

INDEPENDENT EXAMINATION OF THE EDENFIELD NEIGHBOURHOOD DEVELOPMENT PLAN
Examination reference: 01/AF/ENP

Replies by Edenfield Community Neighbourhood Forum

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?

A. i The only substantial difference between Policy HO4 of the NP and criterion 5 of the site-specific policy for H66 (SSP) in the Local Plan (LP) is the addition of references to the relationship of the new dwellings to the Community Centre to ensure safe non-vehicular access is provided.

ii Given that paragraph 1 of HO4 states that sub-paragraphs a) to f) are specified in the Local Plan, it would be appropriate to delete “and to the Community Centre” from sub-paragraph c).

iii Paragraph 2 of HO4 does not in our view conflict with the LP or the Masterplan and Design Code approved by RBC (MDC), but, as H66 is separated from the Community Centre by land which has no immediate prospect of acquisition by the owners of H66, paragraph 2 might be regarded as incapable of being satisfied. In that case, it could be deleted.

iv As indicated at **i** above, without the Community Centre reference paragraph 1 of HO4 is entirely consistent with the LP. The MDC is not consistent with the LP, as ECNF submitted to RBC in representations in July 2024 (copy attached) and previously. Therefore, conflict between Policy HO4 and the MDC is to be expected.

Examples of where the MDC is inconsistent with the LP are given at **v** to **viii** below.

v The MDC was devised on behalf of the major developers to justify their planning applications. Their proposals include chopping down woodland north of Church Lane to accommodate houses - see application no 2023/0396¹. The MDC does not require this woodland to be retained, contrary to HO4 1. a).

vi Edenfield Core and Village Streets Area Types ignore the requirement for housing layout to be designed to allow views to the Parish Church to continue (MDC, pages 97 to 101).

vii The developer of the Edenfield Core and Village Streets Areas is reluctant to provide landscaping in the built area - see application no 2022/0451². The MDC fails to require appropriate landscaping throughout the site, contrary to HO4 1. e).

viii The MDC does not require materials and boundary treatments to reflect the local context. This is exemplified by the Village Streets Area Type (MDC, page 100), where extensive use of red brick is proposed on the spurious bases that the Area has reduced visual prominence and that brick will add interest and variety and is found in the southern part of the village.

ix In approving the MDC, RBC misdirected itself. The reports to the Development Control Committee and then the Cabinet stated that moderate weight had been given to the emerging Neighbourhood Plan, implying that it was given less weight than the MDC. As both the MDC and emerging Neighbourhood Plan had been the subject of public consultation and amendment in the light of RBC’s comments, and as the Design Code in the Neighbourhood Plan was drafted by independent consultants with no vested interest, there was no reason to give less weight to the Design Code in the NP than the

¹ www.rossendale.gov.uk Select Planning and Building Control > View a planning application and enter application number

² *ibid*

one in the MDC. Even if that approach to relative weight of the MDC and NP was correct, RBC has approved a MDC which (page 18) accorded only limited weight to the NP.

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)?

A. Yes. Whilst the NP would impose some limitation on the owners of H66 on the peaceful enjoyment of their possessions, a State has the right to control the use of property in accordance with the general interest. Such limitation as the NP imposes is proportionate, reasonable and for legitimate planning purposes.

4. Policy UB1: Is the settlement boundary (Policy UB1) the same as the Urban Boundary (Policies Map)?

A. Yes. It would be appropriate to change the references to 'settlement boundary' in Policy UB1 to 'Urban Boundary'.

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?

A. i "And other guidance" was added at the suggestion of RBC. It could refer to guidance from RBC or national guidance. As regards local guidance, please see paragraphs **ii** to **vii** below.

ii Policy SD4 of the LP stated:

The Council has identified a number of projects where Green Belt compensatory measures can be delivered, or proportionate contributions made towards these schemes, listed below. Further details are contained in the Green Belt Compensatory Document or its successor: [Possible schemes were listed, but regrettably they were not necessarily in the Green Belt].

iii The Explanation of Policy SD4 included (paragraph 59):

Further details of precise measures are set out in the relevant site specific policy, and the Council's Green Belt Compensatory Document or its successor. Additionally a Supplementary Planning Document (SPD) will be produced setting out the details of these schemes, for example, showing PROW improvements, locations for tree planting etc. These documents inform the site-specific policies and will inform future site-specific negotiations.

All that the SSP said was: (Criterion 7) *Compensatory improvements must be provided to the Green Belt land in proximity of the site in accordance with Policy SD4.*

The Explanation of the SSP merely said: (Paragraph 124) *Due to the removal of the site from Green Belt it is necessary that there are compensatory improvements to the Green Belt within the local area in accordance with SD4 in particular these should relate to proposals identified at Edenfield Cricket Club and Edenfield and Stubbins Schools. Compensatory measures could also be directed towards footpath and cycleway improvements in the vicinity as set out in the Council's Green Belt Compensation Document.*

iv In reply to the LP Inspectors' Schedule of Actions, RBC produced a paper titled *Compensation Measures for Green Belt Release*, dated 21st October 2020 (LP Examination Library document EL8.008.10³).

v This was superseded by document EL11.001b⁴ of the same title, which was published for consultation in July 2021. ECNF's response on 28th July 2021 to that consultation is at pages 15 to 22 of document EL11.002e⁵.

vi The 'Compensatory Document', as the LP called it, was the July 2021 version, which was itself superseded in January 2023, without further consultation, when RBC promulgated a new version⁶ of the

³ <https://www.rossendale.gov.uk/downloads/file/16205/el8-008-10-action-8-10-compensatory-measures-for-green-belt-release>

⁴ <https://www.rossendale.gov.uk/downloads/file/16727/el11-001b-compensation-measures-for-green-belt-release>

⁵ <https://www.rossendale.gov.uk/downloads/file/16817/el11-002e-other-responses>

⁶ https://www.rossendale.gov.uk/downloads/download/11553/compensation_measures_for_green_belt_release

paper *Compensation Measures for Green Belt Release*. It does not purport to be a Supplementary Planning Document. It is located on the RBC website under the heading “Other guidance”⁷. The paper is flawed, as the schemes it lists are not necessarily in the Green Belt.

vii Locally, the “other guidance” would be the January 2023 paper, with the possibility of the promised SPD.

6. Policy HO3: Do you consider that application of this policy will unacceptably slow down housing delivery (see representations submitted by Pegasus)?
A. No. A key issue that emerged from the consultations about the NP was the lack of high-quality affordable housing in Edenfield. The NP seeks to address this through supporting housing development which meets the needs of the local population (NP, paragraph 6.2). Objective 3 (NP, paragraph 4.2) is to support sustainable development that reflects local housing needs and requirements of the local community - considering affordability, type and mix. It is therefore entirely reasonable for the NP to include HO3. Pegasus say that HO3 could lead to delays (paragraph 4.11) and would be likely to lead to delays (paragraph 4.13). That is purely speculative. RBC and the Providers will be keen for the affordable dwellings to be occupied as soon as possible, and it would be disrespectful for Pegasus to suggest, without evidence, that those bodies’ administration processes will not facilitate their purpose. There will no doubt be a waiting-list for housing; any delay in identifying a prospective occupier should therefore be minimal.
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?
A. Paragraph 2 b) could include people who have a local residential connection, but whose principal residence is elsewhere. Conversely whilst many qualifying under a) would also satisfy b), there could be some who would satisfy a) alone, *e.g.*, those who have been away more than 6 months in the last 12 for study or for work whilst their principal residence remained in Edenfield.
On a separate point, to avoid ambiguity, we would suggest inserting ‘who’ before ‘continue’ in c).
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?
A. No. The MDC will be at best no more than a material consideration in the determination of any planning application for H66. The NP, if adopted, will be part of the development plan. As drafted, the NP fully conforms with the LP. The MDC does not conform with the LP, as demonstrated in ECNF’s representations about the final version (copy attached). It would be wholly inappropriate in these circumstances for the NP to defer to a document that is not part of the development plan, that does not comply with the LP and that was approved under a mistake as to the relative weight to be accorded to the emerging NP. Please refer to the answer above to question 2, in particular paragraphs **iv** to **ix**.
9. Policy HO4: How are the matters set out under part 2 of the policy different from those in criterion 1 c)?
A. As the Community Centre was not mentioned in the SSP, reference to it in sub-paragraph 1 c) of the Policy should be deleted. Sub-paragraph 2 would then clearly differ from sub-paragraph 1 c), but whether sub-paragraph 2 is appropriate is another issue. Please refer to the answer above to question 2, in particular paragraphs **i** to **iii**.
10. Policy D2: Other than those set out in Building For a Healthy Life, what best practice design principles do you have in mind?
A. It is considered that the Policy needs to be couched in general terms to allow for the possibility of updated or new guidance during the lifetime of the Plan. Paragraph 4 of the Policy could be amended

⁷ <https://www.rossendale.gov.uk/local-plan/supplementary-planning-documents-spds-guidance>

by deleting the words after 'principles' and adding in their place a sentence:
"The following is a selection of current best practice guidance:

- National Design Guide (MoHCLG) 2019⁸
- National Model Design Code Part 1 The Coding Process (MoHCLG) 2021⁹
- National Model Design Code Part 2 Guidance Notes (MoHCLG) 2021¹⁰
- Building for a Healthy Life (Homes England / Design for Homes) 2020¹¹
- Streets for a Healthy Life (Homes England) 2022¹²
- Planning Practice Guidance: Design Process and Tools (MoHCLG) 2019¹³
- Guidance for Outdoor Sport and Play (Fields in Trust) 2020¹⁴
- Best Practice in Urban Extensions and New Settlements (TCPA, CABE) 2007¹⁵
- Rising to the Climate Crisis (TCPA / RTPi) 2018¹⁶
- Climate Change: Adaptation by Design (TCPA) 2007¹⁷
- Cracking the Code (RTPi / RSPB) 2022¹⁸
- Design for Play (Play England) 2008¹⁹
- Manual for Streets (DfT) 2007²⁰
- Manual for Streets 2 (CIHT) 2010²¹
- Secured by Design: Homes (UK Police) 2024²²
- Creating Civilised Streets (Lancashire County Council) 2010²³, referenced in the LCC Highways and Transport Strategy, 2023-25²⁴."

⁸https://assets.publishing.service.gov.uk/media/602cef1d8fa8f5038595091b/National_design_guide.pdf

⁹https://assets.publishing.service.gov.uk/media/611152f98fa8f506ca458925/NMDC_Part_1_The_Coding_Process.pdf

¹⁰ https://assets.publishing.service.gov.uk/media/6111531fd3bf7f043c4badd1/NMDC_Part_2_Guidance_Notes.pdf

¹¹<https://www.designforhomes.org/wp-content/uploads/2020/11/BFL-2020-Brochure.pdf>

¹² <https://assets.publishing.service.gov.uk/media/62cd61768fa8f54e8405571e/Streets-for-a-Healthy-Life.pdf>

¹³<https://www.gov.uk/guidance/design>

¹⁴ <https://fit.viewcreative.agency/content/files/Guidance-for-Outdoor-Sport-and-Play-England.pdf>

¹⁵ https://www.tcpa.org.uk/wp-content/uploads/2021/11/best_practice.pdf

¹⁶ <https://www.rtpi.org.uk/media/3568/rising-to-the-climate-crisis-1.pdf>

¹⁷https://www.preventionweb.net/files/7780_20070523CCAlowres1.pdf

¹⁸ <https://www.rtpi.org.uk/media/11054/design-codes-report-final.pdf>

¹⁹ <https://www.playengland.org.uk/designforplay>

²⁰<https://assets.publishing.service.gov.uk/media/5a7e0035ed915d74e6223743/pdfmanforstreets.pdf>

²¹ <https://www.ciht.org.uk/media/9351/manual-for-streets-2.pdf>

²² <https://www.securedbydesign.com/images/HOMES%20GUIDE%20May%202024.pdf>

²³ https://www.lancashire.gov.uk/media/81455/creating_civilised_streets.pdf

²⁴ <https://www.lancashire.gov.uk/council/strategies-policies-plans/roads-parking-and-travel/highways-and-transport-strategy-2023-2025/>

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?
A. Policy HE3 would allow the LPA to request an archaeological assessment or evaluation either as part of the application or by a planning condition. If the applicant did not know of the potential already, he would find out on receiving the LPA's request.
12. Policy T2 2: For the avoidance of doubt, please explain the difference between the evaluation of 1) traffic movements and 2) traffic flows.
A. There is no appreciable difference. We would suggest amending T2 2 to read 'movements' in place of '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?
A. The wording was suggested by National Highways. Please see document S4 attached.
14. Policy GI1 – 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?²⁵ Were any objections received? If so, please provide details.
A. Consultees on the Regulation 14 Plan included RBC who own the playground and the recreation ground and also Chris Hanson who is Chair of Edenfield Cricket Club. RBC did not make any comments on policy GI1. Chris Hanson commented as follows:
E8. Chris Hanson Edenfield Cricket Club Gincroft Lane Edenfield,
Agree with the principle of LC1 but would suggest amending Paragraph 4 to read "Change of use and development of the cricket club will only be allowed on the provision of a suitable alternative within Edenfield which supports recreation, sporting and amenity use prior to the closure of the existing.
 [NOTE: Policy LC1 was revised in the light of consultation responses - please refer also to Policy LC4.]
15. Policy GI1 – 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?²⁶
A. It is important that the Cricket Club is protected as much as possible, and we are aware that Green Belt designation can be removed as has been experienced with H66. Consequently we consider that the Policy enhances the protection afforded to this important village facility.
16. Policy GI3 – 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)?
A. It might be any of those. The need, desirability, feasibility, achievability and implications for viability of any such links would be considered in the determination of the relevant planning application.
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?
A. No. Proposals for H66 add importance to Policy NE1. Policy NE1 says that development proposals should take Locally Important Views into account and minimise their adverse effect on the views. A well-designed development should be able to do this. Pegasus's response to the Regulation 16 consultation claims (paragraph 10.8) that application no 2022/0451 respects KV1, KV2, KV4 and KV8, indicating that the largest developer on H66 accepts the appropriateness of this Policy.

²⁵ View at: <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space>

²⁶ See PPG Reference ID: 37-010-20140306 (link above).