



Edenfield Community Neighbourhood Forum Rossendale Local Plan Examination

30th August 2019

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?**

Response:

Edenfield Community Neighbourhood Forum (ECNF) would expect Rossendale Borough Council (RBC) to respond comprehensively to this series of questions, setting out details of all of the meetings held and discussions undertaken with other strategic plan making councils, and other prescribed bodies.

In RBC's [Green Belt Topic Paper](#) (August 2018), ECNF notes how RBC summarises its interactions with its neighbouring duty to cooperate authorities – under a heading stating that '*other authorities are unable to meet housing/ employment need*' (page 26, para. 7):

"The Council has met and corresponded with neighbouring authorities on a broad range of issues including Green Belt; housing and employment. Neighbouring authorities were all in agreement with the approach taken to the Green Belt Review and none are able to meet any of the Borough's housing and employment need. Indeed, a number of authorities, including Greater Manchester Combined Authority, have asked if Rossendale was able to meet any of their housing. With neighbouring authorities being unable to accommodate any of the Council's need the authority is left with the situation that this must be met within its own borders."

It is also acknowledged by ECNF that the Council published the '[Rossendale Draft Local Plan Duty to Cooperate Statement incorporating Statement of Common Ground](#)' in August last year but this does not provide evidence of the extent of actions to fulfil the Duty, or that the Council has cooperated/ collaborated with other authorities and bodies on the detail of the strategic matters that should have been critical to its Plan making process – such matters include the release of large tracts of land from the Green Belt for housing and employment site allocations.

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

There is no clear evidence either, that the Council has jointly worked with other authorities and bodies on the local plan making process more widely to date. According to the above Statement (page 7), joint working began before the Local Plan and *'in the main'* related to *'transport matters as well as landscape, renewable energy and bio-diversity matters affecting the defined South Pennines Special Protection Area'*. It does not appear to have continued.

ECNF has not seen any information or evidence that the Council investigated the issue of whether all of the Borough's development needs could be met within its boundaries or not, and if they could not be, whether there would be scope for a neighbouring authority to help meet those needs. The Council's Statement simply notes (paragraph 5.8, and similar to the above extract from the Green Belt Topic Paper):

"All adjoining authorities have been asked if they could consider taking any of Rossendale's housing requirement, or if they were expecting Rossendale to meet their housing needs. No authority came back to Rossendale specifically asking this Council to meet their development requirements, neither have they offered to meet any of Rossendale's needs. This applies to housing and employment land."

ECNF consider that this exploration should have been undertaken proactively and comprehensively, prior to RBC pursuing changes to the boundaries of the Green Belt in the Borough, which should of course only be contemplated in *'exceptional circumstances'*, consistent with the [\(February 2019 revised\) 2018 National Planning Policy Framework](#) (NPPF, paragraph 136). The above-cited *'exchange'* cannot be described as constituting an investigation and was certainly not exhaustive.

It is noted with regard to economic development that the Council's [Employment Land Review](#) (2017) comments on the duty to cooperate and concludes (para. 6.29):

"In summary, Rossendale Borough is not a self-contained FEMA and has complex economic relationships with a number of surrounding authorities. It is therefore particularly important for RBC to work closely with adjoining LPAs to ensure that business needs are collectively understood and met. In this regard, whilst Blackburn with Darwen, Burnley and Bury considered that they had reasonably strong economic linkages with Rossendale, none of the adjoining authorities required Rossendale to take on any of their employment land requirements, or vice versa. Furthermore there were no significant cross-boundary sites identified between any of the Boroughs and Rossendale."

There is no clear evidence that working *'closely'* has occurred since 2017.

ECNF therefore unfortunately concludes that the Plan and its evidence base are not sound in relation to the duty to cooperate; the Plan's content appears to have been influenced more by a lack of cooperation and limited communication, rather than collaboration. There is no documentation that has been made available to date to justify ECNF reaching an alternative view.



In this regard, the Plan is therefore viewed to be unsound (and not legally compliant), for being inconsistent with national planning policy, as set out in NPPF, paragraphs 11, and 24 to 27.

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

- i. Does the SA work assess reasonable alternative site options, and set out clear reasons for their rejection? How has the SA work been fed into the site assessment process and informed the selection of site allocations?

Response:

No.

Neither the May 2017 'Sustainability Appraisal of the Rossendale Local Plan Reasonable Alternatives Final SA Report', nor the 2019 'Sustainability Appraisal Addendum' acceptably explain the minimal work undertaken to assess alternative site options. The latter only lists reasons for the rejection of sites through the development of the Local Plan, between draft and pre-submission stages.

- 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?

Response:

No.

Once again, neither the May 2017 'Sustainability Appraisal of the Rossendale Local Plan Reasonable Alternatives Final SA Report', nor the 2019 'Sustainability Appraisal Addendum' refer to work undertaken to assess reasonable alternative spatial strategy options, levels of housing and employment need, and options relating to other policies in the Plan. In response to draft Local Plan objections, the latter refers (in paragraphs 2.8.1 to 3) to how the original Sustainability Appraisal (SA) concluded:

"Overall, Option D was considered to be the best performing option'. This conclusion was made for two reasons. The first was the need to meet the target housing number. The second reason concerned the spatial flexibility of Option D. Accepting that the need to meet the housing number was an important and objective aspect of the SA scoring, the main difference between Option A and D is the fact that Option D performs better since it meets the housing number (3,180)."

Surprisingly, the 2019 Addendum has done nothing to address the fact that the standard methodology has significantly reduced the housing need that Option D was based on - from 3,975



to 3,180. The Addendum merely reiterates, but does not update, the previous comment on favouring Option D for very simplistic and unsupported reasons (at paragraph 2.9.2):

“Option D was identified as the best performing option since it met the housing need number which as the time of appraisal was initially higher and was later reduced to 3,180. Although Option D exceeded the housing number considerably, this Option presents a spatial strategy which performs well in terms of sustainability.”

ECNF’s main observation on this comment is that the submission Plan does not ‘present a spatial strategy’, in simply citing a form of settlement hierarchy and proposed Green Belt land releases for housing and employment developments.

iii. Has the SA Addendum 2019 been published for consultation purposes?

Response:

RBC should respond to this question, but it would not appear so.

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?

Response:

In reply to the first and second parts of this question, the Edenfield Neighbourhood Plan is unfortunately not as far progressed as had been intended. ECNF has produced a Factbook and drafted a Vision Statement and Objectives. It has also making good progress on detailing draft policies, the headings for which have been overviewed in a recent meeting with the Council. Via Locality, AECOM are preparing a Design Code for the Plan and the initial draft has been received. Work has however been delayed by some two months, due to the late availability of grant funding from Government to Locality.

Additionally, with only a relatively small volunteer management team which has had to give priority to the current Local Plan public examination, progress has been slowed still further. ECNF is however still intending that the next stage of consultation takes place this autumn.

Regarding the third part of the question on co-operation/joint working, ECNF has drafted a consultation history which lists all of the meetings and e-mail/ other correspondence between ECNF and RBC since September 2017. Not all of this history relates exclusively to neighbourhood planning; many of the exchanges relate however to connected matters.



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

Response:

RBC should respond to this question.

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?

Response:

RBC should respond to this question.

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

Response:

RBC should respond to this question.

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?

Response:

RBC should respond to this question; it is not of direct relevance to the Forum's key concerns.

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

Response:

RBC should respond to this question.

Yours sincerely,

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