

Mr Ian Lord
Chair ECNF
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BLO OLB.

Business Directorate
Planning Department
Futures Park
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This matter is being dealt with by Mr Mike
Atherton
Telephone: 01706 252420
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Date: 09/12/2022

Dear Sir

**Re: ECNF and Consultation Regarding Proposed Development on Local Plan
Housing Allocation H66.**

I refer to your letter of the 24th of November 2022.

The Council cannot control when the developer submits a planning application and if the application is valid the Council cannot decline to progress it and must consult upon it despite any national holidays or events. Therefore, once a planning application is validated, the Council has to commence consultation on it straight away, as there is no provision within planning law to delay consultation or the progression of an application. However, the standard provision within planning legislation is for a 21 day consultation.

In this case, an unprecedented 43 days has been allowed, despite the aforementioned requirements of planning law. This length has been chosen at the discretion of the Local Planning Authority (LPA), in order to assist residents and statutory consultees, given that there is also simultaneous consultation taking place on the Masterplan and Design Codes and with an understanding that this is a busy time of year.

With regards to the Design Code and Masterplan, if these are not progressed then they will not be able to inform the and influence the planning application, which the LPA is required to determine. Therefore, this does need to be progressed in order for the Council to be able to come to a decision on their suitability and also to then be able to determine the planning application, relating to the same site.

It should be noted that there is no requirement in planning law for a LPA to consult on Masterplans and Design Codes, yet at the Planning Department's discretion we have sent out a huge number of neighbour notification letters and e-mails to consultees, to

the same residents and statutory and non-statutory consultees that were consulted on the planning application. Those letters and e-mails were sent out on the same day that the Masterplan and Design Code documents were published on the website.

Given that there is no requirement to consult on the Masterplan and Design Codes but we have still decided to do so, the nearest comparable consultation exercise for an LPA to undertake is that for a planning application, which requires comments to be received within 21 days. However, in this instance we have extended the period for comments on both the concurrent planning application and the Masterplan/Design Codes application to 43 days which as outlined above is unprecedented.

Also, there is no requirement to undertake a drop-in session where members of the public can view plans and discuss issues with officers. This was voluntarily suggested by Planning Officers to assist local residents and maximise engagement in the process. The attached e-mail chain confirms dates and times were suggested by myself and when you responded to suggest an evening session, you received a reply straight away at 21.25 on Monday evening, well outside normal working hours to suggest I would try and arrange an evening session, the timing of which has now been agreed with yourself.

You were informed at a meeting with myself, Anne Storah and Councillor Alyson Barnes that consultation was likely to begin in November and you confirmed acknowledgement of this in a subsequent e-mail which you sent to Anne Storah on the 4th of November. This is indeed what happened as consultation began on the 21st of November, therefore, you were adequately forewarned of when the consultation was likely to start. As such, this appears contrary to your assertions in your letter of the 24th of November where you state *'However, with the two consultations running concurrently and including the pre-Christmas period, the football World Cup and the Christmas holidays it is just ridiculous. It appears that this is a deliberate attempt to prevent effective consultation.'* Therefore, when officers are going above and beyond to be helpful, the comments are both unfounded and disappointing.

You were also informed at our most recent meeting that the consultation would take place with neighbouring residents of the site and statutory consultees and site notices would be displayed. This is exactly what has happened. There was no discussion at the meeting of consulting all the businesses in the village, which you assert in your letter would be a good idea. No LPA has access to the names and addresses of all businesses in any settlement, as LPAs do not consult businesses per se on planning proposals, they consult neighbouring residents of the site and statutory consultees, which again, is exactly what has been undertaken. The consultation was advertised on the Council's website, where all interested parties have been able to view documents. The documents are also available to view at the Council Offices, for those people who do not have access to the internet. Therefore, for you to assert, *'ECNF believes that this is in breach of planning regulations,'* is wholly inaccurate.

I note your request for an extension of the consultation period by two weeks. For the reasons described above, the duration of the consultation is far greater and more extensive than on any other planning application and linked documents, despite there being no legal requirement for such an extensive consultation.

However, the LPA would be prepared to allow consultation to run for two further weeks as you suggest until the 17th of January and the LPA will update the relevant page of the website as soon as practicable. Planning Officers will also explain this to interested parties at the drop in session.

It was also explained to you at our meeting that the Masterplan and Design Codes would be determined before any planning application and you raise this point in your letter. I can confirm that this remains the case and the planning application will not be decided until the Masterplan and Design Codes have been determined.

I look forward to engaging positively with yourself and the ECNF throughout the process.

Yours faithfully,

A handwritten signature in dark ink that reads "Mike Atherton". The signature is written in a cursive, slightly slanted style.

Mike Atherton
Head of Planning & Building Control