

Local Plan – Regulation 24  
Main Modifications Errata Documents Consultation  
Responses Received



# Table of Contents

Historic England.....	1
Natural England .....	2
Homes England .....	3
Edenfield Community Neighborhood Forum.....	4



Mr Forward Planning  
Rossendale Borough Council  
Forward Planning Team  
Futures Park  
OL13 0BB

Direct Dial: [REDACTED]

Our ref: PL00756903

6 October 2021

Dear Mr Forward Planning

**Rossendale Local Plan Main Modifications and Evidence Base**

Historic England is the Government's statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.

Thank you for consulting Historic England on the above documents. At this stage we have no comments to make on the content.

If you have any queries or would like to discuss anything further, please do not hesitate to contact me.

Yours sincerely,

Emily Hrycan  
Historic Environment Planning Adviser (North West)

[REDACTED]



SUITES 3.3 AND 3.4 CANADA HOUSE 3 CHEPSTOW STREET MANCHESTER M1 5FW

[REDACTED]  
[HistoricEngland.org.uk](http://HistoricEngland.org.uk)



To whom it may concern,

Natural England has no comments to make concerning this consultation.

Kind Regards

Janet Baguley  
Lead Adviser – Greater Manchester & Merseyside;  
Cheshire, Greater Manchester, Merseyside & Lancashire Area  
Natural England  
2nd floor, Arndale House, Manchester Arndale  
Manchester, M4 3AQ



My working days are Monday – Thursday

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

**During the current coronavirus situation, Natural England staff are working remotely to provide our services and support our customers and stakeholders. All offices and our Mail Hub are closed, so please send any documents by email or contact us by phone or email to let us know how we can help you. See the latest news on the coronavirus at <http://www.gov.uk/coronavirus> and Natural England’s regularly updated operational update at <https://www.gov.uk/government/news/operational-update-covid-19>.**





# Homes England

Forward Planning Team  
Rossendale Borough Council  
Business Centre  
Futures Park  
OL13 0BB

By email: [forwardplanning@rossendalebc.gov.uk](mailto:forwardplanning@rossendalebc.gov.uk)

5<sup>th</sup> November 2021

Dear Sir / Madam,

## **Rossendale Local Plan - Main Modifications Consultation – Errata Documents**

### **Homes England Response**

As a prescribed body, we would firstly like to thank you for the opportunity to comment on the above consultation.

Homes England is the government's housing accelerator. We have the appetite, influence, expertise, and resources to drive positive market change. By releasing more land to developers who want to make a difference, we're making possible the new homes England needs, helping to improve neighbourhoods and grow communities.

Homes England does not wish to make any representations on the above consultation. We will however continue to engage with you as appropriate.

Yours faithfully,



P.P Nicola Elsworth  
Head of Planning and Enabling

Homes England  
1<sup>st</sup> Floor Churchgate House  
56 Oxford Street  
Manchester  
M1 6EU

Please send all Local Plan and related consultations to



[www.gov.uk/homes-england](http://www.gov.uk/homes-england)

**Examination of the Rossendale Local Plan**

**EL12.009: Errata - Schedule of Main Modifications**

**Representations by A.G. Ashworth and R.W. Lester about RBC's Paper published on 28th September 2021**

**Key Points**

***Section 1***

- **Consultation arrangements and closing date initially notified only by email**
  - **added to website 22 days later**
  - **email recipients had 42 days to respond, everyone else was given only 20 days**
  - **consultation thereby invalid**

***Section 2***

- **Confusing use of word 'Errata' - no actual errors identified**
- **Outrageous RBC attempt to resile from what was agreed at Hearing on 3rd October 2019**

***Section 3***

- **Explanation required but none offered for attempted amendment**

***Section 4***

- **No actual Modification wording is proposed - consultation is a sham**

***Section 5***

- **Bizarre bid by RBC to reinstate sites completed by cut-off date 1st April 2019**
- **Proposal inconsistent with Plan commencing no earlier than 1st April 2022**

***Section 6***

- **Inconsistent - no corresponding alteration proposed to Specialist Housing Policy**

***Section 7***

- **Holistic approach needed, with integrated responses to EL12.002/EL12.009 together and EL12.006 /EL12.010 together. Confusing split of documents and closing dates undermines the consultations**

## **Examination of the Rossendale Local Plan**

### **EL12.009: Errata - Schedule of Main Modifications**

#### **Representations by A.G. Ashworth and R.W. Lester about RBC's Paper published on 28th September 2021**

#### **Representations**

##### **1. Consultation maladministration**

**1.1** EL12.009 and EL12.010 were posted on the RBC website on 28th September 2021. On the website a Latest News item called attention to their publication but did not say whether or not representations on them were invited or specify a closing date for responses.

**1.2** Selected bodies and individuals received an email from RBC on 28th September 2021 about the documents. This stated that the consultation on the two documents would close on 9th November 2021.

**1.3** It completely invalidated the consultation for a chosen few to be given a response period and for the general public to be left in the dark about whether or when any representations would be entertained. It is to be noted that EL12.001, setting out consultation arrangements for the last previous tranche of documents published by RBC was very strict about what was and was not the subject of consultation. The message from that document and throughout the Examination has clearly been that, unless representations are solicited, they will not be entertained.

**1.4** Not until 20th October 2021 in the late morning did RBC see fit to publicise on the Local Plan Examination web pages the email about the consultation arrangements and closing date. Persons who are not on the RBC mailing list were thus given only 20 days to respond, less than half the time the email recipients were given. Whether 20 days is sufficient is irrelevant: all should be treated equally. If 42 days was the period for some, it should be for all. What appears to be the belated realisation by RBC of yet another administrative failure should have led them to extend the consultation period for all to 1st December 2021 at the earliest.

**1.5** We made representations in our response to EL12.002 about the defects in the consultation process about the documents published on 3rd September 2021. Both that consultation and this have been invalidated by RBC's comprehensive mismanagement and maladministration.

## **2. Errata, or simply amendments?**

**2.1** The title of EL12.009 implies that it is presenting corrections to errors in document EL12.002, but EL12.009 does not identify any errors as such. It begins,

*“Three proposed housing allocations that have been fully built out were deleted from the Table listing the Site Allocations. The Council is now proposing to ammend sic MM Ref 008 to re-instate sic the following sites in the Table of Housing Allocations.”*

**2.2** It does not say the deletions were erroneous. It simply says that the sites (by which is presumably meant the allocations) are proposed to be reinstated and that Main Modification 008 is to be amended.

**2.3** No error is identified. It seems to be a simple case of a further amendment.

**2.4** The use of the word “errata” is confusing and leads the reader to waste time searching in vain for an error.

**2.5** Sites references H53 and H67 were complete by 31st March 2019 (document EL1.002j(ii) at page 4) - in passing, we observe that we are still waiting for RBC to publish the 5-Year Housing Land Supply Report as at 31st March 2019. The inclusion of sites that were built out by 31st March 2019, the cut-off date for the Plan as submitted, is obviously wrong and renders the Plan unsound.

**2.6** We would point out that at the Examination Hearing on 3rd October 2019 it was accepted that development of sites H53 and H67 was complete and that the allocations in Table 1 (as it then was) of Policy HS2 and references in HS19 (as it then was) should be deleted (document EL6.002 - Preliminary List of Main Modifications at page 16). It is therefore outrageous for RBC to claim now that that was all a mistake and to resile from what was agreed during the Examination.

## **3. No explanation for the proposal**

**3.1** It is legitimate to expect the proposer to give a reason for the amendment, but all RBC do is say what they propose (*i.e.*, reinstate the allocations), not why they propose it. The proposal is unsound, for lack of supporting evidence or justification.

## **4. No actual modification is set out - consultation is a sham**

**4.1** Document EL12.002 Schedule of Proposed Main Modifications to the Local Plan stated (page 1, paragraph 2) that it showed changes

*“in the same order as the Local Plan itself with any new wording underlined and ~~deleted text struck through~~”.*

**4.2** Now that a further modification is proposed, it is legitimate to expect it to be presented similarly. That must involve showing revised Table 7 in Policy HS2 in its entirety, as all the allocations except 'H1 ~~H2~~ Magistrates Court, Rawtenstall' would need further renumbering. Simply re-inserting the three allocations with Submission Version numbers would result in two allocations numbered H3 and H53, and a gap between allocations H64 and H67.

**4.3** It is not for consultees to guess how the Modification might be presented. It is up to RBC to do their job properly and set out exactly the Modification that is to give effect to the proposal.

**4.4** Without specifying the wording of the Modification, the consultation is a nonsense, a sham. There is no Modification on which to comment.

## **5. Proposal inconsistent with Plan commencing no earlier than 1st April 2022**

**5.1** We repeat our submission in representations about EL12.002 that the Plan needs to commence no earlier than 1st April 2022.

**5.2** As noted at paragraphs 2.5 and 2.6 above, H53 and H67 were complete by 31st March 2019. The inclusion of site allocations that were built out by 31st March 2019, the cut-off date for the Plan as submitted is obviously wrong.

**5.3** The inclusion of H3, built out by 31st March 2020 (5 Year Housing Land Supply Report (2020/21 - 2024/25) Published March 2021\* at page 20), is inconsistent with what we submit should be the revised commencement of the Plan period.

\*This document has mysteriously disappeared from the RBC website and been replaced there by one published in July 2021.

## **6. No corresponding alteration proposed to Specialist Housing Policy**

**6.1** If RBC were being consistent, they would have proposed also modifying Policy ~~HS19~~ HS15 Specialist Housing by the reinstatement of H53 and H67. That they have not done so exemplifies their chaotic, slovenly approach that caused the Plan to include the unjustified release of Green Belt and to be submitted before it was anywhere close to being in a fit state, and that has persisted during the Examination.

## **7. Failure of RBC to adopt holistic approach to consultation**

**7.1** The closing date for representations about EL12.002 and EL12.006 was 15th October 2021 and for EL12.009 and EL12.010 9th November 2021. It is contrary to common sense for different

closing dates to apply to documents so closely related. Once RBC had identified the 'Errata', actual or imagined, the closing date for representations about EL12.002 and EL12.006 should have been extended to that for EL12.009 and EL12.010, and respondents should have been invited to make integrated representations about EL12.002 and EL12.009 together and on EL12.006 and EL12.010 together. A holistic, not a piecemeal, approach should have been adopted in the interests of clarity. Instead, the confusion invalidates the consultation.

## **8. Careless presentation**

**8.1** As well as the crucial failure to set out the proposed Modification, the spelling errors in EL12.009 maintain the low standard of presentation and lack of respect for the reader which we have come to expect from RBC and their documents.

Alan G. Ashworth and Richard W. Lester for themselves and on behalf of Edenfield Community Neighbourhood Forum



9th November 2021

## Examination of the Rossendale Local Plan

### EL12.010: Errata - Policy Map Modifications

Representations by A.G. Ashworth and R.W. Lester about RBC's Paper published on 28th September 2021

#### Key Points

- **Consultation flawed.** RBC website did not invite representations until after halfway through the consultation period, although selected persons received an email invitation. Chosen few given preferential treatment. *Section 1*
- **Confusion due to failure to integrate consultation on EL12.006 and EL12.010,** with unified closing date. *Section 7*
- **Not clear whether, when or by whom a Conservation Area in central Haslingden has been designated.** Cabinet resolution did not mention "designation". Resolution was only to adopt the proposed boundary (but Minutes unclear as to its extent) and Appraisal as a material planning consideration. Essential to use statutory wording. *Section 2*
- **RBC website unclear about status of Haslingden Conservation Area.** *Section 2*
- **22 days after being asked, RBC have failed to clarify what involvement the Secretary of State had with Haslingden Conservation Area and when.** *Section 2*
- **PM-15 follows missed opportunities to correct the Policies Map. Incorrect as drafted. Proposal should be to "Amend boundary of proposed Haslingden Conservation Area".** *Section 3*
- **PM-32 should show the site of former allocation H1 as an existing employment site.** That in turn requires the site to be added, like all other existing employment site omissions as previously submitted, to Table 8 in Policy EMP2. *Section 4*
- **Policies Map Modifications and Errata do not address updating the Map with all the revised housing site allocation references.** *Paragraphs 5.1 to 5.3*
- **Policies Map with Modifications duplicates some housing site allocation reference numbers.** *Paragraph 5.4*
- **Despite Modifications, Policies Map still shows deleted allocation of Land off Oaklands and Lower Cribden Avenue.** *Paragraph 5.5*
- **Policy HS2 is unsound on account of its flawed geographical illustration on the Policies Map, as proposed to be modified.** *Paragraph 5.6*

## **Examination of the Rossendale Local Plan**

### **EL12.010: Errata - Policy Map Modifications**

#### **Representations by A.G. Ashworth and R.W. Lester about RBC's Paper published on 28th September 2021**

### **Representations**

#### **1. Consultation maladministration**

**1.1** EL12.009 and EL12.010 were posted on the RBC website on 28th September 2021. On the website a Latest News item called attention to their publication but did not say whether or not representations on them were invited or specify a closing date for responses.

**1.2** Selected bodies and individuals received an email from RBC on 28th September 2021 about the documents. This stated that the consultation on the two documents would close on 9th November 2021.

**1.3** It completely invalidated the consultation for a chosen few to be given a response period and for the general public to be left in the dark about whether or when any representations would be entertained. It is to be noted that EL12.001, setting out consultation arrangements for the last previous tranche of documents published by RBC was very strict about what was and was not the subject of consultation. The message from that document and throughout the Examination has clearly been that, unless representations are solicited, they will not be entertained.

**1.4** Not until 20th October 2021 in the late morning did RBC see fit to publicise on the Local Plan Examination web pages the email about the consultation arrangements and closing date. Persons who are not on the RBC mailing list were thus given only 20 days to respond, less than half the time the email recipients were given. Whether 20 days is sufficient is irrelevant: all should be treated equally. If 42 days was the period for some, it should be for all. What appears to be the belated realisation by RBC of yet another administrative failure should have led them to extend the consultation period for all to 1st December 2021 at the earliest.

**1.5** We made representations in our response to EL12.002 about the defects in the consultation process about the documents published on 3rd September 2021. Both that consultation and this have been invalidated by RBC's comprehensive mismanagement and maladministration.

## **2. PM-15 based on false premise of a designated conservation area in Haslingden**

**2.1** Before considering whether Proposed Modification PM-15 to the Policies Map is appropriate, we must examine whether a conservation area in central Haslingden has been duly designated. The relevant legislation is in the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 69 of that Act **requires** that every local planning authority -

*(a) shall from time to time determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and*

*(b) shall designate those areas as conservation areas.*

**2.2** The unnumbered introductory page of EL12.010 suggests that the relevant decision about the conservation area was taken by RBC's cabinet in July 2018. RBC website records show that the matter was considered by the cabinet on 4th July 2018. We have examined the minutes of that meeting and supporting documents and, for the reasons in this Section, we conclude that the proposed conservation area was not formally designated at that meeting.

**2.3** The cabinet on 4th July 2018 resolved, as recommended in the officer report in the present tense, *"1. That Cabinet adopted sic the proposed Conservation Area Boundary and Appraisal for Haslingden as a material planning consideration."* Despite the numeral 1, there were no further paragraphs in the resolution.

**2.4** The first question that might be asked is "What boundary did the cabinet think they were 'adopting'?" The Appraisal (which contains maps) and 'Appendix Maps' are mentioned in the officer report, but only as Background Papers, although they seem to have been among the documents available to the cabinet. In the resolution there is neither a verbal description of the boundary nor any clear reference to a particular map.

**2.5** Having regard to section 69 (extract above), it would seem essential for the cabinet to have resolved to (a) designate (not 'adopt') (b) as a conservation area (c) the area shown on [an identified plan] (d) being an area that the cabinet have determined to be of special architectural or historic interest (e) the character or appearance of which it is desirable to preserve or enhance. It would be desirable for the resolution to refer also to the enabling statutory power. As the resolution as minuted (and report) did not use any of that terminology, we submit that on 4th July 2018 the cabinet did not designate a conservation area in central Haslingden.

**2.6** The fudged use of the words 'confirmed' and "confirmation' in PM-15 does not alter the fact that the proposed conservation area was not designated on 4th July 2018.

**2.7** We submit that when an Act of Parliament puts an authority under the duties of (i) determining which parts of their area are areas of special architectural and historic interest the character or appearance of which it is desirable to preserve or enhance and (ii) of designating those areas as conservation areas, the latter duty is not fulfilled by a resolution that does not use the word "designate", that does not record whether the authority have made their own

determination of whether the area is of special architectural and historic interest and does not record whether it is desirable to preserve or enhance the character of the area.

**2.8** That is no mere legalistic point. Although a conservation area has many benefits for property owners there, it introduces additional planning controls. It is therefore essential, when limiting private property rights, that the statutory procedure is strictly adhered to.

**2.9** It may be that designation of a conservation area in central Haslingden took place on another occasion. We are aware that a document headed *Rossendale Borough Council News* published on the RBC website on 7th June 2019 <https://www.rossendalenews.org.uk/special-award-for-haslingden-town-centre/> reported:

*“Haslingden Town Centre has been now been confirmed as an area of special architectural or historic interest – helping to preserve its history.*

*The conservation area was developed and put out to public consultation in 2018. The Council’s cabinet approved the area before submitting it to the Secretary of State for Housing, Communities and Local Government, who confirmed the decision earlier this year.”*

**2.10** If a conservation area in central Haslingden was designated by the Secretary of State, it is odd that this is not stated in EL12.010.

**2.11** The document published on 7th June 2019 continued:

*“Details of the designation and more information regarding the borough’s conservation areas can be [found here](#). “*

**2.12** That link leads to RBC’s website page about conservation areas, which begins by stating that “Rossendale currently has 10 Conservation Areas”. We would expect that the date of designation and the body that made the designation would be shown as ‘details of the designation’, but they are not.

**2.13** The page adds:

**“Conservation Area Appraisals**

*We completed the appraisal of all 9 conservation areas during 2010/ 2011. The process involved the comprehensive assessment of the historic, architectural and spatial qualities of each area. We have adopted the appraisal documents, together with a management plan for each area. All the appraisals and maps can be viewed below:”*

There followed the names of ten areas, nine plus Haslingden, linking to the relevant appraisal and map.

**2.14** The page concludes:

**“New Conservation Area Proposals**

*A consultation on new Conservation Areas has been undertaken as part of the draft Local Plan and ended on Monday 9 October 2017. Four additional Conservation Areas were proposed in Haslingden, Helmshore, Crawshawbooth and Newchurch and an extension to Chatterton and Strongstry Conservation Area was also being considered. More information about the proposals are sic available in the **Proposed new Conservation areas and extension to existing Conservation area** document. The comments received during the consultation can be seen **here.**”*

**2.15** The website page is therefore unclear as to when or whether a conservation area was designated in Haslingden centre. It says that there are 10 conservation areas, then refers to “all 9”, lists ten area names including Haslingden and finally suggests that the Haslingden area is still a proposal. Faced with this equivocation, we sought by email on 18th October 2021 clarification from RBC about the Secretary of State’s involvement. We await a substantive reply.

**2.16** The submissions in section 3 below are made on the basis that EL12.010 and RBC’s website Conservation Areas page do not direct us to, nor have we found, any record of the designation of a conservation area in central Haslingden.

### **3. Errors in PM\_15 and Policies Map**

**3.1** The Submission Version of the Policies Map (incorporating errata) (SD003) marks “Proposed New Conservation Area” in Haslingden centre. It has a different boundary from the one in the Appendix Maps among the papers for the cabinet meeting on 4th July 2018. It is noteworthy that the full Council, meeting a week later on 11th July 2018, approved the Policies Map for Regulation 19 consultation, with purported delegated authority to officers to rectify errors and improve it. Given that a decision on the Haslingden conservation area boundary had been made on 4th July 2018, it is curious that RBC are bringing forward PM-15 now after they had opportunities to amend the Policies Map before the Council met on 11th July 2018 or, as they claimed to be able to do, before the Regulation 19 consultation began.

**3.2** Accordingly, PM-15 is flawed. Its map should show the conservation area boundary as a proposal still, i.e., with a broken line. The Proposal should be described as “Amend boundary of proposed Haslingden Conservation Area”. The Reason for change should be “To accord with a decision of Cabinet on 4th July 2018”.

#### **4. Omission in PM-32**

**4.1** As regards PM-32 the Map Modification needs, as well as deleting the housing allocation that was formerly H1 Greenbridge Mill, to show the site as an existing employment site, which should of course be added to Table 8 in Policy EMP2. The Core Strategy Proposals Map, to which RBC claim PM-32 reverts, showed it as an employment area.

**4.2** The role of the Policies Map is to illustrate geographically the application of policies in the Plan. If the geographical illustration of a policy is flawed, the policy will be unsound.

**4.3** Apart from Greenbridge Mill we have repeatedly submitted, most recently in our response to EL12.002, that RBC have failed to identify and list all the existing employment sites in Table 8. As an incomplete evidence base, Table 8 renders Policy EMP2 unsound.

#### **5. EL12.010 fails to update Map with current housing site allocation numbers - Policy HS2 thereby unsound**

**5.1** A major omission from documents EL12.006 and EL12.010 is any indication of how the Policies Map will be amended to take account of the renumbering of all the housing allocation sites proposed in EL12.002. The numbers of the sites on the Map as now proposed to be modified do not accord with the numbers of the allocation sites in the Proposed Main Modifications (Table 7, Policy HS2) in EL12.002, as amended by EL12.009.

**5.2** For a brief period, 3rd to 28th September 2021, the Policies Map, as proposed to be modified, showed correctly the sites renumbered to H2, H7, H34, H46, H48 and H63, but those six sites need to be renumbered again if the allocations originally numbered H3, H53 and H67 are reinstated in their original order, as document EL12.009 seems to propose.

**5.3** It does not suffice that the orange-washed areas are correctly (excluding site H62 Land west of Market Street) shown as such on the Map. Their current numbers, as per Table 7, must also appear on the Map.

**5.4** Following the Proposed Main Modifications (EL12.002), the Policies Map is particularly confusing, as the six updated references duplicate references on unchanged parts of the Map.

**5.5** RBC have not produced any modification to the Policies Map to take account of the deletion of allocation H9 Land off Oaklands and Lower Cribden Avenue.

**5.6** The role of the Policies Map is to illustrate geographically the application of policies in the Plan. If the geographical illustration of a policy is flawed, the policy will be unsound. Policy HS2, as proposed to be modified, is therefore unsound, as demonstrated in the foregoing paragraphs in this Section.

## **6. Confused presentation of EL12.010**

**6.1** The unnumbered introductory page of EL12.010 is hard to follow. It reads:

*“Please note: This document is an updated errata for the August 2021 version of the Schedule of Policies Map Modifications document. There have been two changes as listed below:*

*Pg. 2 - Amended Conservation Area boundary for Haslingden Town Centre (PM-15) in order to reflect the boundary which was approved by cabinet in July 2018.*

*Pg.4 - Added a new map to illustrate the proposed removal of housing allocation H1 - Greenbridge Mill from the Local Plan.”*

**6.2** By ‘*an updated errata*’, which makes no sense (indefinite article with plural noun), we assume is meant ‘*a list of errata*’. Use of ‘*updated*’ is confusing - we would expect any list of errata to be complete to the best of the compiler’s ability. Does it mean that RBC produced a previous, unpublished list?

**6.3** It becomes unclear whether EL12.010 is concerned with errata or changes.

**6.4** On the introductory page we take “Added a new map” to mean “New map added”.

**6.5** EL12.010 maintains the low standard of presentation which we have come to expect from RBC’s documents.

## **7. Failure of RBC to adopt holistic approach to consultation**

**7.1** The closing date for representations about EL12.002 and EL12.006 was 15th October 2021 and for EL12.009 and EL12.010 9th November 2021. It is contrary to common sense for different closing dates to apply to documents so closely related. Once the ‘Errata’, actual or imagined, had been identified, the closing date for representations about EL12.002 and EL12.006 should have been extended to that for EL12.009 and EL12.010, and respondents should have been invited to make integrated representations about EL12.002 and EL12.009 together and on EL12.006 and EL12.010 together. A holistic, not a piecemeal, approach should have been adopted in the interests of clarity. Instead, the confusion invalidates the consultation.

Alan G. Ashworth and Richard W. Lester for themselves and on behalf of Edenfield Community Neighbourhood Forum

  
9th November 2021