed Masterplan threshold of 50 dwellings for housing site allocations, as set out in Policy HS2, justified and reasonable?
- u) Are the masterplanning/development brief requirements for employment allocations, as set out in Policy EMP2, adequately defined and justified?
- v) Are the identified B Use Classes on the employment allocations (as set out in Policy EMP2) justified and supported by robust evidence? How does the Council intend to deal with office proposals outside identified centres?
- w) Are the identified Use Classes on the mixed-use allocations (as set out in Policy EMP2) justified and supported by robust evidence? Should Policy EMP2 clarify the proportion of uses on each site and the amount of housing permitted?
- x) What site-specific viability work has been undertaken in support of the proposed site allocations?

Matter 9 – Housing site allocations: Rawtenstall, Crawshawbooth, Goodshaw and Loveclough

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

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

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

General

- a) Is the site suitable for housing? Are there any specific constraints or requirements associated with the site, or a need to seek mitigation measures to achieve an acceptable form of development? Should these be specified in the Plan?
- b) Is the proposed site capacity appropriate, taking account of constraints and the provision of necessary infrastructure?
- c) Is the site available and deliverable in the timescales envisaged³?

³ As set out in the housing trajectory in the Council's Response to the Inspector's Pre-Hearing Note (Question 13).

H4 – Turton Hollow, Goodshaw

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

H5 – Swinshaw Hall, Loveclough

- i) Is the site capable of being safely accessed? Have the concerns of the Local Highways Authority been satisfied? Specifically, can a widened access from Burnley Road, a private access to Broad House and a secondary/emergency and pedestrian/cycle access onto Goodshaw Road be achieved?
- ii) What effect would the proposed allocation have on drainage, flooding and existing residents nearby living conditions?
- iii) Can the setting and significance of Swinshaw Hall be preserved? If so how?
- iv) Have the landscape and visual impacts been considered cumulatively with regard to H6 - Land south of 1293 Burnley Road, Loveclough?

H6 - Land south of 1293 Burnley Road, Loveclough

- i) Is the site capable of being safely accessed?
- ii) Would all five dwellings be self-build?

H7 - Land Adjacent Laburnum Cottages, Goodshaw

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

H9 – Land off Oaklands and Lower Cribden Avenue

- i) Should the number of dwellings be changed from 31 to 34 dwellings to reflect planning approval reference 2015/0334?

H10 - Land at Bury Road, Rawtenstall

- i) Is the site safe in flood risk terms? Have the concerns of the Environment Agency been satisfied? Is the Council proposing an amendment to the boundary to exclude land at risk of flooding?

H11 - The Hollins, Hollin Way

- i) How does the proposed number of dwellings reflect planning approval reference 1990/815 for 175 dwellings?

H12 – Reedsholme Works, Rawtenstall

- i) Should the number of dwellings be changed from 110 to 97 dwellings to reflect planning approval reference 2018/0535?

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

- i) Should the capacity of the site be increased to 105 dwellings as suggested by the landowner?
- ii) Is the site safe in flood risk terms?
- iii) What impact would the proposal have on the local road network, and are mitigation measures necessary? What is Lancashire County Council's latest position?

H15 – Willow Avenue off Lime Tree Grove

- i) Is the site capable of being safely accessed? What impact would the proposal have on the local road network and are mitigation measures necessary? What is Lancashire County Council's latest position?
- ii) What effect would the proposed allocation have on existing residents living conditions particularly those living on Slaidburn Avenue and drainage and flooding in the area?

H17 - Land south of Goodshaw Fold Road

- i) Is the site capable of being safely accessed? What impact would the proposal have on the local road network, and are mitigation measures necessary? What is Lancashire County Council's latest position?
- ii) Could the site be developed whilst also maintaining acceptable living conditions for residents living nearby?

Matter 10 – Housing site allocations: Bacup, Stacksteads, Britannia and Weir

Issue – Are the proposed housing allocations in Bacup, Stacksteads, Britannia and Weir justified, effective, developable/deliverable and in line with national policy?

**H20 – Old Market Hall, Bacup
H21 – Reed Street, Bacup
H22 – Former Bacup Health Centre
H23 – Glen Mill, 640 Newchurch Road, Stacksteads
H24 – The Former Commercial Hotel, 318A, 316B and 316C Newchurch Road
H25 – Land at Blackwood Road, Stacksteads
H26 – Land off Greensnook Lane, Bacup
H27 – Land off Fernhill Drive, Bacup
H28 – Sheephouse Reservoir, Britannia
H29 – Land off Pennine Road, Bacup
H30 – Tong Farm, Bacup
H31 – Lower Stack Farm
H32 – Booth Road/Woodland Mount, Brandwood
H33 – Land off Rockcliffe Road and Moorlands Terrace, Bacup
H34 – Land at Higher Cross Row, Bacup
H35 – Shadlock Skip, Stacksteads
H36 – Hare and Hounds Garage, Newchurch Road, Stacksteads
H37 – Land off Gladstone Street, Bacup
H38 – Land off Burnley Road and Meadows Avenue, Bacup
H39 – Land off Cowtoot Lane, Bacup
H40 – Land off Todmorden Road, Bacup
H41 – Thorn Bank, Bacup
H42 – Land south of The Weir Public House
H43 – Land west of Burnley Road, Weir
H44 – Irwell Springs, Weir**

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

General

- a) Is the site suitable for housing? Are there any specific constraints or requirements associated with the site, or a need to seek mitigation measures to achieve an acceptable form of development? Should these be specified in the Plan?
- b) Is the proposed site capacity appropriate, taking account of constraints and the provision of necessary infrastructure?
- c) Is the site available and deliverable in the timescales envisaged⁴?

⁴ As set out in the housing trajectory in the Council's Response to the Inspector's Pre-Hearing Note (Question 13).

H22 – Former Bacup Health Centre

- i) Would all 22 dwellings be specialist housing as per Policy HS19? Should the Policy refer to specialist housing instead of special needs housing?

H29 – Land off Pennine Road, Bacup

- i) Is the site capable of being safely accessed? What impact would the proposal have on the local road network and are mitigation measures necessary? What is Lancashire County Council's latest position?
- ii) What effect would the proposed allocation have on drainage and surface water in the area?
- iii) Is the site suitable for housing and can it be safely developed with particular regard to any contamination and historical mining?
- iv) Is the site open space of public value? If so is its loss justified within the terms of paragraph 97 of the National Planning Policy Framework?

H32 – Booth Road/Woodland Mount, Brandwood

- i) Should the capacity of the site be increased to 16 dwellings as suggested by the landowner?

H38 – Land off Burnley Road and Meadows Avenue, Bacup

- i) Is the site safe in flood risk terms? Have the concerns of the Environment Agency been addressed?

H39 – Land off Cowtoot Lane, Bacup

- i) Is the site open space of public value? If so is its loss justified within the terms of paragraph 97 of the National Planning Policy Framework?
- ii) Is the site capable of being safely accessed? Have the concerns of the Local Highways Authority been satisfied specifically can two points of access be provided?
- iii) Is the site suitable for housing and can it be safely developed with particular regard to any contamination and historical mining issues?

H40 – Land off Todmorden Road, Bacup

- i) Is the site capable of being safely accessed? Have the concerns of the Local Highways Authority been satisfied specifically can the site be safely accessed via the Moorside Crescent?
- ii) What effect would the proposed allocation have on drainage and surface water in the area?

H43 – Land west of Burnley Road, Weir

- h) Is the site capable of being safely accessed?

Matter 11 – Housing site allocations: Haslingden and Rising Bridge

Issue – Are the proposed housing allocations in Haslingden and Rising Bridge justified, effective, developable/deliverable and in line with national policy?

H45 – Former Haslingden Police Station, Manchester Road
H46 – 1 Laburnum Street
H47 – Land at Kirkhill Avenue, Haslingden
H48 – Land Off Highfield Street
H49 – Land adjacent 53 Grane Road
H50 – Land Adjacent Park Avenue/Criccieth Close
H51 – Land to side and rear of Petrol Station, Manchester Road
H52 – Land to the rear of Haslingden Cricket Club

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

General

- a) Is the site suitable for housing? Are there any specific constraints or requirements associated with the site, or a need to seek mitigation measures to achieve an acceptable form of development? Should these be specified in the Plan?
- b) Is the proposed site capacity appropriate, taking account of constraints and the provision of necessary infrastructure?
- c) Is the site available and deliverable in the timescales envisaged⁵?

H47 – Land at Kirkhill Avenue, Haslingden

- i) Is the site capable of being safely accessed?
- ii) What effect would the proposed allocation have on drainage and surface water in the area?
- iii) Is the site boundary and site capacity justified and effective?

⁵ As set out in the housing trajectory in the Council's Response to the Inspector's Pre-Hearing Note (Question 13).

H50 – Land Adjacent Park Avenue/Criccieth Close

- i) Is the site capable of being safely accessed?
- ii) Is the site safe in flood risk terms?
- iii) What effect would the proposed allocation have on drainage and surface water in the area?

H52 – Land to the rear of Haslingden Cricket Club

- i) Would the development of the site involve the loss of open space of public value? If so is its loss justified within the terms of paragraph 97 of the National Planning Policy Framework?
- ii) Should the site be a mixed use allocation based on the relationship with Haslingden Cricket Club
- iii) Is the site capable of being safely accessed? What would be the implications for access to Haslingden Cricket Club?

Matter 12 – Housing site allocations: Waterfoot, Lumb, Cowpe and Water

Issue – Are the proposed housing allocations in Waterfoot, Lumb, Cowpe and Water justified, effective, developable/deliverable and in line with national policy?

H53 – Waterfoot Primary School
H54 – Land at Ashworth Road, Water
H55 – Carr Mill and Bolton Mill, Cowpe
H56 – Knott Mill Works, Pilling Street and Orchard Works, Miller Barn Lane
H57 – Foxhill Drive
H58 – Land off Lea Bank
H59 – Land Adjacent Dark Lane Football Ground
H60 – Johnny Barn Farm and land to the east, Cloughfold
H61 – Hareholme, Staghill
H62 – Land off Peel Street, Cloughfold
H63 – Hollin Farm, Waterfoot
H64 – Hargreaves Fold Lane, Chapel Bridge, Lumb

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

General

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

- b) Is the proposed site capacity appropriate, taking account of constraints and the provision of necessary infrastructure?
- c) Is the site available and deliverable in the timescales envisaged⁶?

H53 – Waterfoot Primary School

- i) Is the site safe in flood risk terms? Have the concerns of the Environment Agency been addressed?
- ii) Should the number of dwellings be changed from 21 to 20 dwellings to reflect Planning Approval reference 2016/0599?

H60 – Johnny Barn Farm and land to the east, Cloughfold

- i) Is the site capable of being safely accessed? Have the concerns of the Local Highways Authority been satisfied specifically can the site be safely accessed
- ii) Is the site safe in flood risk terms. What effect would the proposed allocation have on drainage and surface water in the area?
- iii) Is the site boundary and site capacity justified and effective?
- iv) Should the number of dwellings be changed from 80 to 30 dwellings to reflect Planning Approval reference 2015/0517?

⁶ As set out in the housing trajectory in the Council's Response to the Inspector's Pre-Hearing Note (Question 13).

Matter 13 – Housing site allocations: Whitworth, Facit and Shawforth

Issue – Are the proposed housing allocations in Whitworth, Facit and Shawforth justified, effective, developable/deliverable and in line with national policy?

H65 - Albert Mill, Whitworth
H66 – Land north of King Street, Facit
H67 – Land behind Buxton Street, Facit
H68 – Former Spring Mill, Whitworth
H69 – Cowm Water Treatment Works, Whitworth

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

General

- d) Is the site suitable for housing? Are there any specific constraints or requirements associated with the site, or a need to seek mitigation measures to achieve an acceptable form of development? Should these be specified in the Plan?
- e) Is the proposed site capacity appropriate, taking account of constraints and the provision of necessary infrastructure?
- f) Is the site available and deliverable in the timescales envisaged⁷?

H68 – Former Spring Mill, Whitworth

- i) Should the site capacity be altered in the context of planning application 2018/0318 for 119 dwellings?

H69 – Cowm Water Treatment Works, Whitworth

- ii) Is the site capable of being safely accessed? Have the concerns of the Local Highways Authority been satisfied?
- iii) What implications does the underground reservoir have on site capacity and the achievability of development?
- iv) What effect would the proposed boundary change and allocation have on the Green Belt and the purposes of including land within it? Are there exceptional circumstances that justify altering the Green Belt?

⁷ As set out in the housing trajectory in the Council's Response to the Inspector's Pre-Hearing Note (Question 13).

Matter 14 – Housing site allocations: Edenfield, Helmshore, Irwell Vale and Ewood Bridge

Issue – Are the proposed housing allocations in Edenfield, Helmshore, Irwell Vale and Ewood Bridge justified, effective, developable/deliverable and in line with national policy?

H72 – Land west of Market Street, Edenfield Policy HS3: Edenfield

- a) What effect would the proposed housing allocation H72 have on local landscape character and appearance, and the setting of the village? Could impacts be mitigated?
- b) Is the scale of the proposal consistent with the development hierarchy and the sustainability of its village location? What proportional growth does it represent for Edenfield? What effect would the scheme have on the function, form and identity of the village?
- c) What effect would the proposed boundary change and allocation have on the Green Belt and the purposes of including land within it? Does the assessment in the Council's Green Belt Review give appropriate recognition to the site's strategic role in preventing the unrestricted sprawl of Manchester? What are the exceptional circumstances that justify altering the Green Belt in this case?
- d) What range of mechanisms to enhance the Green Belt are expected from developers, as set out in section e in Policy HS3? How does this fit with the requirement for developer contributions, as set out in Policy SD2? Is the specified enhancement of land between the site and Rawtenstall/Haslingden justified and deliverable?
- e) What are the key transport and access infrastructure requirements/costs associated with the proposed scheme? Are there any delivery issues or phasing implications? Has any necessary third party land been secured for access? What is Lancashire County Council's and the Highways Agency's latest position?
- f) What scale and form of additional primary school provision would be needed to support the development? Is an expansion of Edenfield Primary School justified, deliverable and consistent with the Green Belt status of the land? If a new school is required, is there scope to accommodate this within the proposed allocation site, or elsewhere? What impact would on-site provision have on housing capacity? What provision is required for early years/childcare and secondary education facilities? What is Lancashire County Council's latest position?
- g) What other infrastructure provision is needed to support the development? Should the level of provision/further detail be specified in Policy HS3?
- h) What geotechnical work has been undertaken on the proposed site? What mitigation measures are necessary to ensure effective development and to resolve the concerns of Highways England?

- i) Have other constraints including heritage, biodiversity and trees, flood risk, drainage, noise, air quality and contamination been satisfactorily investigated and addressed? Are related mitigation measures/requirements necessary and clearly expressed in Policy HS3?
- j) What is the net developable area (15.25 hectares) based on, and is it justified? Does it take account of potential future road widening on the A56, as identified in the Local Plan Highways Capacity Study?
- k) Is the site capacity of 400 dwellings appropriate, taking account of constraints and infrastructure provision?
- l) Why is the northern boundary of the site allocation, as shown on the Policies Map, different to the proposed development area on the Combined Illustrative Masterplan? Is the northern section no longer required for development purposes? What is the gross and net site area shown in the Masterplan?
- m) Is the site available and deliverable in the timescales envisaged⁸?

H70 – Irwell Vale Mill, Irwell Vale
H71 – Land east of Market Street, Edenfield
H73 – Edenwood Mill, Edenfield
H74 – Grane Village, Helmshore

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

General

- a) Is the site suitable for housing? Are there any specific constraints or requirements associated with the site, or a need to seek mitigation measures to achieve an acceptable form of development? Should these be specified in the Plan?
- b) Is the proposed site capacity appropriate, taking account of constraints and the provision of necessary infrastructure?
- c) Is the site available and deliverable in the timescales envisaged⁹?
- d) For sites currently in the Green Belt - what effect would the proposed boundary change and allocation have on the Green Belt and the purposes of including land within it? Are there exceptional circumstances that justify altering the Green Belt?

⁸ As set out in the housing trajectory in the Council’s Response to the Inspector’s Pre-Hearing Note (Question 13).

⁹ As above.

H73 – Edenwood Mill, Edenfield

- i) Are the site allocation boundary and revised Green Belt boundary appropriate and justified? Should the site be extended to include land to the east and north-east?
- ii) Can the site be safely accessed? Is part of the site needed for future junction improvements on the M66 motorway? What is Lancashire County Council's latest position?

H74 – Grane Village, Helmshore

- i) What is the nature of the surface water flooding risks on the site? Can this be mitigated?
- ii) Can the site be safely accessed? What impact would the proposal have on the local road network, and are mitigation measures necessary? What is Lancashire County Council's latest position?

Matter 15 – Employment and mixed-use site allocations

Issue - Are the proposed employment and mixed use allocations justified and deliverable and in-line with national policy?

NE1 – Extension to Mayfield Chicks, Ewood Bridge
NE2 – Land North of Hud Hey, Haslingden
NE3 – Carrs Industrial Estate North Extension, Haslingden
NE4 – Extension of New Hall Hey, Rawtenstall and Policy EMP7
NE5 – Baxenden Chemicals Ltd, Rising Bridge
M1 – Waterside Mill, Bacup
M2 – Spinning Point, Rawtenstall
M3 – Isle of Man Mill, Water
M4 – Futures Park, Bacup; and Policy EMP6 (also see Matter 4)
M5 – Park Mill, Helmshore

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

General

- a) Is the site suitable for the proposed use? Are there any specific constraints or requirements associated with the site, or a need to seek mitigation measures to achieve an acceptable form of development? Should these be specified in the Plan?
- b) Is the proposed site capacity appropriate, taking account of constraints and the provision of necessary infrastructure?

c) Is the site available and deliverable in the timescales envisaged¹⁰?

NE1 – Extension to Mayfield Chicks, Ewood Bridge

i) Is the site appropriate in flood risk terms? Have the concerns of the Environment Agency regarding flooding and the application of the sequential test been addressed?

NE3 – Carrs Industrial Estate North Extension, Haslingden

i) Can the site be safely accessed? Is it available for development? Have the concerns of Highways England been addressed?

NE4 – Extension of New Hall Hey, Rawtenstall and Policy EMP7

i) Can the site be safely accessed? Have the concerns of Highways England been addressed?

ii) Is the site appropriate in flood risk terms? Have the concerns of the Environment Agency regarding flooding and the application of the sequential test been addressed?

ii) Would Policy EMP7 ensure the site can be developed in a way that achieves good design with particular regard to its relationship with Rawtenstall, the landscape and the Steam Railway?

iii) What are the site specific infrastructure requirements? Are these viable particularly the bridge over the River Irwell?

Matter 16 - Environment

Issue – are the environment policies positively prepared, justified, effective and consistent with national policy?

[Policies ENV1-ENV10]

a) Are the requirements for a development brief or design code and health impact assessment set out in Policy ENV1 justified? Is it clear when these requirements will be triggered? Have the implications for site viability and deliverability been considered?

b) Is Policy ENV2 consistent with the National Planning Policy Framework? Should it refer to public benefits in any planning balance? Should it be titled Historic Environment rather than Heritage assets as suggested by Historic England?

c) Would all development proposals be able to meet the requirements of Policy ENV3? Does Policy ENV3 appropriately deal with mitigation and is it sufficiently flexible?

¹⁰ As set out in the housing trajectory in the Council's Response to the Inspector's Pre-Hearing Note (Question 13).

- d) Is the requirement for developments of 100 dwellings or more to undertake an Appropriate Assessment of the impact of the proposal on the South Pennine Special Protection Area set out in Policy ENV4 justified? Why is the threshold 100 dwellings or more? Are only those sites subject to Appropriate Assessment expected to make provision of or contribution of, sites of Suitable Alternative Natural Green Space (SANGs)?
- e) Have any specific SANG proposals been identified? If not how will a proposal be identified? What mechanisms will the Council use to calculate and secure contributions towards or provision of SANGs and how have such contributions or provisions been factored into the Local Plan viability evidence? What progress has been made on the Visitor Management Plan and when will it be completed?
- f) Does Policy ENV4 promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity as required by paragraph 174 of the National Planning Policy Framework?
- g) Is Policy ENV5 effective and consistent with national policy? Should schemes which result in a net loss of green infrastructure be expected to provide replacement provision as well as demonstrate not having an unacceptable impact on the integrity of the green infrastructure network?
- h) Is Policy ENV5 consistent with national policy? Should the Green Infrastructure definition be consistent with that given in the National Planning Policy Framework? How were the boundaries of the proposed Green Infrastructure designation identified? What are the implications for development in built up areas covered by the proposed designation?
- i) Is Policy ENV6 consistent with national policy? Is the requirement in Paragraph 192 of the Local Plan expecting electric charging points on all residential development unless technically unfeasible or prohibitive justified? Policy TR4 also requires parking provision to incorporate charging points for electric vehicles where the Council considers it appropriate to do so, is this consistent with Policy ENV6 and is it necessary for both policies to requires this?
- j) Do Policies ENV7 and ENV8 provide a positively prepared, robust framework for renewable energy development which adequately addresses adverse impacts? Is the area of search designation for wind turbines supported by robust evidence? Do Policies ENV7 and ENV8 appropriately deal with visual impacts, decommissioning of turbines, blanket bog, peat fields and ecological impacts? Is Policy ENV7 overly prescriptive?
- k) Is Policy ENV9 effective? Should it provide more detail on mitigation measures required for the sites proposed for allocation in the Local Plan? Does it provide sufficient detail with regard to surface water management?
- l) Is Policy ENV10 effective? Would it restrict development where it is not possible to meet all its requirements?

Matter 17 – Leisure and Tourism

Issue – are the leisure and tourism policies positively prepared, justified, effective and consistent with national policy?

[Policies LT1 – LT6]

- a) Is Policy LT1 based on an up to date assessment of need for all types of open space, sports and recreational facilities? Have the concerns of Sport England been addressed?
- b) Should development proposals be required to meet all the criteria in Policy LT2 to justify the change of use from or loss of a community facility?
- c) Do Policies LT5 and LT6 appropriately consider ecological impacts?

Matter 18 – Transport

Issue – are policies TR1 – TR4 positively prepared, justified, effective and consistent with national policy?

[Policies TR1 – TR6 with individual infrastructure projects considered under Matter 7]

- a) Does Policy TR2 make appropriate provision for horse riding?
- b) Is Policy TR4 effective and consistent with national policy? Is the requirement for parking provision to incorporate charging points for electric vehicles where the Council considers it appropriate to do so justified? Is this consistent with Policy ENV6? Is it necessary for both policies to require this?
- c) Policy TR4 requires development to meet maximum parking standards set out in Appendix 1 of the Local Plan. Are they underpinned by clear and compelling justification that they are necessary for managing the local road network, or for optimising the density in a location which are well served by public transport as required by paragraph 106 of the National Planning Policy Framework?

Matter 19 – Housing supply and delivery

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

[Policy SD7]

Questions

- a) Is the Council's approach to estimating supply from existing commitments justified and robust? In particular:
 - i. Is the non-application of a lapse rate justified?
 - ii. Are the estimated lead-in times and build-out rates for each committed site, as shown in the housing trajectory, justified and soundly based? Where relevant, are the rates supported by clear evidence that sites are deliverable in line with the National Planning Policy Framework definition?
- b) Is the small site allowance justified and supported by evidence?
- c) Has the Council undertaken a comprehensive assessment of housing capacity within the built-up settlement areas, and allocated all potential sites capable of accommodating 5 or more dwellings which are suitable, available and achievable?
- d) Should an overall lapse rate be applied to allocations within the supply calculations?
- e) Are all of the allocated sites confirmed as being available for development within the Plan period?
- f) Does the Plan identify a sufficient supply of homes to meet identified requirements over the Plan period?
- g) Does the Plan identify sufficient land to accommodate at least 10% of the housing requirement on sites of 1 hectare or less, in line with the National Planning Policy Framework?
- h) Is the Council's approach to calculating five year housing land supply, as set out in the Council's response to the Inspector's Pre-Hearing Note (Question 13), robust and in line with national policy and guidance? In particular:
 - i. Is the application of a 20% buffer supported by the evidence?
 - ii. Is there clear evidence to support the inclusion of sites which fall under category b) in the National Planning Policy Framework's definition of deliverable? E.g. sites which have outline permission for major development, are allocated in the Plan, have a grant of permission in principle or are identified on a brownfield register.
 - iii. Is the inclusion of a small site allowance justified?

Matter 20 – Plan viability and monitoring

Issue – Does the Plan identify an effective monitoring framework and is development proposed in the Local Plan viable?

Questions

- a) How will the Local Plan be monitored? Would the housing, employment, retail, leisure and environmental indicators proposed provide an effective monitoring framework? How will performance be measured? What actions would be taken if the Local Plan is not being delivered as envisaged?
- b) Is the Local Plan Economic Viability Assessment (2019) robust? Does it demonstrate the Local Plan is viable? Is it based on reasonable assumptions? Has the cost of the full range of expected requirements on new development been taken into account including those arising through Policies in the Plan? Does it demonstrate each of the proposed land allocations is financially viable?