



The Planning Inspectorate

Report to Rossendale Borough Council

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Inspectors appointed by the Secretary of State

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Rossendale Local Plan

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Abbreviations used in this report

ELR	Employment Land Review
GTAA	Gypsy and Traveller and Travelling Showpeople's Accommodation Assessment
HIA	Heritage Impact Assessment
HMA	Housing Market Area
HRA	Habitats Regulations Assessment
LHA	Local Highways Authority
MM	Main Modification
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SANG	Suitable Alternative Natural Greenspace
SHLAA	Strategic Housing Land Availability Assessment
SPA	Special Protection Area
SPD	Supplementary Planning Document
UCO	Use Classes Order

Non-Technical Summary

This report concludes that the Rossendale Local Plan provides an appropriate basis for the planning of the Borough of Rossendale, provided that a number of main modifications (MMs) are made to it. Rossendale Council has specifically requested that we recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared schedules of the proposed modifications and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MMs were subject to public consultation over a six-week period. In some cases we have amended their detailed wording and/or added consequential modifications where necessary. We have recommended their inclusion in the Plan after considering the sustainability appraisal and habitats regulations assessment and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Insertion of a vision and strategic objectives at the start of the Plan.
- An extension to the Plan period to 2036 to allow the strategic policies to look ahead over a 15-year period.
- Slight adjustments to the annual housing requirement figure to reflect the Government's standard methodology.
- Insertion of Gypsy and Traveller pitch requirement figures in Policy HS18 and its reclassification as a strategic policy.
- Deletion of the proposed transit site for Gypsies and Travellers at Futures Park and insertion of a criteria-based policy.
- Deletion of Policy HS9 as it unnecessarily duplicates elements of other policies of the Plan.
- Insertion of new site-specific policies for a number of housing, employment and mixed-use allocations.
- Updates to housing supply in Table 1 and the housing trajectory, based on realistic assumptions regarding site capacities and rates of delivery.
- Insertion of tables showing housing supply and five-year housing supply.
- Modifications to the employment supply table to update capacity estimates.
- Amendments and updates to requirements and criteria in various site-specific policies.
- Revisions to the wording of development management policies to ensure they are effective, justified and consistent with national policy.
- A number of other modifications to ensure that the Plan is positively prepared, justified, effective and consistent with national policy.

Introduction

1. This report contains our assessment of the Rossendale Local Plan ('the Plan') in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to cooperate. It then considers whether the Plan is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework 2021 (NPPF) (paragraph 35) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Rossendale Draft Local Plan (Pre-Submission Publication Version Regulation 19 Consultation) (SD023) is the basis for our examination. This document was published for consultation in August 2018 and submitted for examination in March 2019. An Errata Statement (SD024) was published part-way through the consultation process and amendments were subsequently incorporated into a 'Submission Version' Plan (SD001) submitted alongside SD023. Although many changes in SD001 were minor or 'additional' modifications, not all fall under this category. The Errata Statement was not published for the full statutory six-week period. Consequently, the basis of the examination is the Regulation 19 version of the Plan (SD023).

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that we should recommend any main modifications (MMs) necessary to rectify matters that make the Plan unsound and/or not legally compliant and thus incapable of being adopted. Our report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM001, MM002** etc, and are set out in full in the Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs and, where necessary, carried out sustainability appraisal (SA) and habitats regulations assessment (HRA) of them. The MM schedule and further MM Errata document were each subject to public consultation for six weeks. The closing date for comments on the Errata document was omitted from the Council's website until partway through the consultation period. But the document was available online during this period and consultees were directly notified. Accordingly, we are satisfied that parties wishing to respond were not unduly prejudiced.
5. We have taken account of the consultation responses on the MMs in coming to our conclusions in this report and in this light we have made some amendments to the detailed wording of the MMs and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal/habitats regulations assessment that has been undertaken. Where necessary we have highlighted these amendments in the report.

6. The Council's published schedule of MMs included proposed renumbering of the housing and mixed-use allocations as a consequence of modifications. However, further adjustments to the allocation numbers will be needed prior to adoption of the Plan to take account of modifications in the Errata documents and others outlined in this report. Consequently, for the sake of clarity, in the attached schedule of MMs and throughout this report we have used the original site reference numbers from the Regulation 19 version of the Plan (SD023).

Policies Map

7. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map is the Rossendale Draft Local Plan Pre-Submission Publication Version Policies Map (SD025). Subsequent errata put forward by the Council were not available for the full Regulation 19 consultation period (as set out in documents SD026 and SD003). Consequently, for reasons of fairness and to ensure that any changes can be subject to appropriate consultation alongside the MMs, these documents do not form part of the submission Policies Map.
8. The policies map is not defined in statute as a development plan document and so we do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the Policies Map. In addition, there are some instances where the geographic illustration of policies on the Policies Map is not justified and changes are needed to ensure that the relevant policies are effective.
9. These further changes to the Policies Map were published for consultation alongside the MMs (Schedule of Proposed Policies Map Modifications). In this report we identify any amendments that are needed to those further changes in the light of the consultation responses.
10. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the Rossendale Draft Local Plan Pre-Submission Publication Version Policies Map (SD025) and the further changes published alongside the MMs incorporating any necessary amendments identified in this report.

Context of the Plan

11. The Rossendale Local Plan is proposed to replace the adopted Rossendale Core Strategy (2011). The new Plan will cover the whole borough and constitute the Council's development plan (alongside the Lancashire Minerals and Waste Local Plan and any future Neighbourhood Plans). Rossendale comprises the south-east part of Lancashire and is positioned between Greater Manchester and West Yorkshire. The area is characterised by its distinctive topography with inter-locking valleys surrounded by moorland, and

closely linked settlements along the valley floors. The borough contains some areas of Green Belt.

12. The coronavirus pandemic started after the close of the main hearing sessions, and lockdown restrictions have been taken into account in the consultation arrangements on the additional evidence. The hearing session on 17 June 2020 was held via teleconference. The impacts of the pandemic for Rossendale and for the implementation of the Plan are unclear at present, and this is highlighted at relevant points in this report. Any longer-term effects would be addressed through subsequent local plan reviews, informed by evidence of the actual effects of the Covid-19 pandemic.
13. On 1 September 2020 the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force. This Regulation creates a number of new Use Classes, including Class E, commercial, business and service uses. Modifications to reflect the wider range of uses within Class E are explained in more detail at relevant points in this report.
14. An updated version of the NPPF was published in July 2021. Comments were sought from the Council regarding implications for the Plan. The Council's response in document EL12.008 was published alongside the schedule of MMs and identifies a number of changes to the Plan relating to various matters including design, climate change and trees. These are captured in the schedule of MMs and are highlighted at relevant points in this report.

Public Sector Equality Duty

15. We have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included consideration of several matters during the examination including the provision of traveller sites to meet need and requirements for accessible and adaptable housing.

Assessment of Duty to Cooperate

16. Section 20(5)(c) of the 2004 Act requires that we consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
17. The Council has prepared a Duty to Cooperate Statement (SD008) which sets out how it has cooperated with other Local Planning Authorities and additional bodies prescribed in the Regulations. Links with other district councils in Lancashire and the County Council are well established and there has been regular engagement through the Lancashire Development Planning Officers Group and other forums. Bespoke engagement has also taken place with these and other authorities, including the Greater Manchester Combined Authority, and with duty to cooperate bodies as part of Plan preparation.
18. The Duty to Cooperate Statement sets out evidence of constructive engagement and resolution of outcomes on strategic issues including renewable energy, the natural environment, infrastructure, housing and employment. This has included joint evidence work relating to wind turbines and renewable energy development with other South Pennine Authorities and production of a Memorandum of Understanding on Renewable Technologies.

The Council has liaised closely with the Environment Agency and Natural England on habitat protection and flood risk, resulting in collaborative approaches to protection and mitigation.

19. Close working has taken place with Lancashire County Council as Local Highways Authority (LHA) and Local Education Authority, National Highways (formerly Highways England) and other infrastructure providers to secure the provision and maintenance of infrastructure needed to support growth.
20. The Council has cooperated with other adjoining authorities in establishing the Housing Market Area (HMA) and the Functional Economic Market Area for Rossendale. Discussion has taken place on development needs. The Council is proposing to meet its identified needs for housing, Traveller accommodation and employment land within Rossendale. Other adjoining authorities are at varying stages of Plan preparation, but there are no active requests from these authorities to meet unmet housing or employment needs within the borough. There are no objections before us from other authorities or prescribed bodies regarding compliance with the duty to cooperate.
21. Overall, we are satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to cooperate has therefore been met.

Assessment of Other Aspects of Legal Compliance

22. The Plan has been prepared in accordance with the Council's Local Development Scheme (SD017). However, the length of the examination means the Council's anticipated date for adopting the Plan will be later than expected.
23. Consultation on the Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement (SD018). The Council has been able to appropriately involve the community during the pandemic in accordance with the provisions of SD018 and having regard to the Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020 (EL6.015).
24. The Council carried out a SA of the Plan, prepared a report of the findings of the appraisal, and published the report along with the Plan and other submission documents under Regulation 19. An Addendum to the SA was subsequently published in June 2020 and includes an updated appraisal of the spatial strategy and housing and employment land requirement options, alongside new appraisals on additional sites and a number of development management policy options. The SA work was further updated to assess the Main Modifications. Overall, we are satisfied that the Council's SA work is fit for purpose and provides a sufficiently robust high-level assessment, proportionate to Local Plan preparation.
25. The HRA (SD006) and the March 2019 update (SD006.1) sets out why an Appropriate Assessment is necessary and that a full assessment has been undertaken. The assessment finds no adverse effects, alone or in combination, on site integrity associated with the Rochdale Canal Special Area of Conservation (SAC) or the Manchester Mosses SAC. It also concludes that

the Plan alone will not have any adverse effect on the South Pennine Moors SAC or the South Pennine Moors Phase 2 SPA.

26. In combination with other plans, the assessment finds it unlikely that the Plan will lead to adverse effects on the integrity of these sites due to increased recreational pressure. However, the technical note appended to EL8.001.4 estimates potential visitor trips to the South Pennine Moors SAC or South Pennine Moors Phase 2 SPA, in combination with other plans, to be less than 1% of total annual trips.
27. Pennine Prospects is leading on the creation of a South Pennines Park and associated 15 Year Partnership Plan which will include a Visitor Management Plan designed to mitigate recreational impacts. This work will be based on an updated survey of recreational trips which has not been possible to complete (EL8.0041). However, the Council are committed to engaging in this work. Given the low proportion of estimated trips generated in combination with other plans, this commitment is sufficient for us to be satisfied the Plan will not have adverse effects on the integrity of any European site. Natural England are also satisfied with this position.
28. Modifications are outlined under Issue 1 below that will involve the inclusion of clear strategic objectives in the Plan. These are necessary for reasons of soundness and also to ensure compliance with Section 19 in the Planning and Compulsory Purchase Act 2004 (as amended). Consequently, it can be demonstrated that the development plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area.
29. The Plan does not clarify whether the policies will supersede those in the adopted Core Strategy. The inclusion of this information, as set out in **MM058**, will ensure legal compliance with the 2012 Regulations.
30. The Development Plan, taken as a whole, includes policies designed to ensure that development and use of land in the local planning authority's area contributes to the mitigation of, and adaptation to, climate change. Examples of such policies are ENV1, ENV5, ENV6, ENV7, ENV8, ENV9, ENV10, TR1, TR2 and TR4.
31. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Assessment of Soundness

Main Issues

32. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, we have identified 10 main issues upon which the soundness of this plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

Issue 1 – Does the Plan set out a clear vision and strategic objectives and an appropriate spatial strategy which is justified, effective and consistent with national policy? Is the plan period consistent with national policy?

Vision and strategic objectives

33. The Plan refers to a number of aims and constraints/opportunities but does not contain a vision section or strategic objectives. As such it is not clear what has informed the strategic policies in the Plan and what they are seeking to achieve and address.
34. The inclusion of a clearly articulated vision and objectives at the start of the Plan is necessary for reasons of soundness. It will help to ensure the Plan is effective and consistent with paragraph 15 in the NPPF. The inclusion of strategic objectives will also help to facilitate legal compliance as outlined above.
35. The vision outlined in **MM001** seeks to promote opportunities for sustainable growth and enhancement and the regeneration of the main towns, whilst protecting the borough's distinctive landscapes and natural assets. The objectives in **MM001** reflect the vision and provide greater detail. We have made a small further change to the final environment objective as published, to refer to the need to 'conserve' as well as 'enhance' the historic environment. This will ensure consistency with the Plan's overarching policy on heritage (ENV2) and the NPPF. The vision and objectives in **MM001** will provide an appropriate broad framework for the delivery of sustainable development in the borough.

Policy SS - Spatial strategy

36. The Plan's spatial strategy seeks to focus growth in and around the Key Service Centres, with development supported in other settlements taking account of settlement size plus other factors such as site suitability, local character, local needs and other factors. The Key Service Centres comprise the largest and most sustainable settlements in the borough, as set out in the Council's Settlement Hierarchy Paper (EB8.002.2). The Rossendale Economic Strategy 2018 to 2033 identifies the regeneration of Rawtenstall, Bacup and Haslingden as a priority, building on existing transport nodes and town centre renewal initiatives. As such the strategy promotes the principles of sustainable development and the urban focus outlined in the Local Plan vision, whilst recognising that environmental constraints, local needs and other factors may be relevant in informing the amount of growth in a particular location.
37. Modifications are necessary to Policy SS to clarify this broad spatial strategy. The changes in **MM002** include removal of reference to specific sites and outcomes, and the relocation of the detailed hierarchy list of settlements to the explanation text (captured in **MM001**). The changes will ensure the policy is spatially focused, effective and soundly based.
38. The settlement hierarchy list has been amended to include several omitted settlements and reflect the groupings identified in the Council's Settlement

Hierarchy Paper. The changes are necessary to ensure the plan is justified and effective. The groupings in **MM001** are based on a clear hierarchy of sustainability which takes account of levels of facilities/services and settlement roles. The categorisation of settlements against the groupings has been informed by evidence in the Settlement Hierarchy Paper and are robustly based.

39. The spatial strategy also seeks to maximise development on previously developed land within settlements whilst allowing some growth on greenfield sites outside settlements. Part of the borough is covered by the Green Belt, including areas adjoining a number of the main settlements. Elsewhere in this report it is concluded that in principle there are exceptional circumstances to justify the release of Green Belt land for housing and employment. New explanation text to Policy SS in **MM002** clarifies the Council's approach to the Green Belt and is needed to ensure the policy is effective. We have made two further small adjustments to the published text to clarify that the smaller allocation sites in the Green Belt are on land which is partly rather than wholly previously developed and that the focus is mainly but not solely on major sites. This is needed to ensure the text is consistent with the spatial strategy and allocations in the Plan.
40. The distribution of growth between different settlements, as set out in the tables in EL1.002k, indicates that nearly half of housing growth on specific sites and the majority of proposed employment land would be focused in and around the Key Service Centres. There may be some slight adjustments to these percentages as a result of updated supply and modifications elsewhere in this report, but none that would lead to significant alterations in the pattern of distribution. The identified distribution is consistent with the spatial strategy and indicates that the Plan would, in broad terms, facilitate a sustainable distribution of development. The suitability of specific sites is dealt with later in this report.

Policies SD1 and SD2

41. Policy SD1 reflects the presumption in favour of sustainable development which is at the heart of the NPPF. Modifications in **MM003** are necessary to ensure consistency with the wording in the updated NPPF 2021.
42. The first section of Policy SD2 seeks to focus new development proposals within the Urban Boundaries. This approach reflects the principles of sustainable development but incorporates suitable flexibility for uses that may be appropriate in a rural location. As such it is consistent with national policy. However, modification **MM004** to the explanation text is necessary for reasons of effectiveness, to clarify the types of exceptions and to link it to other development management policies. The remaining sections of Policy SD2 relate to the Green Belt and are dealt with under Issue 4 below.

Plan period

43. Paragraph 22 in the NPPF states that strategic policies should look ahead over a minimum 15-year period from adoption. The submitted Plan covers the period between March 2019 to March 2034 and therefore only covers a thirteen period from anticipated adoption in 2021. Accordingly, in order to be consistent with national policy the plan period should be extended to March

2036. This requires changes to the supporting text at the start of the Plan (**MM001**) and text linked to Strategic Policy SS (**MM002**). Implications relating to the housing requirement and employment land requirement in the Plan and other consequential changes are explored later in this report.

Conclusion

44. In conclusion, subject to the aforementioned modifications, the vision and strategic objectives are clear and an appropriate spatial strategy is provided which is justified, effective and consistent with national policy. The modification to extend the plan period to 2036 will ensure that the Plan is consistent with national policy.

Issue 2 - Is the employment land requirement in the Plan soundly based and does the Plan set out a positively prepared strategy for employment growth and development which is justified, effective and consistent with national policy?

Functional economic market area

45. Evidence of commuting patterns and Travel to Work Areas, as set out in the Council's Employment Land Review (2017) (ELR), demonstrates that Rossendale does not comprise a self-contained functional economic market area. The ELR highlights particularly significant commuting and migratory relations with Manchester and Blackburn. However, the Council has worked with neighbouring authorities as part of the duty to cooperate and the evidence indicates that each are proposing to meet their own identified needs for employment land within their boundaries and there are no active requests to meet shortfalls from elsewhere. It is appropriate in these circumstances to consider employment needs in Rossendale on a borough basis.

Employment land requirement and supply

46. The Council's Economic Development Strategy 2018-2033 seeks to improve the borough's economic prosperity, building on its strategic location between Greater Manchester and West Yorkshire. The provision of a suitable supply of employment land is identified as a key priority that will help to facilitate business growth and inward investment, thereby increasing the number and quality of jobs and reducing out-commuting. The Rossendale Valley Growth Corridor in the west of the borough is identified as a key location for future business investment in the vicinity of the A56, taking advantage of its strategic transport links and connections.
47. The submitted Plan identifies an employment land requirement in Policy EMP1 of 27 additional gross hectares for the period up to 2034. This broadly represents a mid-point in the range identified in the ELR of 22 to 32 gross hectares of additional employment land for office, industrial and warehousing uses.
48. The range identified in the ELR is based on a number of sources, including Experian based labour demand forecasts, labour supply estimates, and past take-up rates. Growth projections are translated into land requirements using established plot density ratios. The methodology incorporates an allowance for loss, and a modest safety margin representing a two-year take-up rate.

Respectively these are intended to address reductions in the borough's overall land portfolio and provide flexibility to allow for uncertainties and delays in sites coming forward. The figures are informed by local completions/loss evidence over a reasonable period, during which a range of economic circumstances were experienced, and take account of trends in the market. Overall, the general methodology is broadly reasonable and takes account of qualitative as well as quantitative factors.

49. The Council has subsequently produced a series of updated employment projections (EL10.002) which take account of the extended plan period 2019-36 and a slight adjustment to the housing requirement figure outlined in Issue 3 below. This shows a lower need of some 14-19 hectares of employment land between 2019-36 due to changes in employment forecasts and population estimates. This range is lower than the requirement figure of 27 hectares in the submitted Plan. However, qualitative evidence indicates there is a shortage of good quality small and medium-sized industrial premises, particularly in the west of the borough close to the A56, and a need for good quality office accommodation. Further, the provision of additional employment land would help to provide choice for businesses and ensure flexibility in supply. Forecasting employment growth is not an exact science, and one of the key objectives in the Council's employment strategy is to increase local employment opportunities and reduce out-commuting. A requirement of 27 hectares would assist the Council in expanding the economic base in the borough and increasing the jobs density ratio, whilst providing choice and flexibility in strategic locations.
50. The Council's evidence states that recent changes to permitted development rights could lead to increased loss of office/light industrial land to other uses and thereby justify a higher loss replacement figure. However, as with the impact of Brexit and the Covid-19 pandemic, it is considered that the effects are currently difficult to quantify and there is considerable uncertainty regarding the impact on the economy over the plan period. Any long-term effects linked to these issues will need to be monitored and addressed through subsequent local plan reviews, informed by evidence of actual impacts.
51. Taking account of all factors in the round, it is concluded that the employment land requirement of 27 hectares in the Plan is soundly based. The Council's updated supply evidence in EL10.002 identifies a total of some 31 hectares of employment land supply over the plan period, which is slightly higher. However, this would allow for an element of non-delivery from commitments, as well as providing market choice and flexibility.
52. The Council's supply estimates have taken account of a range of sources including outstanding commitments, completions since the start of the plan period, allocation sites and spare capacity on existing employment sites. The supply figures have been informed by a detailed and wide-ranging assessment of the suitability and condition of existing and committed stock and potential employment sites, as set out in the ELR. It has involved a degree of judgement about the suitability and deliverability of sites and capacity, but we are content that the overall approach in the ELR is sufficiently robust.

53. The employment supply figures in EL10.002 represent a reasonable broad estimate of supply over the plan period. The employment allocations include a number of Green Belt releases, but under Issue 4 below it is concluded that exceptional circumstances exist in principle to justify the release of land from the Green Belt to deliver identified employment needs. The suitability of specific allocation sites and their release from the Green Belt is covered later in this report.
54. In order for the Plan to be effective a new summary table of employment land supply should be inserted in Policy EMP2, reflecting that in EL10.002 (**MM027**). Amendments are also needed to Table 2 in Policy EMP2 (**MM027**) and the supporting text to Policy EMP1 (**MM026**) to reflect the latest figures in EL10.002, provide clear information on all sources of supply and ensure effectiveness. The new summary table and other modifications take account of changes to site area and capacity detailed under Issue 7 below.
55. Modifications are also needed to Policy EMP1 (**MM026**) for reasons of effectiveness, to clarify that the employment requirement of 27 hectares relates to the total gross site area rather than net.
56. Policy EMP2 is titled 'employment site allocations' but also seeks to protect mixed-use allocations containing employment and a number of identified existing employment sites. Changes are needed to the first paragraph in the policy and to the explanation text to clarify this position and ensure they align with the table. The modifications in **MM027** also include a number of further small changes we have made to the schedule of MMs as published. This includes altering the title of the policy and Table 2 to 'employment/mixed-use allocations and existing employment sites' and amending column and row titles in Table 2 to clearly distinguish between the categories. These amendments do not change the meaning of the policy but are necessary to ensure effectiveness and consistency.
57. Changes are needed to Policy EMP1, Policy EMP2, Table 2, and the explanation text to reflect the Use Classes Order (UCO) changes and ensure consistency with national policy. This includes the deletion of reference to B1, A1-A5 and D2 Use Classes and insertion of reference to the new commercial Use Class E. The altered plan period also needs to be referred to in both policies, as discussed under Issue 1. The changes are covered in **MM026** and **MM027**.

Employment policies

58. Policy EMP3 seeks to prevent the loss of existing employment sites or sites last used for employment purposes to other uses. However, recent changes to the UCO mean that the policy as worded would not be effective or deliverable insofar as it relates to B1 development, as permitted changes will be able to take place within new Use Class E. Accordingly, the policy and explanation text should be amended, for reasons of effectiveness, to exclude B1 uses (**MM029**).
59. Criterion b in Policy EMP3 indicates that proposals should not involve the net loss of jobs. However, changes are needed to make the wording more flexible and effective, recognising that change of use could result in jobs loss, for

example from employment to housing, but may be justified for other reasons. (**MM029**).

60. The Council has confirmed that the term 'employment generating development' in Policy EMP4 is wider than the traditional B-use classes. Details of the definition need to be included to ensure the policy is effective and complies with national policy.
61. For the same reasons, additional text is needed in Policies EMP4 and EMP5 to clarify that the policies are intended to support the spatial strategy, with development outside urban boundaries only being permitted in certain circumstances. These changes are included in **MM030** and **MM031**. Modification **MM031** also includes changes to Policy EMP5 to reflect the UCO changes.

Conclusion

62. In summary, it is concluded that the employment land requirement in the Plan is soundly based, and that the employment strategy and policies, subject to the above modifications, are positively prepared, justified, effective and consistent with national policy.

Issue 3 – Is Rossendale's housing requirement, as identified in Policy HS1 in the Plan, soundly based?

Housing Market Area

63. Evidence in the Council's Strategic Housing Market Assessment 2016 shows that Rossendale has a self-containment rate of about 62-63% in relation to migration flows, which is below the typical rate of 70% considered to represent a HMA. However, none of the alternative modelled HMAs incorporating Rossendale produce a self-containment level which is significantly higher, and there are stronger combinations of Greater Manchester authorities which exclude Rossendale. Therefore, it is reasonable and pragmatic to use the administrative boundary of Rossendale borough as a 'best fit' HMA for planning purposes.

Overall housing requirement

64. Policy HS1 in the Plan identifies a housing requirement of 3,180 additional dwellings over the plan period 2019 to 2034, or 212 dwellings per annum (dpa). This figure is based on the Council's calculation of minimum housing need using the standard methodology in the Planning Practice Guidance (PPG) and extrapolated over the 15-year plan period. The Council's calculations show that household projections for the period 2016 to 2026 and an affordability ratio from 2016 were used.
65. The Council's approach raises a number of issues. Firstly, the calculation is not consistent with guidance in the PPG on Housing and Economic Needs Assessment, which states that the current year should be used as the starting point for projections and the most recent affordability ratio should be applied. Revised workings, taking account of the draft Plan publication date of August 2018, have been undertaken by the Council and produce a figure of 208 dpa.

66. Secondly, paragraph 008 in the PPG states that '*local housing need calculated using the standard method may be relied upon for a period of 2 years from the time a plan is submitted to the Planning Inspectorate for examination.*' It is now more than two years since the Plan was submitted in March 2019.
67. Thirdly, as set out in Issue 1, the housing requirement in the Plan only looks ahead over a 13-year period from anticipated adoption in 2021. As such it is not consistent with paragraph 22 in the NPPF.
68. Taking account of these factors, the Council has recalculated housing need using the standard methodology (in EL10.001). This has involved application of a figure of 208 dpa for the period 2019 to 2021 and 185 dpa from 2021 onwards. The first figure is based on application of the standard methodology at the date of the publication draft Plan and the latter figure uses 2021 as the base date. This approach is considered to be reasonable in the case of Rossendale, reflecting the passage of time between the two events. The extended plan period 2019-2036 has been used to allow a 15-year period from 2021. The revised workings show that there is a need for 3,191 dwellings between 2019 and 2036. The figure of 3,191 is only marginally different to the need and requirement of 3,180 dwellings in the submitted Plan.
69. The Council is not pursuing a further uplift above need identified using the standard method and accordingly has proposed an amended housing requirement of 3,191 dwellings, equating to an average of 188 dpa over the plan period. There are no proposals to deliver unmet needs arising from neighbouring authorities. Lancashire as a county has secured a Growth Deal but there is no evidence that there are funding arrangements in place to accelerate housing delivery in Rossendale on a significant scale. A number of strategic infrastructure projects referenced in the Plan, such as improvements to the M60/M62 and A56, are long-term projects without clear timescales or funding at this stage and are not linked to the delivery of growth in the submitted Plan. Completions data shows that previous levels of housing delivery in the area were not significantly greater than the outcome from the standard method as revised.
70. The Council's Strategic Housing Market Assessment identifies a high level of affordable housing need in the borough. However, meeting affordable housing needs in full would require a housing delivery rate which is far in excess of past trends. It would also be likely to involve the loss of greenfield sites and could involve considering further Green Belt land for potential release.
71. The latest baseline Experian employment forecast in document EL10.002 identifies a need for 242-262 dpa to support future jobs growth over the extended plan period, and higher employment growth would produce a greater housing need figure. However, as outlined under Issue 2, the Council's employment strategy aims to decrease out-commuting and increase jobs density in the borough, as well as increase the employment rate, which would mean more local people working in the borough. As such it is not necessary to secure a precise balance between new employment and housing growth.

72. Taking account of all factors in the round, it is concluded that there is no convincing evidence that an uplift in the housing requirement is necessary. There is also no persuasive evidence of exceptional local circumstances that would justify deviating from the standard method and warrant a lower figure. A housing requirement figure based on the minimum number of homes derived from the standard methodology is justified. Part of the borough is covered by Green Belt and a number of housing allocations would involve the release of land from the Green Belt. However, elsewhere in this report it is concluded that, in principle, there are exceptional circumstances to justify the release of Green Belt land for housing and employment.
73. Overall, it is concluded that the housing requirement of 3,180 dwellings in Policy HS1 in the Plan should be amended to 3,191 to reflect the updated local housing need figure and amended plan period. The requirement should be stepped to represent the two different calculation periods, with a figure of 208 dpa for 2019/20 to 2020/21 and 185 dpa from 2021/22 to 2035/36. These changes are set out in **MM006** and are needed to ensure the policy is positively prepared, justified, effective and consistent with national policy.

Edenfield housing requirement

74. Policy HS1 identifies a sub-target housing requirement for the Edenfield Community Neighbourhood Forum area. The figure of 456 dwellings is capacity-based, linked to housing allocations in the Plan. Some additional supply may come forward in Edenfield from outstanding commitments and windfalls over the plan period. However, there is no compelling evidence that this will be significant, and notwithstanding this, the requirement of 456 is not expressed as a maximum figure.
75. It is established under Issues 4 and 7 that exceptional circumstances exist to release land from the Green Belt and that the proposed Edenfield allocations are justified, effective and consistent with national policy. Accordingly, it is concluded that the Edenfield housing requirement figure is soundly based. However, for reasons of effectiveness Policy HS1 should be corrected through **MM006** to specify that the requirement applies to the Neighbourhood Forum Area, rather than the Forum itself.

Conclusion

76. In conclusion, subject to the modifications above, the housing requirement in Policy HS1 in the Plan is soundly based.

Issue 4 – Do exceptional circumstances exist in principle to justify the release of land from the Green Belt for housing and employment? Is the Plan's approach towards the Green Belt effective and consistent with national policy?

77. The Green Belt covers approximately 20% of the borough's area, mainly encompassing areas in the south-west and south-east and adjoining the Greater Manchester Green Belt.
78. The Plan proposes five housing sites on land that would be released from the Green Belt. Three employment allocations are also proposed on Green Belt release sites.

Principle of exceptional circumstances

79. The Council has carried out a thorough assessment of potential capacity to accommodate housing and employment development in the borough, based on evidence in its Strategic Housing Land Availability Study (2017) (SHLAA), ELR (2017), Open Spaces Study and other sources. This work was further refined by site option assessment work undertaken as part of plan preparation.
80. The SHLAA and further site assessment work has been informed by relevant technical evidence, SA and the need to locate development in sustainable locations in accordance with the spatial strategy. There have been some challenges to aspects of the assessment and reasoning for individual sites, which is inevitable given that an element of planning judgement is involved. However, notwithstanding a number of MMs outlined elsewhere in this report, it is considered that the overall process has been robust and has not led to an inappropriate identification of selected sites. Further details relating to the site selection process are covered under Issue 7 below.
81. A bespoke assessment of the net developable area and a reasonable minimum standard rate of 30 dwellings per hectare was applied to estimate residential site capacity. Higher rates were used for sites in town centre and accessible locations, and for suitable brownfield sites, consistent with national policy. The Council has sought to optimise density, taking account of surrounding character, the availability of infrastructure and services and other factors. Brownfield site options have been actively pursued and investigated as part of the assessment work and prioritised in the employment and housing site selection methodology.
82. The assessment work shows that there is insufficient capacity within the existing Urban Boundary or on non-Green Belt land in the countryside to accommodate the identified requirement of 3,191 dwellings and 27 hectares of employment land over the plan period. The shortfall of suitable and deliverable sites is due to a number of factors including the topography of the borough, infrastructure and flood risk. The Council's Housing Update Paper May 2021 (EL10.002) shows that a total of some 2,650 dwellings are identified on new allocations within the current Urban Boundary or non-Green Belt sites, or are anticipated from outstanding commitments, windfalls on small sites and completions. This leaves a shortfall of just over 500 dwellings over the plan period against a requirement of 3,191. This shortfall is broadly similar in the Housing Update Paper August 2021 (EL12.007). Further details on housing supply are set out in Issue 8 below.
83. The NPPF states that alterations to Green Belt boundaries should only be made in exceptional circumstances. The Council is aiming to meet identified housing needs in line with national policy. The Plan does not rely on other authorities to meet any shortfalls, and there are no active requests from nearby authorities to accommodate any of their unmet housing needs within Rossendale. Many of these other authorities also have Green Belt land. The delivery of identified housing needs in Rossendale would help to provide sufficient homes for people and facilitate the delivery of additional affordable housing. Population growth coupled with additional housebuilding would also

aid the local economy and support the Council's aspirations for economic growth and jobs delivery.

84. As set out in Issue 2, the employment land requirement in the Plan takes account of qualitative needs and allows for choice and flexibility in the market. The development of sites and businesses in the Rossendale Valley Growth Corridor is a key part of this strategy, but there are insufficient suitable and deliverable sites within urban boundaries or on other non-Green Belt sites in this part of the borough. The release of Green Belt land for employment would allow the Council to meet local needs for economic growth and support business investment in the Rossendale Valley Growth Corridor.
85. Therefore, in the absence of reasonable alternatives, and given the benefits associated with local housing and economic growth, it is concluded that exceptional circumstances exist in principle to justify the release of land from the Green Belt to deliver identified housing and employment needs in Rossendale. This is, however, subject to an assessment of environmental capacity and demonstration of exceptional circumstances on a site-by-site basis, as covered in Issue 7 below. The Council's Green Belt review is also dealt with in Issue 7.

Other changes to the Green Belt

86. A number of minor alterations to the Green Belt boundary are proposed to take account of mapping errors, planning permissions and changes in physical features. This includes further consequential changes to Green Belt boundaries linked to allocations, to allow more logical and defensible Green Belt boundaries to be created. These proposed changes are detailed in the Council's Proposed Green Belt and Urban Boundary Changes document (2019) and shown on the Policies Map.
87. One of the proposed alterations, GB(Major)1, involves the inclusion of a row of houses in the Green Belt in Rawtenstall. This proposed change is not considered to be consistent with one of the aims of Green Belt, which is to keep land permanently open. The proposed change will need to be removed from the Policies Map when the Plan is adopted. Changes are also needed in association with consequential changes for site NE5 as outlined in Issue 7 below. The other proposed alterations will ensure the Green Belt boundary is logical and robust, and are therefore justified.
88. The Plan does not identify safeguarded land. The Council has elected to consider the issue of further releases of Green Belt land through future Plan reviews, citing uncertainty about future longer-term housing needs and the strategy to accommodate them through cooperation with other authorities. The Council's approach is pragmatic and consistent with Green Belt policy in the NPPF.

Approach to Green Belt in Policy SD2

89. Policy SD2 states that development on the allocation sites to be released from the Green Belt should minimise impact on openness. However, as these sites are to be removed from the Green Belt, this approach is not necessary or justified. Modification **MM004** would replace 'openness' with reference to the

character of the area and the approach in Policy ENV3 and ensure consistency with national policy.

90. Policy SD2 provides little information on compensatory improvements to the Green Belt or how they would be realised. The creation of a new policy (SD4) on compensatory improvements (**MM005**), which cross-references to the Council's Green Belt Compensatory document and its successor and refers to potential measures, is needed to ensure consistency with national policy. Cross-references within site-specific policies where relevant are needed for the same reason (**MM009**). The Council's viability assessment incorporates costings which relate to Green Belt compensatory measures and indicates that scheme viability would not be unduly affected, whilst Policy SD3 provides flexibility where there are viability issues. Viability is discussed further in Issue 10 below. Work is on-going to confirm compensatory scheme details/feasibility and the policy changes provide a suitably flexible and pragmatic framework.
91. Land at Edenfield recreation area and playground is not in the Green Belt and the scheme does not appear in new Policy SD4. However, it is referred to in error in several places in the published schedule of MMs. We have therefore adjusted the schedule as published to remove these references in H71, H72 and H73 (as captured in **MM009**). This ensures consistency with Policy SD4 which provides the overarching strategy for Green Belt compensatory improvements.

Conclusion

92. In principle, the release of land from the Green Belt to meet identified housing and employment needs is justified. However, this is subject to exceptional circumstances being demonstrated for the alteration of Green Belt boundaries for specific sites, dealt with in Issue 7 below. The proposed minor Green Belt changes, subject to the outlined main modification, are soundly based.
93. Subject to the above modifications to Policy SD2 and the inclusion of details relating to compensatory improvements, we are satisfied that the Plan's approach to the Green Belt is effective and consistent with national policy.

Issue 5 - 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?

Affordable housing

94. The Council's evidence (EB002) identifies a range of affordable housing need for the borough of between 102 and 170 affordable dwellings per annum, (based on 25% and 33% income ratios respectively) or between 50% and 83% of 204 dwellings per annum (the upper estimate of demographic-led needs).
95. The Council's evidence of past affordable housing delivery since the Core Strategy was adopted (EL4.006) shows 30% has been achieved, although not on every scheme. This is partly due to bespoke site-specific circumstances and constraints which impacted on development viability.

96. The Council's viability assessment (considered further under Issue 10) shows that an increase above 30% is unviable and there may be challenges achieving 30% in Zone 1 (Bacup and Stacksteads) and Zone 2 (Whitworth, Facit, Shawforth, Britannia, Weir, Newchurch and Waterfoot). However, it also shows that it would be broadly achievable in Zones 3 and 4 covering the remainder and a larger part of the Borough including Rawtenstall, Edenfield and Haslingden.
97. Policy HS6 requires qualifying market housing sites to provide 30% affordable housing on-site. Whilst the full affordable housing need will not be met, overall, on balance, 30% should be achievable for most schemes in the Borough unless those schemes are burdened with unforeseen development costs. To set a lower threshold would reduce the amount of affordable housing delivered and Policy HS6 makes clear that 30% is subject to site and development considerations such as financial viability such that it will not act as a barrier to delivering housing.
98. Modification **MM044** relating to biodiversity and green infrastructure net gain will reduce development costs and **MM015** relating to housing space standards will allow for more flexibility in design and density. Consequently, these MMs positively affect scheme viability, increasing the prospect of 30% being achieved.
99. The positive approach to rural exception sites as a source of affordable housing is justified and consistent with national policy. However, Policy HS15 specifically deals with this issue and should be cross referenced in Policy HS6 for effectiveness. Further, the need for a proportion of affordable housing to meet the needs of older people, especially those requiring extra and residential care is also justified. For effectiveness it should be made clear this will only relate to a proportion of the required affordable housing. Main modifications are also necessary to bring the site size threshold in Policy HS6 into line with national policy.
100. Policy HS15 provides a positive framework for affordable housing to be delivered in rural areas through rural exception sites. This is justified and consistent with paragraph 78 of the NPPF. Such sites would be non-allocated sites, adjoining the Urban Boundaries of a settlement as shown on the Policies Map. Criteria a and b would ensure that sites within the Urban Boundaries are fully explored first and that any scheme would be in keeping with the scale and character of the settlement it would adjoin. These principles are necessary to ensure effectiveness and consistent with the aim to achieve well-designed places in the NPPF. However, it is unclear what criterion c is seeking to achieve or what is expected of developers to demonstrate compliance. Criterion d seeks to ensure any affordable housing delivered through this route is made available to people with a local connection. However, there is no substantive local evidence to justify allocating affordable housing delivered through rural exception sites any differently to that delivered through other sources such as through market housing schemes in the borough. Criterion e specifies requirements which are implicit in the national definition of affordable housing and is therefore unnecessary duplication of national policy.

101. **MM013** and **MM021** would address all these issues and subject to them, Policy HS6 and Policy HS15 are justified, effective and consistent with national policy.

Housing space standards, the needs of older and disabled people and custom and self-build housing

102. Rossendale has an above average percentage of households which include persons with a form of disability and the Council's housing register shows a disproportionate amount of housing need among elderly and disabled residents (EL8.004.2).
103. Policy HS8 seeks to secure 20% of any new housing to meet the needs of elderly or disabled residents or be easily adaptable in line with the Optional Standard M4(2) of the Building Regulations. Whilst this would still not meet the need estimated for such accommodation (EL8.004.2), the requirement for 20% has been shown to not prejudice the viability of development through the Council's Viability Assessment and will therefore optimise delivery without being a barrier to development. It is justified and consistent with national policy subject to a MM which would add a threshold of sites over five dwellings which will ensure the policy requirement can be met through the provision of a dwelling designed to meet this need on-site which is necessary for effectiveness.
104. Policy HS8 also seeks to ensure all new homes meet the national described space standard. The relevant PPG¹ says evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed. The Council's evidence (EL8.004.2) refers to three schemes and shows that all the dwellings assessed met the relevant total internal space standards, but some had rooms which fell short. This sample is considered too narrow in terms of geography, development size and type such that the positive or negative effects of implementation cannot be properly assessed. Overall, the imposition of this requirement on developments in the area would compromise flexibility without clear benefits and is not therefore justified. **MM015** would address all the above issues and is therefore necessary to ensure Policy HS8 is justified, effective and consistent with national policy.
105. Policy HS19 encourages appropriately located and designed specialist housing including retirement, extra care and supported accommodation. It also identifies three housing allocations which will deliver specialist housing. However, a main modification is needed to clarify such proposals must meet all the policy criteria for effectiveness (**MM024**). We have made a further change to the published schedule of MMs to reinstate reference to sites H53 and H67 in Policy HS19, which although completed, remain as allocations in the Plan, as listed in Table 1 in Policy HS2.
106. Policy HS20 supports custom and self-build housing. It requires schemes of 50 dwellings or more to make at least 10% of plots available for self or custom builders. Whilst this would secure a steady and proportionate supply, supply needs to be linked to demand as identified by the Council's register of those seeking such plots. If local demand does not exist it would be

¹ Paragraph: 020 Reference ID: 56-020-20150327 Revision date: 27 03 2015

ineffective to provide such plots. Furthermore, all schemes may not be able to viably meet this requirement for site-specific reasons. **MM025** would ensure this supply is only in accordance with demand and where viable and is therefore necessary for effectiveness.

Open space and playing pitch requirements in new housing developments

107. Policy HS10 requires major housing development to make provision for open space. The Council's Open Space Assessment (EL8.004.3) provides a robust up-to-date assessment of open space needs including quantitative or qualitative deficits or surpluses and opportunities for new provision in line with paragraph 98 of the NPPF.
108. However, Policy HS10 should make it clear that this evidence should be used in assessing open space requirements for new residential development on qualifying sites. Whilst it would provide more certainty if those requirements or standards were specified in the Plan this would mean waiting for on-going work to be completed before the examination can be concluded causing delay and consequential continued uncertainty about planning in the borough generally. Instead, Policy HS10 should recognise the Council's commitment to prepare a new Open Space and Play Equipment SPD to inform site-specific development requirements and financial contributions. This work is already underway and will assist the implementation of Policy HS10.
109. Furthermore, based on the Council's HRA there is no need or justification for Policy HS10 to seek contributions towards Suitable Alternative Natural Greenspace (SANG) to minimise recreation pressure on habitats. There is also no substantive local evidence to justify the threshold of only sites over 100 dwellings to make open space provision on-site. Instead, the appropriateness of on-site provision should be informed by site-specific circumstances and the open space evidence.
110. Policy HS11 requires major housing development to make provision for playing pitches. However, both HS10 and HS11 are inconsistent with the definition of major development given in the annex to the NPPF without justification. The Council's Playing Pitch Strategy identifies a specific need for an all-weather pitch (EB042) and the Council is in the latter stages of preparing a new strategy. These matters should be recognised in the policy for effectiveness as they will assist implementation.
111. **MM017** and **MM018** would deal with all these issues and subject to the main modifications therein, Policies HS10 and HS11 are justified, effective and consistent with national policy.

Other housing related policies

112. Paragraph 124 of the NPPF requires planning policies to support development that makes efficient use of land. Densities for individual housing allocations are listed in Table 1 of the Plan and are informed by site-specific circumstances such as the need to provide landscaping or conversion of an existing building. Policy HS7 seeks to ensure new housing on non-allocated sites is built to an appropriate density to ensure the efficient use of land. However, reference to high densities being provided within 300 metres of bus stops on key transport corridors would cover excessively large areas of the

borough. Furthermore, Policy HS7 is not clear with regards to what the minimum density should be in town centres which are well served by public transport as required by paragraph 125 of the NPPF. **MM014** would address this by setting a minimum density for town and district centres with flexibility elsewhere in recognition of the character of the borough and is necessary for effectiveness and to ensure consistency with national policy. The policy remains suitably flexible as it will be applied alongside other policies of the plan such as Policy ENV1.

113. Policy HS9 seeks to guide the type of development which may be acceptable in private residential gardens. However, there is nothing in the policy which is not covered by other policies in the Plan. The policy is therefore ineffective and unnecessary. **MM016** would address this by deleting it.
114. Policies HS13 and HS14 respectively set out criteria to be applied to domestic extensions and replacement dwellings. Both seek to avoid disproportionate increases in the volume, which is consistent with the principles for achieving well-designed places set out in section 12 of the NPPF. However, both policies specify that increases in volume by up to 30% are not considered disproportionate. This threshold is not specified in national policy and is not supported by any substantive local evidence. The acceptability of any proposal should be determined by its design and context. Subject to **MM019** and **MM020** which would remove reference to the 30% volume limits Policies HS13 and HS14 are justified, effective and consistent with national policy.
115. Policy HS16 sets out a positive framework for the conversion and re-use of buildings in the countryside. However, it unnecessarily and inaccurately makes reference to the need to consider impacts on heritage assets which are adequately dealt with through other policies of the Plan. Furthermore, adherence to a SPD in determining proposals is not a reasonable policy requirement and is not justified in this instance. **MM022** would remove reference to the SPD and heritage assets from the Policy and is therefore necessary to ensure Policy HS16 is justified and effective.

Traveller accommodation

116. The Council's Gypsy and Traveller and Travelling Showpeople's Accommodation Assessment (2016) (GTAA) identifies a need for four additional permanent pitches and four transit pitches for Gypsies and Travellers in the borough over the plan period. The GTAA is based on a robust methodology which includes a range of quantitative and qualitative data and survey work.
117. The Council has worked with other authorities as part of the duty to cooperate, as set out above. There are no offers from other authorities to accommodate any of Rossendale's needs and the Council is proposing to meet its own need for Gypsy and Traveller accommodation.
118. The Council proposes to accommodate two additional permanent pitches through intensification of existing sites, with the other two pitches coming forward through windfall development. Taking account of the small level of unmet need in Rossendale and the uncertainty identified in the GTAA regarding the potential aspirational need for two pitches from individuals living in bricks and mortar, this approach is reasonable and pragmatic.

119. Policy HS18 needs to be modified to clearly convey the total permanent pitch requirement and the above strategy, for reasons of effectiveness (**MM023**). The policy is 'strategic' as it identifies requirements and strategy. Its re-classification as a strategic policy in **MM023** is therefore necessary in order to align with national policy.
120. Policy HS18 identifies a mixed-use site at Futures Park in Bacup (M4) which includes capacity for four transit pitches for Gypsies and Travellers. However, the Council as landowner has confirmed that the site is no longer available for Traveller accommodation. Modifications are therefore needed to the policy to remove reference to transit pitches on Futures Park (**MM023**). There are also consequential modifications to Policy HS2 (**MM008**), Policy EMP2 (**MM027**) and Policy EMP6 (**MM028**).
121. An alternative site proposed by the Council on land at Little Tooter Quarry, Sharneyford was the subject of consultation and a further hearing session in June 2020. However, the site has a number of constraints including its elevated location on the route between Bacup and Todmorden, which could restrict the period of usage and patronage levels, and the absence of a confirmed water supply. Furthermore, although existing quarry walls provide some screening, the site can be clearly seen from the road to the north and east and it would be difficult to shield all views given the topography. It is considered that caravan development on this site would appear incongruous and detract from the open moorland setting and character.
122. There are also questions relating to the deliverability and availability of the site for development. The scheme would require various construction works and potential mitigation measures such as fencing and landscaping. There are also costs associated with gaining control of the unregistered title and purchasing the remainder of the site. The Council indicated at the hearing that funding had not yet been identified to facilitate delivery or help with on-going costs. Taking account of the above factors and all of the submitted evidence and representations, it is concluded that the proposed alternative site at Sharneyford is not suitable for transit accommodation and that deliverability has not been adequately demonstrated.
123. The Council has assessed a range of potential transit site options and no suitable candidates have been identified. The question of how transit needs will be met therefore arises. Having considered the options, the Council has confirmed that it will seek to implement a negotiated stopping policy to meet identified transit needs. This would be adopted as Council policy and involve working with partners to identify suitable stopping places. Alongside this, a new criteria-based section is proposed in Policy HS18 to allow future potential transit sites or temporary stopping places that come forward over the plan period to be effectively dealt with (**MM023**). This overall approach, involving a mix of planning and other measures, is a pragmatic and justified way forward.

Conclusion

124. In conclusion, subject to the aforementioned modifications, affordable housing needs, Traveller accommodation needs and the housing needs of other groups

have been satisfactorily assessed and addressed in the Plan, in line with national policy.

Issue 6 – Whether the Plan sets out positively prepared policies for protecting and enhancing town centres and supporting retail growth, which are justified, effective and consistent with national policy

125. In accordance with national policy, Policy R1 defines a hierarchy of town, district and local centres and neighbourhood parades and sets appropriate and justified thresholds for local impact assessment. However, it provides little explanation of the role those centres play at the heart of local communities or how new development should respond in each centre to contribute to long-term vitality and viability. Furthermore, for effectiveness the explanation should reference significant regeneration work underway in the town and district centres. Policy R1 also refers to uses which have since been replaced by Class E of the amended UCO. **MM034** would address these issues and bring Policy R1 into line with the expectations of paragraph 86 of the NPPF. Changes are therefore necessary for effectiveness and to ensure consistency with national policy. We have made a small further change to the published schedule of MMs to correct the footnote reference and add the words 'and parade' to column 3 of Table 10 as the text applies to both centres and parades.
126. The Council's Retail Study (EB037) found there is adequate convenience floorspace to meet the need over the plan period. Whilst it identifies a need for additional comparison floorspace, need would be met by existing and planned floorspace at the New Hall Hey Retail Park in Rawtenstall.
127. Policy R2 identifies an area encompassing the former Valley Centre for future expansion of the Rawtenstall primary shopping area. This site is Council owned and is also included in the Plan as mixed-use allocation M2 (Spinning Point, Rawtenstall). It was intended to be built in two phases with phase one including a new bus station and retail units recently completed. However, during the examination the Council formally resolved not to pursue phase two which would have included new retail and other commercial development and have confirmed there is no intention to develop the site for the purposes set out in Policy M2 (EL8.015). Therefore, the mixed-use allocation is not available and should be deleted as set out in **MM008** and **MM027**. The explanation to Policy R2 also requires amending to reflect this position and reflect the uses in the updated UCO for effectiveness (**MM035**). We have made a small further amendment in **MM035** in the attached MM schedule by inserting the words 'as Rawtenstall Future Expansion' in the first sentence of the policy for clarity.
128. Policy R3 sets out criteria for managing development in district and local centres which are justified and consistent with the NPPF. Main modifications are necessary to clarify the policy applies to all centres and neighbourhood parades and to bring the specified uses into line with the updated UCO. **MM036** would address these issues and is necessary to ensure effectiveness and consistency with national policy.
129. Policy R4 seeks to avoid the loss of shops and services unless they are proven unviable or it is demonstrated that there is sufficient provision in the area.

However, proposals should only need to meet one of these criteria and it is not clear exactly where the criteria of the policy apply. Furthermore, the uses do not reflect the updated UCO. **MM037** would necessarily address these issues to ensure effectiveness and consistency with national policy.

130. Paragraph 92 of the NPPF states that planning policies should aim to achieve healthy places which enable and support healthy lifestyles through a range of measures including access to healthier food. Six of Rossendale's wards are above the England average for year six obesity and two wards were over the England average for reception obesity over the 3-year period 2015/16 to 2017/18. Public Health England has determined that Rossendale has seen a 27% increase in fast food outlets between 2012 and 2016 and has a fast-food takeaway density that is significantly above the England average. Policy R5 seeks to restrict new hot food takeaways where they would lead to an overconcentration in a particular area, risk exacerbating obesity or promoting unhealthy eating in localities with known issues in this regard. The Council's approach, in principle, is justified by local evidence and accords with paragraph 92 of the NPPF.
131. However, the third bullet point of Policy R5 seeks to restrict the opening hours of proposals within 400 metres of a primary school. Primary school children are not able to choose to access hot food takeaways in the same way as secondary school children who are older with a greater degree of independence. There are also many primary schools spread across the borough, such that the proposed restriction would cover a disproportionate amount of the borough leaving little opportunity for any unrestricted trading. Therefore, a main modification is necessary to the third bullet point of Policy R5 so that it refers to within 400 metre of a secondary school and not a primary school for effectiveness. A straight-line measurement of 400 metres broadly coincides with a comfortable walking distance and for the purposes of the policy is effective without making application of the policy unnecessarily onerous.
132. The fourth bullet point as written would not be effective as obesity levels of reception year children in all wards were lower than 22% in 2015/16-2017/18 and there is no substantive evidence to suggest this has changed significantly. It should therefore be amended to refer to 15% of Year 6 pupils or 10% of reception class age pupils classified by Public Health England as obese. These levels are justified and reasonably set at 5% above the levels aimed for in the national childhood obesity plan ('Childhood Obesity: a plan for action' 2018). Public Health England maintain data on child excess weight and obesity at ward level which is freely available and updated annually.
133. The fifth bullet point of Policy R5 requires healthy eating options to be promoted on any menu. However, this would not be reasonable, would be difficult to monitor and enforce. It would therefore be ineffective and is not justified and should be deleted.
134. **MM038** would amend bullet points three, four and five of Policy R5 as indicated above and therefore is necessary to ensure Policy R5 is justified, effective and consistent with national policy.

135. Policy R6 sets out the Council's approach to shopfronts. However, for completeness it should refer to character and appearance and the requirement for proposals to be assessed against the Council's relevant SPD is not justified. **MM039** would address this and is therefore necessary for effectiveness.

Conclusion

136. In conclusion, subject to the aforementioned modifications, the Plan sets out positively prepared policies for protecting and enhancing town centres and supporting retail growth, which are justified, effective and consistent with national policy.

Issue 7 – Are the proposed housing, employment and mixed-use allocations justified, effective and consistent with national policy?

137. The Plan contains a range of housing, employment and mixed-use allocation sites. The first section below deals with the site assessment process, whilst the second section looks at the general scope and suitability of the allocation policies in the Plan. The remaining sections cover other soundness matters relating to specific sites.

138. For the avoidance of doubt, some of the allocations are not specifically referenced below. In such cases, having taken account of the evidence and representations, we are satisfied that they are soundly based and capable of delivery over the plan period.

Site assessment

139. As identified in Issue 4, the Council has carried out an assessment of potential site options based on the SHLAA and ELR, with further assessment work carried out as part of the site selection process.
140. A wide range of additional evidence documents, such as the Rossendale Landscape Assessment, Heritage Impact Assessments, Strategic Flood Risk Assessment and SA results, have been fed into the site assessment process. For site options in the Green Belt, the Council's Green Belt Review (2016) has also been a key document.
141. The Green Belt Review assesses the contribution of areas of land to the purposes of the Green Belt. The identification of broad areas and land parcels involves an element of judgement. However, we are satisfied that the approach has been reasonable and suitably detailed, with smaller parcels assessed adjoining towns and villages and further sub-areas considered where a medium or high degree of potential harm was identified.
142. The application of Green Belt purpose 1 to the 'large built-up area' of Greater Manchester is reasonable and takes account of local geography. The Review interprets the fourth Green Belt purpose as preserving the setting and special character of Conservation Areas, rather than historic towns as set out in paragraph 138 of the NPPF. However, sensitivity testing involving the neutralisation of this element shows that overall site ratings and conclusions regarding suitability for release are not significantly affected. Overall, we

consider that the Green Belt Review provides an appropriate framework for assessing harm and has been carried out in a consistent and robust manner.

143. The site assessment process has been informed by relevant technical evidence, SA and the need to locate development in sustainable locations in accordance with the spatial strategy. As set out in the legal compliance section and under Issue 4, and notwithstanding the MMs, it is considered that the process is robust and has not led to an inappropriate selection of allocations. The Councils' evidence includes brief site summaries and clarifies the reasons for the selection and rejection of site options.
144. All of the identified suitable, deliverable and available site options have been allocated in the Plan. Most of the allocations on current Green Belt land correspond to areas that are recommended for release in the Green Belt Review and do not make a strong contribution to Green Belt purposes. However, the Council has taken account of other technical evidence as outlined above, including further site-specific Green Belt assessments of proposed sites. The outcome of the assessment work for specific sites, including whether exceptional circumstances exist to justify the release of land from the Green Belt, is detailed in the following sections.
145. Call for sites information and other evidence indicates that the majority of the site allocations are available for development. Whilst the availability of parts of sites H27, H37, H42, H43, H46, H47 (access route only), H51, H56, H62, H64, H66 and M1 are not confirmed, given the existence of promoters for certain sections and other planning history, it is considered there is a reasonable prospect of delivery within the plan period. Such sites have been positioned towards the middle to latter parts of the plan period. The Council intends to work with stakeholders and other partners to consider any obstacles to bringing forward all land allocated in the Plan and identify solutions to overcome any barriers to delivery. This will be detailed in the Council's Housing Action Plan and progress on such sites will be monitored at least annually.

General site allocation matters

146. Allocation sites for housing, employment and mixed-use are listed in Tables 1 and 2 in the Plan, with broad information provided on dwelling numbers, net developable area and the type of employment or other uses. Detailed site-specific policies for only five of the allocations are included in the Plan.
147. In some cases, the level of detail in Tables 1 and 2 is sufficient. However, for large sites or those with particular constraints or requirements, site-specific policies can provide a useful framework for decision-making and ensure that suitable mitigation measures are secured. The PPG on Plan-Making also states that '*sufficient detail should be given to provide clarity for developers, local communities and other interested parties about the nature and scale of development.*²' Accordingly, we have determined that a number of new site-specific policies should be included in the Plan, to ensure effectiveness and compliance with national policy. Further details are set out in the following sections.

² ID: 61-002-20190315.

148. The Council's Flood Risk Topic Paper (2019) and Flood Risk Update Paper (EL8.008.2) demonstrate that a sequential approach has been suitably applied in the case of the site allocations and that the exception test has been met. Site-specific details relating to the exceptions test are included in the following sections.
149. In broad terms the Heritage Impact Assessment (HIA) work undertaken by the Council has been sufficient to ascertain whether a site is likely to be capable of development without significant harm to heritage assets, subject to appropriate mitigation measures being secured. However, further HIA work is required to provide details of mitigation and it is considered appropriate to deal with this through the planning application process. Accordingly, the requirement for further HIA work is referenced in relevant amended and new site-specific policies as necessary.
150. Amendments to the housing allocations listed in Table 1 and the employment and mixed-use allocations listed in Table 2 are necessary to reflect changes in the capacity/area of sites, delivery timescales and overall supply. In the case of housing allocations, this includes capacity changes linked to new planning permissions for sites H13, H21, H59, H65 and H68. Details of other changes relating to specific sites are set out in the sections below. The changes captured in **MM008** and **MM027** will ensure the tables are effective and facilitate appropriate monitoring.
151. The build-out rates applied to the majority of the housing allocations do not exceed 30 dpa and as such are considered to be realistic. Sites H28 and H72, where the development rate exceeds 30 dpa, are discussed in the site-specific sections below.
152. **MM028** confirms that site-specific policies for Futures Park (EMP6) and New Hall Hey (EMP7) are to be amended. We have therefore omitted **MM032** and **MM033** from the attached schedule of MMs as they show the policies as being deleted and were included in the published schedule of MMs in error. Details of other changes to EMP6 and EMP7 are covered below.

Housing site allocations – Rawtenstall, Crawshawbooth, Goodshaw and Loveclough

153. H1, Greenbridge Mill, Lambert Haworth – Following the submission of the Plan this site has changed ownership, and the new owners do not intend to develop it for housing. The site is therefore unavailable for housing and the allocation is ineffective and should be deleted. **MM008** is necessary to adjust Table 1 accordingly.
154. H4, Turton Hollow, Goodshaw – This is a vacant site surrounded by buildings and close to employment. The majority of the site is owned by the Council who are working proactively to develop it. However, a small part of the site is under different ownership, with the owner stating they are unwilling to release their land for development. That part of the site is not therefore available. **MM008** is necessary to Table 1 and the trajectory to reduce the site capacity to 26 dwellings to reflect ownership, topography, landscaping and show that completions can only reasonably be expected from 2025/26 onwards. Subject to **MM008**, the allocation is effective.

155. H5, Swinshaw Hall, Loveclough - Policy HS5 sets out basic details for this greenfield site between Burnley Road and Goodshaw Lane. The site is also identified as urban greenspace in Council's Open Space Study.
156. The landowners are proactively working together on a masterplan and technical work related to heritage, landscape visual impact, open space, transport and access. Evidence prepared as part of pre application discussions shows that a safe access from Burnley Road can be achieved and traffic impacts mitigated in principle and the site could be sensitively developed without causing significant harm to heritage assets, the landscape or living conditions of nearby residents. It also shows a large area of the site would be set aside and upgraded as urban green space resulting in improved open space provision overall. Given the work undertaken to date and the clear landowner intent, the site could realistically be delivered by 2024/25.
157. However, for effectiveness Policy HS5 should make clear which parts of the site are particularly sensitive to buildings and should be kept open. It should also clarify the only feasible point of access is from Burnley Road necessitating the need for relocation of the bus stop. It should also clearly set out the requirements for open space to be retained and upgraded within the development and should clarify Swinshaw Hall is a non-designated heritage asset. Subject to **MM008**, **MM009** and **MM012** which would adjust Table 1 accordingly and add necessary detail on constraints and mitigation to Policy HS5 for effectiveness, the allocation and Policy HS5 are effective.
158. H6, land south of 1293 Burnley Road, Loveclough – This is a small undeveloped site in the eastern Burnley Road built-up frontage. Although on a shallow bend and bound by stone-walling, subject to detailed design including access and visibility details we are satisfied a safe access and sensitive development of the scale proposed could be achieved. The single landowner has specified an intent to make the site available for self-build, which is reflected in Policy HS20. However, there are no firm proposals and it is not therefore deliverable in the first five years of the Plan, but it is reasonable to expect the site to be completed after 2025/26. **MM008** amending Table 1 is therefore necessary for effectiveness.
159. H7, land adjacent Laburnum Cottages, Goodshaw – This is a green space enclosed by built form, within the setting of the Grade II listed Saint Mary and All Saints Church. It is identified as urban green space in the Council's Open Space Assessment which identifies a quantitative shortfall of this typology of open space in the Rawtenstall analysis area. However, it is also noted as relatively poor quality and close to other urban green spaces. Therefore, on balance, development can be justified subject to improvement in the quality of open space provision on nearby sites which would lead to a better provision of open space in the area overall. However, the necessary heritage and open space considerations and associated mitigation should be specified in a site-specific policy for effectiveness (**MM009**).
160. H8, Oak Mount Garden, Rawtenstall – This is garden land in the grounds of a former large mill owners house which is identified in the Council's HIA as a non-designated heritage asset. Landowners have signalled an intent to make the site available for development, although, there are no firm proposals. However, it would be reasonable to expect the site to be completed after

2025/26. **MM008** amending Table 1 is therefore necessary. Furthermore, the heritage considerations and associated mitigation should be specified in a policy for effectiveness (**MM009**).

161. H10, land at Bury Road, Rawtenstall – This is grassland with mature trees close to Rawtenstall Conservation Area. The site is identified as urban green space in the Council's Open Space Assessment and is partly within Flood Zone 3. The mature trees are of significant benefit to the area and should be retained and protected during any construction subject to detailed assessment. Although there is a quantitative shortfall of open space of this typology in the Rawtenstall analysis area, this site is close to other urban green spaces which could be enhanced to facilitate an overall better provision of this typology in the locality.
162. The boundary should also be amended to avoid land in Flood Zone 3 as detailed in EL8.008.2. Therefore, for effectiveness the heritage, open space, arboricultural and flooding considerations and mitigation should be specified in a site-specific policy (**MM009**). Subject to such the allocation is effective.
163. H11, The Hollins, Hollin Way – This site is under construction. However, the developer has confirmed the intention to build no more than five dwellings a year over the plan period. **MM008** amending Table 1 is therefore necessary for effectiveness to reflect the realistic rate of delivery.
164. H13, Loveclough Working Men's Club and land at rear and extension – Policy HS4 sets out a framework for the development of this prominent greenfield valley site which is partly within the Loveclough Conservation Area and extends along Burnley Road. During the examination planning permission was granted for a scheme including three dwellings on part of the site. Reserved matters were also approved for a scheme including 80 dwellings on another part. There is also extant planning permission for another 11 dwellings on another part of the site. If implemented these consents would cover the whole site. Given the progress to date, it is reasonable to expect all those dwellings to be completed by 2024/25 and the site capacity should be 94 dwellings to reflect the approved schemes.
165. However, if the extant consents are not implemented and an alternative scheme is pursued a comprehensive masterplan for the whole site will be reasonably required. For effectiveness Policy HS4 should make more explicitly clear what the constraints and required mitigation measures are and how they should be assessed and addressed to inform any such masterplan. It should also make clear that should the existing consents be implemented a masterplan will not be necessary. Thus, subject to **MM008**, **MM009** and **MM011** which would adjust Table 1 accordingly and add the necessary detail on constraints and mitigation to Policy HS4 for effectiveness, the allocation and policy are effective.
166. H14, Hall Carr Farm, Yarraville Street – This site comprises domestic garages and agricultural land on the edge of the built-up area. Two landowners have confirmed intentions to develop the site. However, there are no firm proposals. Whilst not deliverable, it is reasonable to expect the site to be completed after 2025/26. **MM008** amending Table 1 is therefore necessary for effectiveness.

167. H15, Willow Avenue off Lime Tree Grove – The Council's SHLAA looks at sites with capacity for 5 or more dwellings and this is the threshold for all housing site allocations in the Plan. The landowner has clearly stated the intention to develop this site for four dwellings only. On that basis, it does not meet the threshold for allocation and is not therefore justified. The allocation should therefore be deleted and Table 1 amended accordingly as set out in **MM008** for effectiveness. The Council will need to reflect this change on the Policies Map.
168. H16, land East of Acrefield Drive – The site is adjacent to modern housing and is a natural extension of the built-up area. However, even though there are no significant constraints the developer has confirmed the site will not be completed until towards the end of the plan period. **MM008** is therefore necessary to the annual delivery rates in Table 1 for effectiveness.
169. H17, land south of Goodshaw Fold Road – Since the Plan was submitted planning permission has been granted and 7 dwellings are under construction. It is reasonable to expect the site will be completed by 2024/25. **MM008** amending Table 1 is therefore necessary for effectiveness.
170. H18, Carr Barn and Carr Farm – This is grassland adjacent to the built-up area. Landowners have signalled intentions to develop the site. However, there are no firm proposals. The site should not form part of the five-year supply but can be considered developable with completions expected after 2025/26. **MM008** amending Table 1 and Appendix 4 is therefore necessary for effectiveness.
171. The site would involve significant development within the setting of the Grade II listed Carr Farmhouse. Whilst this could be achieved sensitively it would likely require significant landscape buffering. Consequently, a development of up to 25 dwellings based on 20 dph is reasonable as it would allow for buffering to the heritage asset and landscaping to soften the edges of any development. Furthermore, due to its proximity to the Rawtenstall Gyratory any transport assessment should reasonably assess impact on it. A site-specific policy is therefore necessary to establish a development framework and specify these constraints and the required mitigation for effectiveness (**MM009**).
172. H19, land off Lower Clowes Road, New Hall Hey – This is a vacant site which has extant planning permission for 7 dwellings which has commenced but where construction has ceased. The permission is conditional on protection of the minor adjacent water course and provision of details prior to construction of finished floor levels. There is no substantive evidence suggesting these matters would prohibit development and there are no other significant constraints. The developer has confirmed the site is likely to come forward towards the end of the plan period. **MM008** is necessary for effectiveness to amend Table 1 by changing its anticipated delivery from the middle to towards the end of the plan period.

Housing site allocations - Bacup, Stacksteads, Britannia and Weir

173. H20, Old Market Hall, Bacup – This is a Grade II listed building within the Bacup Conservation Area and town centre which is vacant and in poor condition. The Council have been working proactively with developers to bring the site forward with the suggestion that an application is imminent. However, there are no firm proposals and given the constraints it can be reasonably considered developable with completions expected after 2025/26. **MM008** is necessary to amend the delivery timescale in Table 1 for effectiveness. A clear framework to guide the heritage preservation in a site-specific policy is also needed to ensure the allocation is effective (**MM009**).
174. H21, Reed Street, Bacup – Since the Plan was submitted outline planning permission has been granted for 22 dwellings. There are no outstanding constraints and it is reasonable to expect the site will be completed by 2024/25. However, **MM008** is necessary for effectiveness to ensure the capacity reflects the planning permission.
175. H22, former Bacup Health Centre – This is an extra care home under construction. The Council is satisfied these homes fall within Class C3 of the UCO and would equate to the equivalent of 12 dwellings and we concur. **MM008** is necessary for effectiveness to ensure the site capacity is amended accordingly. Subject to this the allocation is effective.
176. H25, land at Blackwood Road, Stacksteads – This is a vacant site and grassland in two parcels either side of Blackwood Road. Two landowners have confirmed intentions to develop the site, with pre-application engagement in progress on part of the site. However, there are no firm proposals and it is therefore reasonable to expect the site to be completed after 2025/26. **MM008** amending Table 1 is therefore necessary for effectiveness. The site would involve significant development within the setting of the Grade II listed 22, 24 and 26, Rake Head Lane and the Grade II listed Waterbarn Baptist Chapel. This could be achieved sensitively subject to mitigation measures. However, a site-specific policy is necessary for effectiveness to establish a development framework which will help to avoid harm to the designated heritage assets (**MM009**).
177. H28, Sheephouse Reservoir, Britannia – This is a vacant former reservoir with a number of constraints including surface water and drainage, records of contamination, ecology and landscape. However, initial work suggests these can be mitigated and a sensitive scheme could be achieved. Pre-application discussions are in progress and given the commitment to date there would be a realistic prospect of the site being completed over two years at 30 and 33 dwellings each year by 2024/25. These delivery rates are supported by the proponent and considered reasonable. As such the changes detailed in **MM008** are necessary to Table 1 for effectiveness. In addition, a site-specific policy setting out the key constraints and required mitigation is also needed for effectiveness (**MM009**).
178. H29, land off Pennine Road, Bacup – This is a green space surrounded by dwellings. It is identified as urban green space in the Council's Open Space Assessment which identifies sufficient quantity of this typology of open space in the Bacup and Stacksteads analysis area. It is close to a number of other urban green spaces which could benefit from quality enhancements. The site is also large enough for some replacement higher quality open space provision

on-site alongside any development. There are a number of mature trees which should be retained and ecological mitigation may also be required. Consequently, it is necessary to reduce the capacity to 71 dwellings and include a site-specific policy specifying the constraints and mitigation as detailed in **MM008** and **MM009**. These MMs are therefore necessary for effectiveness.

179. H30, Tong Farm – Since the submission of the Plan outline planning permission has been granted on part of the site for 33 dwellings. Pre-application engagement has taken place on the remainder of the site although this was in 2017 without further progress. On balance, it is not realistically deliverable in the next five years, but it is reasonable to expect the site to be completed after 2025/26. **MM008** amending the delivery timescale in Table 1 is therefore necessary for effectiveness.
180. H31, Lower Stack Farm – This is a field next to modern housing, close to the Grade II listed Britannia Mill and historical railway features including disused tunnels and rail lines. The single landowner has confirmed an intention to develop the site and employed an agent. However, there are no firm proposals. It is not therefore deliverable in the first five years of the Plan, although it is reasonable to expect the site to be completed soon after 2025/26. A site-specific policy is also necessary to establish a sensitive development framework. Subject to **MM008** and **MM009** the allocation is effective.
181. H32, Booth Road/Woodland Mount, Brandwood – This is garden land in a residential area. Landowners have signalled clear intent to make the site available for development with a planning application under consideration for 14 dwellings on a slightly larger site, including some land in the Green Belt. However, the allocation has no significant constraints and initial work suggests 40 dwellings per hectare could be achieved on the site as detailed on the Policies Map and the site could realistically be delivered by 2024/25. **MM008** is necessary to increase the capacity from 10 dwellings to 14 dwellings for effectiveness. Subject to **MM008** the allocation as detailed is effective.
182. H33, land off Rockcliffe Road and Moorlands Terrace – The site involves significant development within the settings of the Grade II listed Church of St Saviour and the Grade II listed Land Ends Farmhouse. A scheme for 26 dwellings is under construction which will be realistically completed by 2024/25. However, a site-specific policy is necessary to establish a development framework to ensure a heritage sensitive scheme for the remainder of the site. There would be a reasonable prospect this element would be completed soon after 2025/26. Subject to a site-specific policy and amendment to Table 1 delivery timescales this allocation is effective (**MM008** and **MM009**).
183. H34, land at Higher Cross Row Bacup – The site is identified as urban green space in the Council's Open Space Assessment which identifies a sufficient quantity of this open space typology in the Bacup and Stacksteads analysis area. It is also close to a number of other urban green spaces. Development may be appropriate, subject to replacement with better provision on-site. However, the site capacity would need to be reduced from 14 to 10 dwellings

to accommodate on-site open space. It also adjoins the Bacup Conservation Area and any development will affect its setting. Thus, a site-specific policy specifying the key constraints and required mitigation is needed for effectiveness (**MM009**) and Table 1 needs modification to reflect the revised capacity (**MM008**) also for effectiveness.

184. H35, Shadlock Skip, Stacksteads – The site is in two parcels linked by a bridge over the River Irwell with its access next to and opposite dwellings on Newchurch Road. It is operated and used by a skip company. Given the proximity of surrounding dwellings its current use inevitably generates noise and disturbance for those living nearby. A significant part of the site is in Flood Zone 3a including land which would be needed to access both parcels, with the majority of the remainder of the site in Flood Zone 2. It also has areas which are at risk from surface water flooding. There are no details which show the site can reasonably and safely be developed without developing land in Flood Zone 3a, particularly with regard to its access.
185. Even if we found this site to have benefits to the community that outweigh the flood risk, it has not been demonstrated its development will be safe, without increasing flood risk elsewhere and where possible reducing flood risk overall. The exception test has not been satisfied and the allocation is not therefore justified or consistent with national policy and should be deleted. Table 1 should be amended accordingly, as set out in **MM008**.
186. H37, land off Gladstone Street, Bacup – This site comprises urban green space surrounded by dwellings. The Council's Open Space Assessment identifies sufficient quantity of this typology of open space in the Bacup and Stacksteads analysis area. The site is also identified as below the quality and value thresholds and close to a number of other urban green spaces which could be enhanced. Development will need to provide replacement provision on-site or elsewhere. It has a single point of access from Gladstone Street, whilst the majority of the site is owned by Lancashire County Council, access depends on another landowner. However, the County Council is working proactively to ensure the site can be accessed and it is reasonable to expect it would be delivered after 2025/26. It is close to the Bacup Conservation Area and prominent in the landscape. Overall, subject to retaining mature trees and constraint mitigation being specified in a policy the allocation is effective (**MM009**).
187. H38, land off Burnley Road and Meadows Avenue, Bacup - Since the Plan was submitted reserved matters have been approved for a scheme including 6 dwellings. There are no outstanding constraints and the site has a realistic prospect of being delivered by 2024/25. **MM008** is needed to Table 1 to reflect the earlier anticipated delivery for effectiveness.
188. H39, land off Cowtoot Lane, Bacup – The site is grazing land and a football ground which is visually prominent rising up a slope from the edge of the built-up area of Bacup. Any development would also affect the setting of the Bacup Conservation Area.
189. The loss of the sports pitch has not been justified within the terms of paragraph 99 of the NPPF. Furthermore, the Council's landscape study recommends the upper half of the site within the Moorland Fringe Landscape

Character Area is unsuitable for development. Development up the valley slope of the extent proposed would dominate the traditional terraced dwellings nearby, have an urbanising effect on the landscape and be widely visible. For these reasons the full extent of the allocation up the valley slope is not justified.

190. However, there is already modern housing which extends up the valley slope adjacent to the proposed eastern site boundary and any new development would be appreciated within its context. Furthermore, if sensitively and appropriately designed incorporating landscaping the urbanising effect of a lesser extent of development could be softened and mitigated. If the extent of the proposed allocation up the slope was reduced it would also create an opportunity for a more gradual, stepped extension of the built-up area of Bacup up the slope whilst also retaining the opportunity to connect onto Cowtoot Lane.
191. The LHA have stated they would favour the proposed site being accessed from both Cowtoot Lane and Gordon Street, with an internal estate road providing links between the two to reduce direct impact on either route. There would inevitably be an increase in traffic along both routes, which are narrow and would involve more traffic passing by a children's playground, a primary school and a nursery. However, significantly reducing the extent of the site and removing the football ground would significantly reduce the site capacity. Subject to a comprehensive transport assessment and transport mitigation safe and suitable accesses and access routes to the site could be achieved.
192. Areas at risk of surface water flooding could be suitably assessed and mitigated. There may also be a necessity for remedial work and mitigation to ensure safety and stability in response to historical coal mining. However, both of these matters could be investigated and addressed having full regard to the impacts on surrounding dwellings, such that these matters would not prohibit development.
193. Therefore, main modifications are necessary to reduce the development capacity to 94 units based on a reduced site area and 75% developable area at 30 dph. The Plan should also specify the constraints and mitigation measures to overcome them. Informed by the Council's work to date and the commitment to bring the site forward all those dwellings have a realistic prospect of being delivered by 2024/25. **MM008** and **MM009** would amend the capacity and density in Table 1 and insert a new site-specific policy which establishes a framework for development and specifies the required mitigation. Both MMs are necessary for justification and effectiveness.
194. H40, land off Todmorden Road, Bacup – This is mainly agricultural land on the edge of the built-up area of Bacup. It rises up from Todmorden Road such that any development would be prominent in the landscape and visible from and within the setting of the Bacup Conservation Area and within the setting of the Grade II listed 142-144 Todmorden Road. However, subject to sensitive design and landscaping these matters could be addressed.
195. There are areas at risk of surface water flooding which could be suitably assessed and mitigated. There may also be a necessity for remedial work and mitigation to ensure safety and stability in response to historical coal mining.

Whilst these matters would not prevent development of the site, they require detailed investigation and mitigation. However, both matters could be investigated and addressed having full regard to the impacts on surrounding dwellings, such that they would not prohibit development.

196. Two separate outline planning applications are currently under consideration. However, although some technical work has been undertaken there are no detailed proposals. Whilst it may be realistic for some of the dwellings to be delivered by 2024/25, it is reasonable to expect the entire site would be completed after this time and therefore the delivery timescale in Table 1 should be adjusted accordingly for effectiveness (**MM008**). A site-specific policy is also needed for effectiveness to ensure the preferred point of access is clarified and the constraints are fully assessed and mitigated (**MM009**).
197. H41, Thorn Bank, Bacup - This site is in use as public open space (urban green space and provision for children and young people). The Council's Open Space Assessment demonstrates it is not surplus to requirements, is of good quality and is valued. However, the evidence shows there are a number of other urban green spaces nearby and through its size and location this site presents an opportunity to fill a gap in parks and gardens provision. Repurposing this to a park and garden would allow provision for children and young people to be retained and would provide a higher quality opportunity for informal recreation to the east of the Bacup Analysis where such provision is limited. Site H37 which is open space of poorer quality has been identified as capable of contributing towards the necessary enhancements to this site (KKP 128) to compensate for quantitative open space losses. On this basis, this site should be retained as open space and upgraded to compensate for quantitative losses elsewhere. The proposed housing allocation is not justified and should therefore be deleted (**MM008** and **MM009**).

Housing site allocations - Haslingden and Rising Bridge

198. H46, 1 Laburnum Street, Haslingden - This is a vacant commercial building in a residential area. The outline permission for 8 dwellings on the site has lapsed. However, whilst it is unrealistic to expect completions within five years, there are no significant constraints. The site can be reasonably considered developable with completions expected after 2025/26. **MM008** amending the delivery timescale in Table 1 is therefore necessary for effectiveness.
199. H47, land at Kirkhill Avenue, Haslingden - This is a prominent urban green space with mature trees in a modern residential area. The Council's Open Space Assessment identifies a quantitative shortfall of this type in the Haslingden analysis area. However, the site is identified as below the quality threshold and close to a number of other urban green spaces and new enhanced open space could be provided on-site with the trees retained. On balance, redevelopment incorporating new high quality open space on-site to compensate for the quantitative loss could lead to an equivalent or better provision of open space in the area overall. Access would need to be from Kirkhill Road and is dependent on agreements being reached with the owners of private roads, although given the commitment of the landowner, this is unlikely to prohibit development. It is reasonable to expect it would be delivered after 2025/26, **MM008** would amend the delivery timescale in Table

- 1 and is therefore necessary for effectiveness. Overall subject to a detailed policy requiring landscape, trees and ecological constraints to be mitigated the allocation is effective (**MM009**).
200. H48, land off Highfield Street – The site is disused grassland surrounded by buildings. It has outline permission for 4 dwellings which has lapsed. However, whilst it is unrealistic to expect completions within five years, there are no significant constraints. The site can be reasonably considered developable with completions expected after 2025/26. **MM008** amending the delivery timescale in Table 1 is therefore necessary for effectiveness.
201. H49, land adjacent to 53 Grane Road – The site forms part of an urban green space with mature trees in a residential area. The Council's Open Space Assessment identifies a quantitative shortfall of this open space type in the Haslingden analysis area. However, the site is also identified as below the quality threshold and close to other urban green spaces and is part of larger urban green space (KKP 22). Subject to enhancing the quality of the remaining part of the open space (KKP 22), redevelopment could lead to an equivalent or better provision of open space in the area overall. However, there are no firm proposals and it will not realistically be delivered by 2024/25. MMs are therefore needed for effectiveness to adjust the delivery timescale in Table 1 and to include a site-specific policy detailing the constraints and mitigation measures (**MM008** and **MM009**).
202. H50, land adjacent Park Avenue/Criccieth Close – The site is part of a larger urban green space. The Council's Open Space Assessment identifies a quantitative shortfall of this open space type in the Haslingden analysis area. However, it is close to a number of open spaces of this type which could be enhanced such that redevelopment could result in equivalent or better provision of open space in the area. There are also known surface water and contamination constraints. Subject to constraints mitigation being specified in a policy the allocation is effective (**MM009**).
203. H51, land to side and rear of petrol station, Manchester Road – This site is disused land in a built-up area which wraps around a petrol filling station, and currently appears as open space. It is within the settings of Grane Mill a Grade II* listed building and scheduled monument and the Grade II listed Church of St Peter. Contamination is likely and associated remediation costs are unknown. However, the Council's HIA indicatives a sensitive development could be achieved. Thus, subject to a site-specific policy which establishes a development framework and specifies mitigation the allocation is effective (**MM009**).
204. H52, land to the rear of Haslingden Cricket Club – The proposed allocation includes an area used for cricket practice, a training wicket with nets and car parking. The site is also within the setting of the Grade II listed Woolpack Inn. The site is owned by Haslingden Cricket Club and the proposed development would fund significant improvements to the wider cricket facility including upgraded changing rooms and replacement parking. Furthermore, an agreement is also in place to provide a replacement training wicket at Haslingden High school.

205. Subject to these measures being specified in a site-specific policy, the site could be developed resulting in an overall improved provision of cricket facilities in the area. There are no soundness reasons for this allocation to be described as a mixed-use allocation, this would simply be a title change and the criteria for development would remain the same. Changing the title of this allocation from housing to mixed-use is not therefore necessary. Sport England are in agreement with this approach.
206. To secure a safe access to the site a footway along Private Lane and junction improvements at Broadway and Grasmere Lane would be required. Based on the Council's and the developers work to date and the commitment to bring the site forward we are satisfied that the proposed dwellings have a realistic prospect of being delivered by 2024/25. However, **MM009** is necessary for effectiveness to clearly set out the constraints, associated required mitigation measures and the parameters upon which any development should take place. The site boundary should be adjusted to remove an area used for cricket practice and include the pavilion and land immediately to the rear of it.

Housing site allocations - Waterfoot, Lumb, Cowpe and Water

207. H50, Foxhill Drive and H51, Land off Lea Bank, Cloughfold - Both sites are identified as urban green space in the Council's Open Space Assessment which identifies a sufficient quantity of this type in the Waterfoot analysis area. Both sites are close to a number of other open spaces which could be enhanced. Overall, subject to site-specific policies specifying mitigating enhancements to the quality of the nearby open spaces, the allocations are effective (**MM009**).
208. H59, land adjacent Dark Lane football ground - Since submission the Council has approved reserved matters for the erection of 95 dwellings and the site is under construction. There is a realistic prospect of some of those dwellings being delivered by 2024/25 with the rest soon thereafter. Table 1 should be amended accordingly as set out in **MM008** for effectiveness.
209. H60, Johnny Barn Farm and land to the east, Cloughfold - The site is farmland along Newchurch Road within the setting of the Grade II listed Heightside House and Cloughfold Conservation Area. The built development along Newchurch Road is relatively shallow with the countryside and woodland visible beyond as the land rises such that any development in this location will be sensitive. The Council's Lives and Landscapes Study recommends new development should not extend beyond the break of the slope and onto the steeper ground. The site is also subject to surface water flooding and has the potential to increase risk elsewhere if not appropriately mitigated.
210. A scheme including 30 dwellings is under construction and the Council suggest based on a net density of 18 dwelling per hectare that the remainder of the site could accommodate 50 dwellings. Given the visual sensitivity, the site capacity and the extent of the site boundary is justified and would allow a sensitive scheme incorporating landscaping to avoid any significant visual harm. However, MMs are necessary for effectiveness to clearly specify the details of the development including the point of access and landscape, heritage and drainage constraints and mitigation measures.

211. Based on the Council's and the developers work to date and the commitment to bring the site forward, whilst it is unrealistic to expect the entire site to be completed in the first five years of the plan, a proportion of the 80 proposed dwellings have a realistic prospect of being delivered by 2024/25 with the rest delivered shortly after. **MM008** and **MM009** adding a new site-specific policy and amending the delivery timescale in Table 1 are necessary for effectiveness.
212. H61, Hareholme, Staghills – The site is identified as urban green space in the Council's Open Space Assessment. The assessment identifies a sufficient quantity of this type in the Waterfoot analysis and this site as below the quality threshold. The site is also identified as having ecological benefits as part of the wider ecological network. However, it is close to a number of other open spaces which could be enhanced and subject to assessment any ecological impact could be mitigated. Overall, subject to a site-specific policy specifying open space and ecological mitigation, the allocation is effective (**MM009**).
213. H62, land off Peel Street – The site is a vacant greenfield site with a wooded area without public access and is located next to a school within the setting of the Cloughfold Conservation Area. The site capacity is based on 50% of the developable area to allow for ecological mitigation. There are no prohibitive constraints and there is a reasonable prospect the site would be developed after 2025/26. Any development will need to be sensitive to and mitigate heritage and ecological impacts, thus for effectiveness a site-specific policy is necessary (**MM009**). The site is not identified as public open space in the Council's Open Space Assessment. We have therefore inserted a further change to the schedule of MMs as published to clarify this. This is necessary to align with the evidence base and is captured in the attached schedule of MMs (**MM009**).
214. H63, Hollin Farm Waterfoot – Since submission, the landowner has confirmed this site is not available for development and will not become available. The allocation is not therefore effective and should be deleted (**MM008**).
215. H64, Hargeaves Fold Lane, Chapel Bridge, Lumb – The site is grassland and is accessed behind and between dwellings on Burnley Road via a narrow rural lane. The access onto Burnley Road would require upgrading. The site slopes up from Burnley Road and any development would be within the settings of the Grade II listed Hargreaves Fold Cottages, the Grade II listed Hargreaves Fold Farmhouse South and Lumb Baptist Chapel a non-designated heritage asset. Subject to landscape and heritage mitigation and access improvements a sensitive and safe development could be achieved with a reasonable prospect of dwellings being completed after 2025/26. However, a clear development framework to guide a development is necessary for effectiveness. Subject to modifications in **MM009** the allocation is effective.

Housing site allocations - Whitworth, Facit and Shawforth

216. H69, Cowm Water Treatment Works, Whitworth – The site is allocated in the Plan for 20 dwellings and is proposed to be released from the Green Belt. Lancashire County Council as LHA objected to the allocation on highway safety grounds relating to pedestrian provision and safe access. As

deliverability was not demonstrated it was recommended in the Inspectors' post-hearings letter that the site should be deleted. Changes to this effect were published in the schedule of proposed MMs.

217. The LHA has since confirmed that, following further assessment work by the site promotor, they would not object to up to 10 dwellings on the site subject to appropriate mitigation measures and internal layout. The LHA is satisfied that a suitable pedestrian improvement scheme and visibility splays could potentially be secured and that the internal layout could be dealt with at planning application stage. Based on the submitted evidence, we are satisfied that there is a reasonable prospect that highways-related matters could be resolved.
218. Evidence in the Council's Updated Flood Risk Topic Paper (EL8.802) shows that the part of the site in Flood Zone 3 has been removed from the developable area. The remainder of the site lies in Flood Zone 2. However, the scheme would provide additional housing on the edge of a sustainable settlement and involve the re-use of vacant and partly brownfield land. Further, the nearby Cowm reservoir is subject to an on-going management and maintenance regime and statutory duties apply in this regard. No objections to the allocation were raised by the Lead Local Flood Authority, Lancashire Fire and Rescue or the Environment Agency in respect of flood risk from the Cowm reservoir or in general. We are therefore satisfied that the exception test would be met and that benefits would outweigh any residual risks associated with flooding from the reservoir.
219. The Council's Green Belt Review concludes that the site does not perform strongly against any of the Green Belt purposes and could be removed without having a substantial negative effect on the Green Belt in the vicinity. The site adjoins housing to the south and east and the dam wall is positioned to the west. The site has a high level of containment and development would facilitate the re-use of a vacant partly brownfield site. Development would also contribute to identified housing needs, including the slight shortfall over the plan period identified in Issue 9 below.
220. Accordingly, overall it is concluded that exceptional circumstances have been demonstrated to release the site from the Green Belt and that the allocation of the site for up to 10 dwellings is justified. In reaching this conclusion we have considered all other issues and had careful regard to the representations received. Site H69 should therefore remain as an allocation in the Plan, as listed in Table 1 in Policy HS2, albeit with a capacity of 10 dwellings rather than 20 and a lower density. Table 1 in the attached schedule of MMs (**MM008**) has been adjusted accordingly. The site is capable of being delivered, with mitigation measures secured at planning application stage and facilitated via other policies in the Plan. Having regard to the active promotion of the site, the technical work undertaken and its modest size, it is considered there is a realistic prospect of delivery within the five-year supply period. This is reflected in Table 1 as modified.
221. The reinstatement of the allocation represents a change from the published schedule of proposed MMs. However, the allocation was included in the submitted Plan and therefore representors were provided with an opportunity to make written and verbal comments on the proposal. Furthermore, the site

boundary would remain the same as in the submission Plan and it is proposed to reduce the number of dwellings. As such we are satisfied that the interests of other parties have not been prejudiced.

222. A small number of consequential changes are necessary to the published schedule of MMs. This includes a slight adjustment to the five year and overall housing supply figures in the tables in Policy HS1 (**MM007**) and the housing trajectory summary table (**MM057**) to reflect an increase of 10 dwellings. These changes have been inserted in the attached schedule of MMs. H69 has also been reinstated in the list of Green Belt release sites in Policy SD2 in the attached schedule (**MM004**), reflecting the version in the submission Plan.
223. The retention of H69 means that the submitted Policies Map is correct and the related changes in the Council's Schedule of Policies Map Modifications do not apply. The submitted Policies Map also shows that a narrow band of Green Belt between H69 and the dam wall would be released from the Green Belt (as identified in EL1.002d(i)). Having regard to the containment of this area and its restricted visual connections to the wider Green Belt, plus the benefits associated with the allocation, it is considered that this consequential change is justified.

Housing site allocations - Edenfield, Helmshore, Irwell Vale and Ewood Bridge

224. H70, Irwell Vale Mill, Irwell Vale – The site is occupied by a former mill and associated industrial buildings, and partly lies in the Green Belt. The Council's Green Belt Review concludes that the site does not perform strongly against any of the Green Belt purposes and could be removed without having a substantial negative effect on the Green Belt in this vicinity. Having regard to its containment we concur with these findings, and recognise that the adjoining road, river and hedgeline would provide a defensible new Green Belt boundary.
225. The site is allocated for 45 dwellings in the submitted Plan. However, much of the site is located in Flood Zone 3 and submitted evidence shows that development of up to 30 dwellings could potentially be made safe for its lifetime and would provide an opportunity to reduce overall flood risk in the Irwell Vale area. The Environment Agency supports 30 dwellings, subject to various mitigation measures including the provision of flood storage areas, a flood wall and buffer zones. Development would also provide additional housing in Irwell Vale that would benefit the local community. Therefore, development of 30 dwellings would satisfy the exception test.
226. The southern part of the site lies within the Irwell Vale Conservation Area and there are a number of listed buildings/structures in the vicinity. None of the buildings on the allocation site are listed and many are modern extensions dating from the 1930s onwards. Development could be facilitated through appropriate mitigation measures linked to sensitive design, layout and landscaping. The submission of a HIA at planning application stage would be part of this.
227. Overall, in the context of identified housing needs and limited harm to the Green Belt, it is concluded that exceptional circumstances exist to justify the removal of the site from the Green Belt. The site has a number of constraints

and mitigation requirements relating to design/heritage, flood risk and compensatory measures to off-set the loss of the Green Belt. A site-specific policy is therefore needed to provide a broad framework, secure mitigation and ensure the allocation is effective and consistent with national policy. It is also necessary to reduce the site capacity from 45 to 30 dwellings, linked to flood risk issues identified above. Subject to these modifications, as outlined in **MM009**, the allocation is soundly based.

228. H71, land east of Market Street, Edenfield – This small site is partly located in the Green Belt, and is identified in the Green Belt Review and site assessment work as making a strong contribution to preventing the sprawl of the built-up area. However, although the locality is mainly characterised by frontage development, the allocation site is small in size and is partly used for storage. The allocation will assist in the redevelopment of an under-used brownfield site and, in conjunction with a small additional area, will help to create a defensible long-term Green Belt boundary. On this basis, and taking account of identified housing needs, it is concluded that exceptional circumstances exist to justify the release of the site from the Green Belt. Mitigation measures relating to compensatory Green Belt improvements and landscaping will be necessary and should be included in a new site-specific policy for reasons of effectiveness (**MM009**).
229. H72, Land west of Market Street, Edenfield - The site is located on the western side of Edenfield and within the Green Belt. The parcels comprising the site are identified in the Council's Green Belt Review as potentially being suitable for release. The site is well contained by physical features, including residential development to the east and south, the A56 and Blackburn Road. The A56 acts as a barrier which limits the site's connection to the wider open countryside. Despite the site's size, strong defensible boundaries could be achieved, helping to safeguard the countryside from encroachment.
230. Part of the site is identified in the Council's Landscape Study as unsuitable for development on landscape grounds. However, although the site can be seen in longer views from the west, tree cover and topography provide an element of screening, and development would be seen as an extension of the existing urban area. The site is large enough to incorporate a landscaped buffer between the site and the A56 and further planting, and suitable landscaping and layout would help to mitigate impacts from vantage points. The site would form a logical extension to the urban area and is contained by the A56. Accordingly, we consider that development could be accommodated without significant harm to landscape character and views, subject to landscape mitigation measures as outlined in **MM009**.
231. The allocation comprises 400 dwellings and would represent a significant expansion of the village boundary. However, Edenfield is a sustainable village with a range of local services, including a primary school, retail facilities and public transport links. These would help to support the allocation and ensure development can be sustainably accommodated. The village benefits from good road connections in the west of the borough and the Council's viability evidence indicates that the proposed scheme is capable of delivery. High quality design and layout which respects local character would help to limit impact on the form and setting of the village. The allocation is consistent with

the Plan's spatial strategy, which seeks to distribute growth based on a range of factors.

232. The LHA has indicated that, in principle, the site is capable of being safely accessed and necessary off-site highway mitigation measures are capable of being achieved. They have advised that vehicular access could be achieved via Market Street and Blackburn Road, but there are potential issues via Exchange Street. Further Transport Assessment work undertaken as part of the planning application process would provide an opportunity to explore access options and identify any necessary mitigation measures. Accordingly, we are satisfied that there is a reasonable prospect that safe vehicular access to H72 is potentially capable of being achieved. In order to be effective the site-specific policy should be amended to reference these access points and recognise the role of the TA work in determining final options (**MM009**).
233. The Council's evidence indicates that potential local highway mitigation improvements to the Market Street corridor may be required and are potentially capable of being achieved. This will need to be explored as part of the masterplanning and planning application process. Reference to these aspects is needed in the policy for reasons of effectiveness (**MM009**).
234. National Highways have confirmed there are no current plans to widen the A56 but that it may be necessary in the early 2030s. The scale and location of potential future works has not been identified and it is unclear whether land within the allocation would be needed. Nonetheless, the site is large and the provision of a landscape buffer coupled with modest adjustments to density could provide scope to facilitate this, if required. The potential widening scheme should be referenced in the site policy (**MM009**) for reasons of effectiveness, and the matter addressed through the masterplanning process.
235. National Highways is satisfied that, in principle, the site is capable of being developed without adversely affecting the stability of the A56 embankments, subject to suitable mitigation measures relating to geotechnical issues, drainage and layout. Due to the proximity of the site to the A56 it will be important to ensure noise and air quality issues are assessed and addressed through the planning application process. Modifications are needed to the site policy to refer to these matters, in order to ensure the proposal is effective (**MM009**).
236. The site adjoins Edenfield parish church which is a Grade II* listed 18th century chapel of ease with an earlier stone tower. The Council's updated heritage assessment (October 2020) identifies the building as being of high significance. The historic non-designated property of Chatterton Hey, which has 18th century origins, also lies within the allocation site. Other nearby historic assets include non-designated Vicarage House, the Grade II listed Eaton Banks and the Chatterton and Strongstry Conservation Area.
237. The Council's HIA work indicates that the allocation will require careful design, layout and landscaping, particularly in relation to the church and Chatterton Hey. Eaton Banks is located at a distance from the site to the east of Burnley Road and the Chatterton and Strongstry Conservation Area is divided from the site by the A56. Measures may include landscaping, sensitive layout of buildings and public open space, and retention of existing woodland. The site

is extensive in size and having regard to the position and visibility of the church as observed, it is considered there is likely to be scope to deliver mitigation within the site without reducing capacity. Historic England has not raised any fundamental objection to the principle of the proposed allocation for 400 dwellings.

238. Further heritage assessment work will be necessary as part of the planning application process and will provide an opportunity to ensure development does not result in harm to the historic environment and is consistent with national policy. The site-specific policy should be modified to refer to the need for a site-specific HIA at planning application stage (**MM009**).
239. Evidence submitted by Lancashire County Council indicates that the expansion of either Edenfield or Stubbins primary school to 1.5 forms of entry may be required to support the scheme. The final pupil yield calculation and full feasibility work to identify the preferred option has yet to take place. In order to reflect this the 'school and playing field extension' to the rear of Edenfield school, as shown on the Policies Map, should be re-termed 'potential school and playing field extension'. The site-specific policy should be modified to remove reference to provision of an on-site primary school and clarify that an extension to either Edenfield or Stubbins primary school will be sought. The policy should also be modified to clarify that contributions will be sought for secondary school places. These changes are captured in **MM009** and will ensure the policy is effective.
240. Land to the rear of Edenfield and Stubbins schools is located in the Green Belt. However, at this stage there is insufficient evidence to justify releasing the land from the Green Belt, as it is not clear which school expansion option will be pursued or whether there may be capacity for additional classrooms to be accommodated on the non-Green Belt sections of the Stubbins site. If future school expansion plans include buildings in the Green Belt, very special circumstances would need to be demonstrated at planning application stage. Although this has yet to be tested, there is a clear identified need for additional primary school provision. Further, the Council's Green Belt evidence highlights the enclosed nature of both sites. In conclusion, there are various options for achieving delivery of required school places and the proposed policy provides a suitably flexible and pragmatic way forward in the circumstances.
241. The Council's Green Belt Compensatory Paper identifies a number of compensatory measures for Green Belt enhancement linked to the allocation. Reference to the document and key measures should be included in the policy for reasons of effectiveness and to ensure consistency with national policy (**MM009**).
242. We recognise the level of local concerns regarding the proposed allocation. However, H72 is contained by the A56 to the west and would deliver a significant number of homes in a sustainable and strategic location. The aforementioned modifications would help to secure appropriate mitigation measures, and other detailed matters could be addressed through the masterplanning and application process. Overall, in the context of identified housing needs and limited harm to the Green Belt, it is concluded that

exceptional circumstances exist to justify the site's removal from the Green Belt.

243. The estimated build-out rate in the trajectory is reasonable taking account of the size of the site. The lead-in time is also justified, having regard to progress made with technical work and masterplanning by the land promoters.
244. The new site-specific policy for H72 is set out in **MM009**. It replaces Policy HS3 in the Plan which has been deleted by **MM010**. The new policy provides a clearer strategic format and focus on mitigation measures, which will make it effective.
245. Elsewhere in the Plan the net developable site area is incorrectly recorded in Table 1 and should be amended to 13.74 hectares (**MM008**). The housing supply figures in the trajectory should incorporate 10 completions in 2019/20 on the Horse and Jockey section of H72 (**MM057**). These changes are necessary for reasons of effectiveness.
246. H73, Edenwood Mill, Edenfield – The Council's site-specific assessment work indicates that development on the site would not cause significant harm to Green Belt purposes. The strong tree belts adjoining the open field would provide screening and help to preserve perceived settlement separation. A clear gap between Edenfield and Stubbins would remain with the M66 motorway forming part of this division. The derelict mill building is located to the south/east of the tree belt and can be seen from the A56. However, the scheme would constitute the redevelopment of an existing building on part of the site and facilitate the regeneration of previously developed land. Suitable landscaping and layout could help to mitigate visual impacts.
247. The mill buildings are a non-designated heritage asset. Edenwood Mill is a former cotton mill, dating from the late 18th/early 19th century, and is identified by Historic England (Lancashire Mill Survey 2012) as being of medium significance but in a very bad condition.
248. The estimated site capacity in the Plan is based on the retention and conversion of the existing mill buildings. Historic England has advised that redevelopment should consider whether any part of the mill or the fabric can be retained and incorporated into the design and layout of a new scheme. However, structural, viability and marketing evidence submitted since the hearing session, and published for consultation, highlights the poor condition of the buildings and challenges in achieving a viable scheme involving conversion, notwithstanding the additional dwellings on the adjoining field. Accordingly, at present there is some uncertainty regarding whether the mill would be retained and the capacity of the site. The scale of any loss and the significance of the heritage asset would need to be weighed against other factors as part of the planning application process.
249. This position should be clarified in the policy and the listed site capacity expressed as an indicative and potentially maximum figure. This is captured in **MM009** and is necessary for reasons of effectiveness.

250. A small part of the site close to the brook is located in Flood Zones 2 and 3. However, it would be possible to accommodate development on the remainder of the site and to secure appropriate mitigation measures.
251. The evidence indicates that safe vehicular access to the site can be provided from the A56, subject to certain mitigation measures, and that an internal access route to the mill is feasible. Replacement planting could be feasibly accommodated to off-set the loss of any trees. National Highways has confirmed that it has no aspirations to provide south-facing slip roads on the M66 at present, or to cater for growth in the Plan.
252. Overall, in the context of identified housing needs and limited harm to the Green Belt, it is concluded that exceptional circumstances exist to justify the removal of the site from the Green Belt. The contained nature of the site and its partly brownfield character mean that development would not significantly detract from the setting and appearance of Edenfield.
253. The site has a number of constraints and mitigation requirements relating to the heritage, landscaping, access, flood risk and Green Belt compensatory measures. Accordingly, a site-specific policy (**MM009**) is needed to ensure the allocation is effective and consistent with national policy.
254. The car park area has been excluded in error and the site area in Table 1 in the Plan should be adjusted for reasons of effectiveness (**MM008**). The site boundary as shown on the Policies Map will need to be updated accordingly prior to adoption of the Plan. The adjusted delivery timescale in Table 1 showing delivery in years 1-5, as set out in **MM008**, is reasonable based on the range of technical work undertaken and progress being made towards submission of an application.
255. Subject to the insertion of a new policy and aforementioned modifications, the allocation is soundly based.
256. H74, Grane Village, Helmshore – The site adjoins part of the built-up area and would form a logical extension to the settlement. The Council's highways evidence indicates the main site access can be achieved from Holcombe Road and there is potential capacity on the local highways network. The areas at risk of surface water flooding within the site have been excluded from the net developable area.
257. No fundamental constraints to development have been identified. However, the submitted evidence highlights that a range of mitigation requirements are likely to be necessary relating to highways, drainage, ecology, landscaping and other matters. Therefore, notwithstanding the current planning application on the site, a site-specific policy should be included in the Plan to provide a broad framework for decision-making and ensure the allocation is effective and consistent with national policy (as set out in **MM009**). Other detailed matters would be dealt with as part of the planning application process.
258. The site is now being promoted for 139 dwellings through a recent planning application, rather than 174 dwellings on the basis of new technical work. Accordingly, the site capacity should be amended to 139 in Table 1 in the Plan (**MM008**) and reflected in the new policy (**MM009**) to ensure the proposal is

effective. Subject to the insertion of a new policy and the amendment to Table 1, the allocation is soundly based.

New employment site allocations

259. The Plan allocates five new sites for business general industrial or storage and distribution through Policy EMP2 and which are listed in Table 2 as NE1 to NE5. The sites have constraints which will need to be overcome for them to be delivered. New speculative employment development in Rossendale is generally unviable due to the gap between rents and capital value and build costs in north-west. This gap in recent years has been met by public sector grants.
260. However, all these sites are supported by willing landowners who are committed to bringing them forward over the Plan period. It is also reasonable to expect funding may become available through the Local Enterprise Partnership, Government, or other funding sources to facilitate economic development and job creation.
261. NE1 to NE5 are integral to the overall development strategy, providing new employment space to the west of the borough which has good access to the strategic road network and where there is the greatest demand. However, to increase the prospect of these sites being developed within the Plan period new site-specific policies are needed to specify the constraints and mitigation necessary. Such policies will assist investment decisions and guide preliminary works necessary for their development, thereby increasing the prospect of timely delivery in the interests of effectiveness. For the same reason Policy EMP7 relating to New Hall Hey (NE4) requires main modifications adding more detail on specific constraints and mitigations. The soundness of each new employment allocation and the detailed MMs relating to each site is discussed in more detail below:
262. NE1, extension to Mayfield Chicks, Ewood Bridge – The site is in the Green Belt adjoining an existing employment area and is bound on three sides by the River Irwell, the East Lancashire Railway Line and the embankment of the A56. The Irwell Sculpture Trail runs adjacent to the site passing through an ecologically valuable grassland stepping-stone.
263. However, subject to good design, landscape, ecological, flood risk and drainage mitigation and compensatory improvements to the Green Belt, the site could be sensitively developed. The physical features of the adjoining land would provide new and permanent Green Belt boundaries retaining the separation of Haslingden/Helmshore and Rawtenstall which could be landscaped to soften any development and strengthen the new Green Belt boundary.
264. Access would be via the existing access on Blackburn Road, although this would require upgrading to reflect the increase in vehicle movements. The majority of the land is in the same ownership of the adjoining employment premises and the owner has signalled demand to develop the site for storage purposes as part of an expansion of the existing enterprise.
265. The site would deliver a significant number of jobs in an accessible location, facilitating the expansion of an existing enterprise. The Council's Green Belt

Review recommended the site could be released from the Green Belt. We concur, subject to appropriate mitigation and detailed design, there would only be limited harm to the Green Belt which balanced against the economic development need leads us to conclude that exceptional circumstances exist to justify the site's removal from the Green Belt.

266. However, to accommodate the required mitigation and reflect the changes to the UCO, main modifications are needed to Table 2 reducing the net developable area from 2.81ha to 1.57ha and amending the use classes to E(g), B2 and B8 as set out in **MM027**. Subject to **MM027** and the specification of detailed constraints and mitigation in a site-specific policy as set in **MM028**, the allocation is soundly based.
267. NE2, land north of Hud Hey, Haslingden – This is a Green Belt site between an existing employment area and a large mobile/park home complex positioned on the edge of the built-up part of Haslingden next to the A56 between Acre and Rising Bridge. The existing site address is in Acre and the allocation more closely relates to this settlement. Therefore, for avoidance of doubt and effectiveness the site allocation should be renamed Land North of Hud Hey, Acre as set out in **MM027**.
268. The site is currently used for grazing and rises north easterly providing a backdrop to properties on Hud Hey Road. It forms part of a wider area of land which prevents the coalescence of Haslingden, Rising Bridge and Acre. However, Rising Bridge is separated from Haslingden by the A56 and its embankments with mature trees on both sides. There is also woodland along Blackburn Road.
269. The site would deliver a significant number of jobs in a highly accessible location, next to a Key Service Centre, the A56 and to west of the borough where there is greatest demand for new employment land. Whilst the Council's Green Belt Review did not recommend this site is released from the Green Belt, subject to limited development and landscaping along the northern and eastern boundaries and on the higher ground, retaining trees and tree planting and landscaping, clear Green Belt boundaries could be created. Subject to this mitigation the site could be developed sensitively appearing as an extension to the Haslingden built-up area with clear separation from built form at Acre and the A56 retained minimising any perception of coalescence.
270. Thus, subject to appropriate mitigation and detailed design, the harm to the Green Belt would be reduced, such that when balanced against the economic development need and demand in this location leads us to conclude that exceptional circumstances exist to justify the site's removal from the Green Belt. Green Belt compensatory improvement will also be required with a number of opportunities for Green Belt enhancement nearby.
271. Initial work confirms the access would be taken from Hud Hey Road between the bridge over the A56 and the properties on Hud Hey Road. Consequently, structural work to the bridge and A56 embankment is likely to be required with National Highways confirming these could feasibly be undertaken subject to conditions and in accordance with mandatory standards for works affecting trunk roads.

272. However, to accommodate the necessary mitigation MMs are needed for effectiveness to Table 2, to reduce the net developable area from 2.70ha to 2.03ha. It is also necessary to amend the use classes to E(g), B2, B8 and include a site-specific-policy also for effectiveness. Therefore, subject to **MM027** and **MM028**, the allocation is effective.
273. NE3, Carrs Industrial Estate North Extension, Haslingden – This is a long and narrow area of grassland which extends along the west side of the A56. It gently rises up from the A56 valley opposite the Grade II listed Britannia Mill and near the Grade II listed Church of St James. However, subject to mitigation measures relating to the design, height and position of buildings and boundary landscaping the site could feasibly be developed whilst safeguarding safeguard views and avoiding harm to heritage assets.
274. Access to the site would be from Commerce Street and would require widening and realignment of the existing unnamed highway access road which crosses over part of an engineered slope next to A56 owned by National Highways. Geotechnical work commissioned during the examination demonstrates that the access is feasible and could be made safe subject to further investigative work and final design which could have viability implications. National Highways have confirmed they could accept an access from Commerce Street in principle, subject to ongoing engagement and further work and provided it was of a suitable engineered adoptable standard and in accordance with mandatory standards for works affecting trunk roads.
275. The allocation is well placed to the west of the borough and next to the strategic road network and existing popular employment areas increasing its desirability and the likelihood that it would be developed within the plan period.
276. However, to accommodate the required mitigation, MMs are needed for effectiveness to Table 2, to reduce the net developable area from 4.84ha to 4.26ha. It is also necessary for effectiveness to amend the use class to E(g), B2 and B8. The detailed constraints mitigation should also be set out in a policy for effectiveness. Thus, subject to **MM027** and **MM028**, the allocation is effective.
277. NE4, extension of New Hall Hey, Rawtenstall (Policy EMP7) – This site comprises two land parcels either side of the River Irwell. The western parcel is in the Green Belt, the eastern parcel is not.
278. The site is next to the A56 and A682 with a public footpath along the river (part of the Irwell Trail) passing through the site. The site is visible from the East Lancashire Railway Line and is in a prominent location at the entrance of Rawtenstall.
279. The Council's Green Belt Review identifies the importance of the western parcel in preventing the coalescence of Rawtenstall and Haslingden and recommends that it is retained as Green Belt. However, subject to landscaping around the boundaries of both parcels and strengthening the boundary with the A56, and enhancing the River Irwell corridor, the site could be developed sensitively appearing as a permeable extension to Rawtenstall, separated from Haslingden by the A56 and new landscaped boundaries.

280. The site would deliver a significant number of jobs in a highly accessible location, next to its largest key service centre, the A56 and to west of the borough where there is greatest demand for new employment land.
281. Therefore, even though the Council's Green Belt Review did not recommend this site is released from the Green Belt, subject to appropriate mitigation and detailed design, the harm to Green Belt would be reduced, such that when balanced against the economic development need and demand in this location leads us to conclude that exceptional circumstances exist to justify the site's removal from the Green Belt. Green Belt compensatory improvements will also be required with a number of opportunities for Green Belt enhancement nearby.
282. However, MMs are required to Table 2 and Policy EMP7 to specify a significant reduction in the net developable area, from 5.20 to 3 hectares for effectiveness. This is to allow for significant infrastructure, landscaping, flood risk, drainage and ecological mitigation necessary to reflect the sensitivity of the location. Table 2 and EMP7 should also be modified for effectiveness to identify Use Classes E(g), B2 and B8. Also, for effectiveness Policy EMP7 should make specific reference to long views east to west across the site, reflecting its gateway positioning in relation to Rawtenstall and the railway line. The policy should also note that the design code should be prepared in partnership with key stakeholders and clarify that Green Belt compensatory improvement will be required for effectiveness.
283. **MM027, MM028** and **MM033** would address these issues, thus subject to such, the allocation is effective. The site boundary shown on the submission Policies Map erroneously included a small area of land not envisaged to be part of the allocation. This will need to be corrected on the Policies Map prior to adoption of the Plan by the Council.
284. NE5, Baxenden Chemical Ltd, Rising Bridge – The site is part grazing land and partly used for storage. The majority of the site is already allocated for employment in the 1995 Local Plan and is in the same ownership as the adjacent enterprise which has intentions to expand.
285. There is potential risk of surface water flooding which would require mitigation. Furthermore, due to ponds, woodland and watercourses nearby and on-site, ecological assessment and any necessary mitigation would also be required. Access to the site would be via an existing private road from Rising Bridge Road which may require upgrading to improve manoeuvrability. Furthermore, subject to detailed assessment further localised junction improvements may also be required.
286. The Council's Green Belt evidence in EL1.002d(i) proposes a consequential change to the Green Belt (GB(Minor)39) to include a small parcel of land in the Green Belt which adjoins NE5. This is shown on the Submission Policies Map. However, that parcel of land would be needed to upgrade the access to NE5 to accommodate the proposed development. It should therefore be included as part of the NE5 allocation and not added to the Green Belt. The Council will need to amend the Policies Map prior to adoption to address this.
287. We are satisfied the necessary mitigation can be accommodated within the net developable area at 4.40 hectares. However, MMs are necessary to Table

2 to amend the use classes to E(g), B2, B8 for effectiveness. A site-specific policy is also needed for effectiveness to specify the constraints and mitigation. Therefore, subject to **MM027** and **MM028**, the allocation is effective.

Mixed-use site allocations

288. M1, Waterside Mill, Bacup – The site is a vacant Grade II listed building in poor condition within the Bacup Conservations Area. Main modifications are necessary to Table 2 to amend the Use Classes to E(g), B2, B8 and C3 for effectiveness. For the same reason, a site-specific policy is also necessary to provide detail on heritage related constraints and mitigation measures. **MM027** and **MM028** would address these issues and subject to these MMs the allocation is effective.
289. M2, Spinning Point, Rawtenstall – The site is located in Rawtenstall town centre and in Council ownership. It was originally intended to be developed in two phases. However, phase one including a new bus station and commercial development is now complete and due to changes in circumstances the Council have formally resolved not to pursue phase two at the current time and have no commitment to do so in the future (EL8.015). It is not therefore available for development and is therefore ineffective as a mixed-use allocation. Tables 1 and 2 should be amended accordingly as set out in **MM008** and **MM027** and the allocation deleted as it is ineffective.
290. M4, Futures Park, Bacup – As identified in Issue 4, the site is no longer available for Traveller transit accommodation. This type of use should accordingly be deleted from the list of uses in Policy EMP6 and the table in Policy EMP2 (**MM028** and **MM027**), and the allocation removed from list of residential allocations in Table 1 in Policy HS2 (**MM008**). Modifications are also needed to Policies EMP2 and EMP6 to reflect the revised UCO (**MM027** and **MM028**).
291. Much of the site is in existing use or has recently gained permission for employment/commercial uses. No fundamental constraints have been identified that would prevent the remainder of the site being developed for the remaining uses in Policy EMP6, albeit mitigation relating to issues such as ecology, flood risk, contamination and access may be necessary. Policy EMP6 in the Plan seeks to deal with these matters through the preparation of a masterplan for the site. Subject to the above modifications the proposal for mixed-use is soundly based.
292. M5, Park Mill, Helmshore – This site comprises various buildings within multiple ownership with no clear aspiration to bring the site forward for development. Consequently, it is not available for development and should be deleted as a mixed-use allocation with Table 2 adjusted accordingly as set out in **MM027** which is necessary for effectiveness.

Conclusion

293. In conclusion, subject to the aforementioned modifications, the proposed housing, employment and mixed-use allocations are justified, effective and consistent with national policy.

Issue 8 – Does the Plan provide an appropriate supply of deliverable and developable sites to meet identified housing needs and align with national policy?

Overall housing supply

294. The Council's Housing Update Paper August 2021 (EL12.007) identifies supply from a range of sources including completions up to March 2021, outstanding commitments at March 2021, a small-site windfall allowance and allocation sites.
295. There is no evidence that the updated commitments data is inaccurate or that double counting has taken place with allocations. The omission of the extant permission at Clod Lane Haslingden (50 dwellings) is appropriate, as on balance and based on the evidence before us we are not persuaded that there is sufficient certainty at this stage to conclude that the site will come forward. The site has technical issues relating to land stability which require further investigation and the fallback position of the permission has been disputed.
296. No lapse rates are applied to commitments, but this is reasonable as evidence shows low historical lapse rates in the borough. The Council has produced a Housing Delivery Action Plan and is looking to work proactively with developers to bring forward sites. A lapse rate for allocations is not included, but on the basis that the suitability, capacity and deliverability of sites has been assessed through the Local Plan process this approach is sound.
297. The small site allowance of 19 dpa has been informed by historical completions data on small non-garden sites since 2010. It does not account for declining opportunities in the future as sites are built out. However, recent small-site completion rates have been strong, and the borough has a number of urban areas and regeneration opportunities. The figure is also, in itself, fairly modest. The rate is applied from 2024/25 onwards to avoid double counting with outstanding commitments.
298. Modifications are needed to the Plan to include a clear overall supply table, capturing all sources. This will support monitoring and ensure the Plan is effective. The housing trajectory and data table in Appendix 4 should also be modified to capture all sources of supply and a number of changes to site capacity and lead-in times of allocations identified in Issue 7 above. These changes are captured in **MM007** and **MM057**.
299. The adjusted tables in the attached schedule of MMs show that a total of 3,175 dwellings are estimated to come forward over the extended plan period 2019 to 2036. Overall, this represents a reasonable projection, which takes account of a range of sources and likely capacity. The non-inclusion of an empty homes allowance is appropriate, taking account of evidence in EL8.019.7 which highlights the small number of empty properties being brought back into re-use each year and the risk of double counting. The absence of a separate town centre allowance is also considered to be reasonable, taking account of the uncertainties regarding capacity, as outlined in EL8.019.6, and the potential for double counting with the small-site allowance. On-going monitoring will allow any supply issues to be identified and addressed through future plan reviews.

300. The estimated total supply figure of 3,175 dwellings is slightly lower than the amended total housing requirement of 3,191 dwellings over the plan period between 2019 and 2036 (as set out in Issue 3). However, the difference amounts to only 16 dwellings and there is sufficient supply until the last year of the plan period. As such it is considered that the most appropriate way forward would be to monitor housing delivery and respond accordingly. This response is pragmatic as identifying and releasing additional sites would delay adoption of the Plan and delivery of allocations, and be contrary to the Government's objective of boosting the delivery of housing to meet needs.
301. The Plan is consistent with paragraph 69a in the NPPF as the evidence shows that more than 10% of supply will come forward on sites of one hectare or less.

Five-year supply.

302. The five-year supply table in the Housing Update Paper August 2021 indicates there would be approximately 8.2 years supply of housing land on adoption of the Plan in 2021. Taking account of an additional 10 dwellings from site H69 (as outlined in Issue 7 above) would increase this figure marginally. The Plan is consistent with paragraph 74 in the NPPF in this respect as supply exceeds the five-year requirement.
303. The Council's methodology applies a 20% buffer to the housing requirement figure. This buffer is justified given recent under-delivery of housing against Local Plan targets. As set out in Issue 7, the lead-in times, capacity and estimated build-out rates, subject to modifications as reflected in amended Table 1, are considered to be soundly based.
304. Information on the Council's updated five-year housing supply position and approach should be included in the explanation text to Policy HS2, in order to facilitate effective monitoring and provide clarity for applicants and future decision-makers (**MM007**).

Conclusion

305. In conclusion, a slight shortfall of supply against the overall requirement over the plan period is predicted, but this is marginal and capable of being dealt with through the monitoring and review process. The Plan will provide in excess of the minimum five-year supply of housing land on adoption and accords with national policy in this regard. Overall, the Plan provides an appropriate supply of deliverable and developable sites to meet identified housing needs and align with national policy.

Issue 9 – Are the environment, leisure and tourism and transport policies positively prepared, justified, effective and consistent with national policy?

Design, landscape and historic environment

306. Policy ENV1 sets out general principles seeking to achieve high quality development in the borough. Criterion l seeks to reduce risk of the flooding which would also allow risk to be eliminated where possible. However, criterion d duplicates criterion e and criterion f duplicates the provisions of

Policy ENV2. Criterion k should make clear net gain in biodiversity will be sought consistent with national policy. **MM040** would address these issues in the interests of effectiveness.

307. Policy ENV2 sets out a positive framework for managing the impact of new development on Rossendale's distinctive historic environment. However, the title should be amended to ensure consistency with national policy and for effectiveness the policy should make reference to the historic landscape as part of the historic environment. During the examination the Council has confirmed that it formally designated the Haslingden Conservation Area. The justification should be amended to reflect this as well as recognise the Council's commitment to prepare a new local list of key non-designated heritage assets and note that it no longer intends to extend the Chatterton Strongstray Conservation Area. This is necessary in the interests of effectiveness (**MM041**). The Council will need to amend the Policies Map prior to adoption to ensure the Haslingden Conservation Area is shown in the same way as other designated conservation areas in the borough.
308. Rossendale's landscape is largely defined by valleys with settlements dissecting expansive moorland within long distance upland views. Policy ENV3 sets out justified criteria to protect and enhance the character and quality of the landscape. However, the applicability of those criteria depends on site-specific context. A main modification is therefore needed for effectiveness to clarify that the criteria are only applied where appropriate (**MM042**).

Biodiversity and green infrastructure

309. Policy ENV4 seeks to protect the boroughs biodiversity, geodiversity and ecology whereas Policy ENV5 seeks to protect, enhance and manage the green infrastructure network. **MM056** is necessary to amend the definition of green infrastructure given in the glossary so that accords with that in the NPPF.
310. The explanation text of Policy ENV5 says that the Council will seek a minimum of 20% biodiversity net gain. The Council's evidence in EL8.016.1 provides insufficient justification for either a 10% or 20% net gain in either green infrastructure or biodiversity, when only net gains are currently required by the Natural Environment PPG. Main modifications are therefore necessary to Policies ENV4 and ENV5 and their explanation text to clarify that net gains in biodiversity and green infrastructure will be sought where needed to ensure consistency with current national policy.
311. Furthermore, there is no evidence to justify the threshold for undertaking an Appropriate Assessment set out in Policy EV4. The need for such will depend on the nature of any development and its location. For the reasons already given the reference to the creation of SANGS and seeking contributions towards such is also not justified. Moreover, Policy ENV5 permits schemes which would involve the loss of green infrastructure only where it would be replaced by equivalent of better provision and making specific reference to biodiversity net gain. The reference to biodiversity net gain is unnecessary as this is dealt with in Policy ENV4 and there are likely to be instances where it is impracticable or of no benefit to the green infrastructure network for

replacement provision. Instead, schemes should take account of their impact on the wider connectivity and local functionality of the green infrastructure network and respond through mitigation which is appropriate to context. **MM043** and **MM044** would overcome these issues and subject to such, Policies ENV4 and ENV5 are justified, effective and consistent with national policy.

Environmental protection

312. Policy ENV6 seeks to ensure the risk of pollution arising from new development is prevented or reduced and mitigated to an acceptable level and is justified and consistent with paragraph 185 of the NPPF. However, the reference in the policy to provision of electric charging points in the policy and explanation duplicates details in Appendix 1 Parking Standards in the Plan. This requirement is better placed in Policy TR4 which deals specifically with parking requirements and should therefore be deleted in the interests of effectiveness (**MM045**).

Energy generation

313. Rossendale has a high wind resource historically delivering considerable wind energy development. Policy ENV7 makes clear that single and exceptionally small groups of turbines up to 59 metres may be suitable in the enclosed uplands areas and that larger turbines may be considered on the high moorland plateau areas, both of which are shown on the submission Policies Map. It also says that all areas of the borough are potentially suitable for single turbines up to 25 metres and sets out detailed criteria against which any proposals for wind turbines will be assessed. This includes requiring a full appraisal of geology and stipulation that no development takes place on areas of peat over 40cm in depth.

314. The detailed criteria and areas of suitability are informed and justified by the South Pennines Wind Energy Landscape Study 2014 (EB030) and are consistent with the requirements of paragraph 155 of the NPPF.

315. Policy ENV7 justifiably requires a decommissioning scheme to be included with any proposals and details of how decommissioning would be undertaken to be taken into account in a construction management plan. However, it is not clear what would be expected of such decommissioning plans or how they would be secured and implemented to ensure the long-term environmental impacts of disused turbines are minimised and the land is given the best possible chance of recovery. **MM046** would add this additional detail to the policy and explanation is therefore necessary for effectiveness. In addition, the Council's submission Policies Map contains a labelling error on the areas of suitability which should be rectified prior to adoption.

316. Policy ENV8 sets out a positive approach to other forms of renewable energy which is justified and consistent with national policy. However, reference to the role of Lancashire County Council as the Minerals and Waste Authority is not a policy requirement and should instead be included in the explanation for effectiveness (**MM047**).

Water, flood risk and drainage

317. Policy ENV9 sets out the Council's approach to surface water run-off, flood risk, sustainable drainage and water quality. Reduction in surface water run-off and flood risk can also include eliminating such.
318. However, the policy does not adequately reference the role of the sewage undertaker in informing and assessing proposals. It also does not adequately make clear that surface water arising from new development should not discharge to a public sewer and should only be considered after considering more sustainable options in priority order and subject to the approval of the sewage undertaker in line with S106 of the Water Industry Act 1991 (as amended) and the advice contained in the PPG on Flood Risk and Coastal Change. Furthermore, for effectiveness Policy ENV9 should make more explicitly clear that sustainable drainage systems will be expected and should form part of the overall design of schemes with multi-functional benefits.
319. The Council's emerging Climate Change SPD and its role in guiding relevant proposals should also be referenced in the explanatory text for effectiveness. These issues would all be addressed by **MM048** which is needed to ensure Policy ENV9 is effective and consistent with national policy. Subject to **MM048**, the level of detail in Policy ENV9 is sufficient. It is as detailed as necessary when read alongside other policies, guidance and legal provisions in place for managing water, flood risk and drainage which do not need to be repeated in the policy.

Trees and hedgerows

320. Policy ENV10 seeks to ensure trees are incorporated into new development and that trees are retained where possible. However, the detailed criteria should be applied where appropriate subject to the details of any scheme and its location, thus it should be amended in the interests of effectiveness. Also to ensure consistency with paragraph 131 of the NPPF it should specify that trees are incorporated in the design of new streets. For effectiveness, the policy should also note local initiatives such as the Rossendale Forest and community orchards and the general preference for native species of trees (**MM049**).

Playing pitches, open space, sport and recreational facilities

321. Paragraph 98 of the NPPF requires planning policies relating to playing pitches, open space, sport and recreational facilities to be based on up-to-date assessments of need and opportunities for new provision. Evidence is in preparation on a new playing pitch strategy and an overall assessment of Open Space has recently been completed. However, there is limited evidence available on indoor built facilities.
322. Policy LT1 sets out a framework for protection of open space, sport and recreational facilities. In accordance with the statement of common ground between the Council and Sport England there is an agreed need to update the relevant evidence on indoor built facilities (EL8.017.1). It would not be prudent to delay the examination whilst awaiting this work. However, in the absence of this work, a main modification is needed to recognise the commitment to carry it out in the near future and thereby ensuring Policy LT1 is consistent with national policy (**MM050**).

Community facilities

323. Policy LT2 seeks to guard against the unnecessary loss of valued facilities and services where loss would reduce the community's ability to meet its day to day needs subject to specific criteria. This is consistent with paragraph 93 of the NPPF.
324. However, whether or not a facility is in an isolated location (criterion d) would be difficult to assess and does not necessarily influence whether the facility is valued or not. It is also unclear what an amenity or environmental reason would be to justify the loss of such a facility or how such would be demonstrated as required by criterion e. Thus, criterion d and e are ineffective and should be deleted. Furthermore, it is also not clear that proposals would only need to demonstrate how only one of criteria a, b or c are met or how an existing use should be demonstrated to be financially unviable. **MM051** would address these issues and is therefore needed in the interests of effectiveness.

Strategic transport, footpaths, cycleways and bridleways and road schemes and development access

325. Policy TR1 identifies several positive strategic transport priorities for the borough which aim to enhance connectivity and reduce the need to travel. Policy TR3 seeks to avoid any development which prejudices access to allocated sites or the construction of identified road schemes. These policies are justified effective and consistent with national policy, particularly paragraph 106 of the NPPF.
326. Policy TR2 supports the development and enhancement of footpaths, cycleways and bridleways. However, to ensure consistency with paragraph 106 d of the NPPF the policy should also recognise and encourage supporting facilities such as secure cycle parking (**MM052**).

Parking

327. The Council's approach to parking is detailed in Policy TR4 and Appendix 1 in the Plan. However, paragraph 256 of the Plan states that the parking standards are maximum figures. The NPPF (paragraph 108) states that maximum parking standards should only be set where there is compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport.
328. The Council's relevant evidence (EL8.018.1) does not provide the necessary justification for maximum standards, particularly with regard to optimising density or any specific localised road network issues. However, EL8.018.1 does justify local parking standards within the terms of paragraph 107 of the NPPF based on local circumstances. MMs are therefore needed to clarify that the Council's parking standards are not maximum standards.
329. The provision of electric vehicle charging points should naturally be considered alongside parking requirements. As discussed above, **MM045** would delete electric vehicle charging points requirements from Policy ENV6 and MMs are therefore needed for effectiveness to incorporate requirements for electric vehicle charging points into Policy TR4. However, to ensure that an adequate provision of electric vehicle charging points are secured and the requirements are clear, the Plan should specify the number of charging points required for dwellings, apartments and in non-residential carparks for effectiveness. Also for effectiveness it should also clarify such requirements are subject to the economic viability and technical feasibility of any scheme. The uses specified in Appendix 1 of the Plan also need to be changed to reflect the amended UCO for effectiveness.
330. **MM053** and **MM055** would address all these issues and subject to these MMs Policy TR1 and Appendix 1 in the Plan are justified, effective and consistent with national policy.

Conclusion

331. In conclusion, subject to the aforementioned modifications, the proposed environment, leisure and tourism and transport policies are positively prepared, justified, effective and consistent with national policy.

Issue 10 – Does the Plan identify an effective monitoring framework, is the Plan supported by robust infrastructure planning and is the Plan viable?

Monitoring

332. The Monitoring section of the Local Plan simply lists a range of questions under the sub-headings of Housing, Employment, Retail and Leisure and Environmental. These are insufficient to measure the effectiveness of the Plan's policies. They would therefore be ineffective in informing any review of the Plan's policies to assess whether or not they need to be updated as required by paragraph 33 of the NPPF.

333. **MM054** would replace the existing monitoring section with a new monitoring section setting out clear performance indicators against which the effectiveness of the policies will be monitored. It also clearly explains the need to keep the Plan under review and what actions will be taken if policies are not being implemented as expected. Reasonable targets and trigger points for action are specified where practicable. The actions identified if policies are not being implemented as expected are reasonable and proportionate. Overall, **MM054** is needed to ensure the Plan is effective.

Infrastructure

334. The Infrastructure Delivery Plan (2018) and the 2019 update (SD014 and SD015) set out a range of projects which can reasonably be expected to be delivered when envisaged to support the delivery of the development proposed in the Plan.
335. A key project is the Rawtenstall Gyrotory improvement scheme. The Council and LHA will continue to bid for funding to support the implementation of this scheme in full over the plan period. However, EL8.007.2, shows that this scheme can be broken down into a number of smaller individual projects which could be implemented incrementally to free up capacity in the network over the plan period. We are satisfied this project and others identified in the Infrastructure Delivery Plan will not act as a barrier to development proposed in the Plan.
336. The delivery of infrastructure projects will be closely monitored over the plan period through the Council's Housing Action Plan. Overall, the Council's approach makes sufficient provision for infrastructure, and is justified, effective and consistent with national policy, particularly paragraph 20(b) and (c) of the NPPF.

Viability

337. The Local Plan Economic Viability Assessment (2019) (EB019) and the Local Plan Viability Assessment Update Report (2021) (EL8.020) comprise the Council's viability assessment. EL8.20 updates EB019 considering the implications of all MMs and provides additional detail to ensure the Council's viability assessment is clear and transparent.
338. A broad sample of sites proposed for allocation in the Plan are assessed including consideration of specific circumstances associated with strategic site allocation H72. These assessments take into account all policies in the Plan which would have implications for development viability and are based upon reasonable and proportionate information. The assessment includes sensitivity testing which is based on varying levels of suitable return for developers which are all within the ranges given in the Viability PPG.
339. The assessment splits the borough into viability zones. In considering new housing development it shows that in Zones 1 and 2 and on brownfield sites and in Zone 3 many sites will not be able to support 30% affordable housing together with other developer contributions required by the Plan's policies. However, it also shows that all sites in Zone 4 and greenfield sites in Zone 3 are able to support 30% affordable housing and other requirements of the policies proposed in the plan. The explanatory text to Policy SD3 and other

policies with viability implications such as Policy HS6 make clear any planning obligations will take account of development viability. The Plan's policies, incorporating the main modifications discussed above are sufficiently flexible in that they will allow requirements to be relaxed if they are shown to be undermining the delivery of housing in the borough.

340. There is some uncertainty about site specific education requirements in Rossendale. Historically, contributions through S106 towards education in Rossendale have varied (EL8.020) depending on a number of factors including local capacity. Furthermore, highways contributions will depend on detailed transport assessments, only available at planning application stage adding to the uncertainty about the level of S106 contributions. There may also be instances where contributions towards refuse management or community facilities are necessary which are also difficult to predict. The Council's assessment allows £1000 per dwelling for S106 for contributions to cover such matters. This figure is considered reasonable based upon the information available.
341. In considering non-residential development the Council's assessment notes speculative employment development is generally unviable. This is also the case in many parts of the north west because rents and capital values are low in comparison with build costs. The mixed-use sites have similar challenges, although through the mix of uses proposed can benefit from cross subsidy.
342. However, as discussed under Issue 7, all new employment sites have willing landowners, are located where the greatest demand exists and are close to other employment areas. The landowners of NE1 and NE5 intend to use these sites to expand active enterprises which will have a lower profit requirement than speculative development. The Council is also committed to seeking public sector funding to enhance the viability of these sites over the Plan period. On this basis, subject to flexibility on site specific requirements where necessary and proactivity in seeking public sector funds, we are satisfied the commercial development sites proposed in the Plan could be viably developed over the Plan period.
343. The viability implications of Green Belt compensatory measures are considered in EL8.020 at Appendix 8. However, the full details of any measures will depend on detailed scheme design and will need to be secured at planning application stage through planning obligations. The work tests an example package of compensatory improvements in response to an example development scenario. This approach is reasonable and proportionate and shows in principle such measures will not prevent development in the borough. The MMs considered in this report will also make clear that only net gains in biodiversity and green infrastructure will be required which will have a positive effect on viability.
344. Overall, the Council's policies are ambitious but sufficiently flexible, such that they will rightly maximise the delivery of affordable housing, Green Belt compensation and infrastructure where viable. The Council's viability assessment robustly demonstrates based on reasonable and available information that the cumulative impact of the policies in the Plan will not compromise development viability. The Council's approach is consistent with the advice contained in the Viability PPG.

Conclusion

345. In conclusion, subject to the aforementioned modifications, the Plan identifies an effective monitoring framework, is supported by robust infrastructure planning and is viable.

Overall Conclusion and Recommendation

346. The Plan has a number of deficiencies in respect of soundness and legal compliance for the reasons set out above, which mean that we recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

347. The Council has requested that we recommend MMs to make the Plan sound and/or legally compliant and capable of adoption. We conclude that the duty to cooperate has been met and that with the recommended main modifications set out in the Appendix the Rossendale Local Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

Katie Child

Luke Fleming

Inspectors

This report is accompanied by an Appendix containing the Main Modifications.