

**INDEPENDENT EXAMINATION OF THE EDENFIELD
NEIGHBOURHOOD DEVELOPMENT PLAN**

EXAMINER: Andrew Freeman BSc (Hons) DipTP DipEM FRTPI

Ian Lord
Secretary - Edenfield Community Neighbourhood Forum

Anne Stora
Principal Planner – Forward Planning
Rossendale Borough Council

Examination Ref: 01/AF/ENP

7 October 2024

Dear Mr Lord and Ms Stora

Following the submission of the Edenfield Neighbourhood Plan (the Plan) for examination, I would like to clarify several initial procedural matters. I also have a number of questions for Rossendale Borough Council (the Borough Council) and Edenfield Community Neighbourhood Forum (the Neighbourhood Forum) to which I would like to receive a written response(s) by **Monday 21 October 2024**, if possible.

1. Examination Documentation

I can confirm that I am satisfied that I have received the draft Plan and accompanying documentation, including the Basic Conditions Statement; the Consultation Statement; the Strategic Environmental Assessment (SEA) Screening Opinion; and the Regulation 16 representations, to enable me to undertake the examination.

Subject to my detailed assessment of the Plan, I have not at this initial stage identified any very significant and obvious flaws in it that might lead me to advise that the examination should not proceed.

2. Site Visit

I will aim to carry out a site visit to the neighbourhood plan area during the week commencing 21 October 2024. The site visit will assist in my assessment of the draft Plan, including the issues identified in the representations.

The visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process.

I may have some additional questions, following my site visit, which I will set out in writing should I require any further clarification.

3. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

4. Further Clarification

From my initial assessment of the Plan and supporting documents, I have identified a number of matters where I require some additional information from Rossendale Borough Council and Edenfield Community Neighbourhood Forum.

I have 17 questions seeking further clarification, which I have set out in the Annex to this letter. I would be grateful to receive the written response(s) by **Monday 21 October 2024**.

5. Examination Timetable

As you will be aware, the intention is to examine the Plan (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within around 6 weeks of submission of the draft Plan. However, I recognise that I have raised a number of questions and must provide you with sufficient opportunity to reply. Consequentially, the examination timetable may be extended. Please be assured that I will aim to mitigate any delay as far as is practicable. The IPe office team will seek to keep you updated on the anticipated delivery date of the draft report.

If you have any process questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure that a copy of this letter is placed on the Borough Council and Community Neighbourhood Forum websites.

Thank you in advance for your assistance.

Yours sincerely

Andrew Freeman

Examiner

ANNEX

From my initial reading of the Edenfield Neighbourhood Plan, the supporting evidence and the representations that have been made to the Plan, I have the following 17 questions for Rossendale Borough Council and Edenfield Community Neighbourhood Forum. I have requested the submission of responses by **Monday 21 October 2024**, although an earlier response would be much appreciated. All of the points set out below flow from the requirement to satisfy the Basic Conditions.

Question for Rossendale Borough Council

1. Does the Borough Council have any comments to make on the Edenfield Neighbourhood Plan?

Question for Rossendale Borough Council and Edenfield Community Neighbourhood Forum

2. Do you consider that any of the matters identified within Policy HO4 are in conflict with provisions in the Site H66 Masterplan Design Code?

Questions for Edenfield Community Neighbourhood Forum

3. Is the Neighbourhood Forum satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998)?
4. Policy UB1: Is the settlement boundary (Policy UB1) the same as the Urban Boundary (Policies Map)?
5. Policy UB1 - compensatory measures in the remaining Green Belt in accordance with Policy SD4 of the Local Plan *and other guidance*: What is the "other guidance" that you have in mind?
6. Policy HO3: Do you consider that application of this policy will unacceptably slow down housing delivery (see representations submitted by Pegasus)?
7. Policy HO3 2 b) – "6 out of the previous 12 months": Is this correct? Would there not be conflict with criterion 2 a) where continuous occupation for a period of 12 months would be needed?
8. Policy HO4 – Site H66 design and layout: Given that a Masterplan Design Code (MDC) specific to this site has now been approved by the Borough Council, do you consider that the Neighbourhood Plan should defer to the matters covered by the MDC? If not, why not?
9. Policy HO4: How are the matters set out under part 2 of the policy different from those in criterion 1 c)?
10. Policy D2: Other than those set out in Building For a Healthy Life, what best practice design principles do you have in mind?
11. Policy HE3 b): How is an applicant to know whether an application site has the potential to include a heritage asset with archaeological interest?
12. Policy T2 2: For the avoidance of doubt, please explain the difference between the evaluation of 1) traffic movements and 2) traffic flows.
13. Policy T2 3 – Effect on the Strategic Highway Network: What is 1) the source of the provisions in this part of the policy and 2) the evidence for the requirements?

14. Policy G11 – Local Green Space designation: Were the owners of the sites specifically consulted on the proposed designations – see Planning Practice Guidance (PPG) Reference ID: 37-019-20140306?¹ Were any objections received? If so, please provide details.
15. Policy G11 – Local Green Space designation: Given that the Edenfield Cricket Club is already protected by Green Belt, what additional local benefit would be gained by designation?²
16. Policy G13 – publicly accessible links from development sites: Would these be links within the boundaries of application sites or links beyond applications sites (funded through a planning obligation or in some other way)?
17. Policy NE1: Will not the proposed maintenance of many of these views (potentially including KV1, 2, 3, 4 and 8) be rendered inappropriate given proposed development at site H66?

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¹ View at: <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space>

² See PPG Reference ID: 37-010-20140306 (link above).