

<b>REPORT TO:</b>		Council	
<b>DATE:</b>		24 March 2022	
<b>PORTFOLIO:</b>		Cllr Miles Parkinson, Leader	
<b>REPORT AUTHOR:</b>		Chief Planning and Transportation Officer	
<b>TITLE OF REPORT:</b>		Hyndburn Local Plan (Strategic Policies and Site Allocations) – Regulation 19 consultation	
<b>EXEMPT REPORT (Local Government Act 1972, Schedule 12A)</b>	<b>Options</b>	Not applicable	
<b>KEY DECISION:</b>	<b>Options</b>	If yes, date of publication:	

## 1. **Purpose of Report**

- 1.1 Work has reached an advanced stage in the preparation of the new Local Plan for Hyndburn. The next step is the publication of the Local Plan (Strategic Policies and Site Allocations – henceforth referred to as the “Local Plan”) for public consultation at Regulation 19 stage of the plan making process. Once adopted, these documents will replace the final saved elements of the 1996 Local Plan and the 2012 Core Strategy. A report on this matter was presented to Cabinet on the 16<sup>th</sup> March and this report now seeks approval from all Members for the Council to take the Local Plan out to public consultation.
- 1.2 This report explains the context and content of the consultation documents that are proposed to be the subject of a public consultation exercise, due to be commenced in May 2022. The version of the Local Plan being consulted on will represent the settled view of the Council on what the Plan should contain (under Regulation 19 of the Town Country Planning (Local Planning) (England) Regulations 2012). This is also known as the “Pre-submission” Plan as, after the consultation concludes, it will be the version which is submitted to an Inspector for Examination in Public.

## 2. **Recommendations**

### 2.1 That Council:

1. Notes the work which has already taken place, including previous statutory public consultation, on the earlier stages of preparation of the new Local Plan for Hyndburn;
2. Approves the content of the Local Plan document (see separate papers attached) and agrees to commence a 6-week statutory consultation process in due course; and

3. Delegates authority to the Council's Executive Director (Legal and Democratic Services) and the Chief Planning and Transportation Officer, following consultation with the portfolio holder for Planning, to make any further changes considered necessary or appropriate to the consultation documents, prior to commencing consultation.

### **3. Reasons for Recommendations and Background**

- 3.1 The Local Plan is the long-term development framework for the area. It has a key role to play in: meeting the full needs of communities for housing, employment and service provision; delivering new development in a sustainable way; and helping to contribute to wider policy ambitions at the regional and national scales.
- 3.2 The Local Plan for an area can comprise a single Development Plan Document (DPD), or a collection of DPDs, as appropriate to that area. The Local Plan for Hyndburn is concerned with providing a complete planning framework for the Borough including:
  - A spatial vision, strategy and strategic objectives for the next 15 years;
  - Planning policies (both strategic and non-strategic/local) for helping to facilitate the development needs identified for the area;
  - Land allocations in support of planning policy, for example to meet the key housing and employment needs over the plan period;
  - Land designations to protect areas from development where appropriate; and
  - A monitoring and implementation framework for delivery of the local plan.
- 3.3 The new Local Plan for Hyndburn will be comprised of three key documents:
  1. The Accrington Area Action Plan (adopted 2012);
  2. The Development Management Development Plan Document (DM DPD) (adopted 2018);
  3. Local Plan (Strategic Policies and Site Allocations) (Regulation 19 Pre-submission consultation planned – the subject of this report).
- 3.4 The new Local Plan is due to replace the 2012 Core Strategy. The 2012 document provided the strategic overarching planning policy framework for the Borough, including setting housing and employment growth figures. The Core Strategy was adopted just prior to the National Planning Policy Framework (NPPF) being enacted. One of the key implications of the reforms implemented through the new NPPF at this time was that new requirements were placed on local authorities to set their own housing growth figures in their Local Plans (previously this had been determined at the regional level).
- 3.5 The reasons for a review of the strategic policies of the 2012 Core Strategy are as follows:
  - The Government has brought forward regulations requiring all Local Authorities to review Local Plan documents at least every 5 years; the housing and other development requirements set out in the Core Strategy are therefore now considered out of date. It is

also good practice to review policies on a regular basis to reflect new legislation, policy and changing circumstances;

- The current Core Strategy was adopted before the revised NPPF was published (this was first published in 2019 and was revised again in 2021) – the strategic policies are expected to reflect national policy;
- Housing provision targets set out in the Core Strategy are out of date; the Government now expects housing requirements to be based on the standard methodology for calculating minimum housing need or an up-to-date housing need assessment (which uses the standard method as a starting point); the Council has therefore recently produced a Housing and Economic Needs Assessment (HENA) which updates the housing requirement and new strategic policies are required to set these out;
- Employment land requirements have also been updated following the publication and findings of the Employment Land Study and updated HENA;
- The Council is now allocating suitable sites to meet the growth necessary to accommodate the updated development requirements.

3.6 The Council is required to prepare its Local Plan in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. This includes consideration at the outset of plan making of ‘reasonable alternative’ policy options, and the sustainability appraisal of different options to help inform selection of a preferred option to take forward. The key consultation stages required by the Regulations are set out in Appendix 1 and a summary is set out in Table 1 below. Further details and the current timetable for the Local Plan are set out in the updated [Local Development Scheme \(LDS\)](#), which was approved in February 2022 and is included as a Background Paper.

Table 1: Local Plan making stages as required by Local Planning Regulations

<b>Regulation Stage</b>	<b>Summary</b>
<b>Reg.18</b>	<b>Preparation (incl. Public Participation)</b>
<b>Reg.19</b>	<b>Publication (incl. Public Participation)<sup>1</sup> *CURRENT STAGE*</b>
<b>Reg.20</b>	<b>Representations on the Local Plan</b>
<b>Reg.22</b>	<b>Submission of documents and information to the Secretary of State</b>
<b>Reg.24</b>	<b>Independent examination</b>
<b>Reg.25</b>	<b>Publication of the recommendations of the appointed person</b>

<sup>1</sup> Following the Council’s approval of a ‘Publication’ version, policies and proposals within the plan will have greater weight in terms of decision making in Development Management.

<b>Reg.26</b>	<b>Adoption</b>
---------------	-----------------

3.7 The Council has already been through the Regulation 18 stage of the Local Plan preparation with the following key pieces of work having been carried out to date:

- Regulation 18(1) 2018<sup>2</sup>: Cabinet approved an initial set of documents for consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012; this set out a range of options for future housing and employment growth in the Borough, the distribution of that growth, and how the Council should assess specific sites to allocate. The outcomes of that consultation were reported to Cabinet in July 2018;
- Regulation 18(2) 2019<sup>3</sup>: Council approved a draft Core Strategy setting out proposed strategic planning policies for consultation, as well as a set of initial site assessments of 179 'reasonable alternative' site options for allocation. The outcomes of the consultation were reported to Cabinet in September 2019;
- Regulation 18(3) 2019<sup>4</sup>: Cabinet approved a Gypsy and Traveller Policy and Site Options Consultation paper; consultation on this took place between December 2019 and January 2020 and was informed by the Gypsy and Traveller Accommodation Assessment (GTAA) which had been published in July 2019. An update on the outcome of this consultation, including the responses submitted, was reported to Cabinet in January 2021<sup>5</sup>. A further report on this issue, providing an update to the Council's approach to Gypsy and Traveller Provision, was taken to Cabinet in September 2021<sup>6</sup>;
- A "direction of travel" report on proposed employment land provision was taken to Cabinet in October 2020<sup>7</sup>.

3.8 Each of these stages were presented to Cabinet and/or Council for approval at the relevant time, and the Local Plan Members Working Group has continued to meet on a regular basis to help steer the development of the Local Plan.

3.9 The Council is now preparing to carry out the final main stage of public consultation at Regulation 19 stage. This will include consultation on the finalised Local Plan strategic policies, the preferred set of site allocations and associated site specific policies. This document is attached to this report as a separate paper. The full list of documents, supporting evidence and background papers which will be presented at this consultation stage are listed in Appendix 2. This report asks Members to approve the attached version of the Local Plan, along with the proposed site allocations and amended designations, for public consultation.

---

<sup>2</sup> Cabinet meeting of [14<sup>th</sup> February 2018](#)

<sup>3</sup> Council meeting of [21<sup>st</sup> February 2019](#)

<sup>4</sup> Cabinet meeting of [13<sup>th</sup> November 2019](#)

<sup>5</sup> Cabinet meeting of [13<sup>th</sup> January 2021](#)

<sup>6</sup> Cabinet meeting of [15<sup>th</sup> September 2021](#)

<sup>7</sup> Cabinet meeting of [21<sup>st</sup> October 2020](#)

#### **4. Summary of Local Plan contents**

- 4.1 The new Local Plan will replace the 2012 Core Strategy and provides the strategic planning policy framework for Hyndburn over the period 2021-2037. The policies have been used to identify the site allocations, as well as land to be protected from development. The Local Plan will be accompanied by a detailed Policies Map. The thematic policies contained within it provide the strategic framework for more detailed policies set out within the Development Management DPD. The Publication version Local Plan contains 31 strategic policies and a further 17 site specific policies, relating to individual allocations, organised into the core Chapters set out in Table 2.
- 4.2 Some of the key policy requirements included in the Local Plan are new development land requirements for housing and employment land over the Plan period 2021-2037, as follows:
- 194 dwellings per annum to be delivered over the Plan period (a total of 3,104 new dwellings for the Borough by 2037);
  - an employment land requirement of 59 hectares over the same period, including major new allocations south of Altham and east of Whitebirk;
  - a strategic policy covering the development of Huncoat Garden Village, including the delivery of around 1,500 new homes, new strategic infrastructure, including a new relief road, a new local centre and enhanced and new open space and green infrastructure provision. The Huncoat policy has been informed by the agreed Huncoat Garden Village Masterplan, which will be published as a supporting document to the Local Plan consultation.
- 4.3 One of the Government's key aims is to significantly boost the supply of housing. The Council fully support this aim and the allocation of sufficient housing land to meet the new housing requirement will help not only to increase the number of homes in the Borough but will provide the opportunity to deliver a greater range of sizes and types of housing. The Borough currently suffers from a lack of housing choice with many existing homes being small, lacking outdoor space or being in poor condition meaning that the supply no longer meets the needs or aspirations of the local population or those who may consider moving into the Borough. This leads to an inability to retain and attract more economically active residents. In relation to employment, baseline economic forecasts suggest that the number of people employed in the Borough will steadily reduce, reflecting the general population trend. Therefore, the strategy being adopted in the Local Plan seeks to reverse this trend by ensuring sufficient employment land and housing is developed to support economic growth.
- 4.4 Whilst the Local Plan includes a number of brownfield sites and key urban regeneration opportunities, the new Local Plan also proposes some locally important changes to the existing Green Belt boundary. This will result in a net loss of some of the Borough's overall Green Belt. These changes have been necessary to accommodate the larger new allocations which are essential in order to meet the aim of boosting and diversifying the housing supply and to support the Borough's economic prospects by allocating enough land in key strategic locations, within ready access to transport networks. In particular, Green Belt has been amended: to the east of Whitebirk, to provide further employment land, to the S. of Altham Business Park as an

extension to the existing employment allocation, around Rishton to provide land for high quality new homes and at Huncoat Garden Village to accommodate new housing allocations and essential infrastructure and to provide “safeguarded” land for development taking place beyond the Plan period. However, this loss has been off-set to some degree by additions to the Green Belt in some places which has the added benefit of providing land for compensatory measures for Green Belt loss elsewhere<sup>8</sup>. Further detailed information on the development strategy and site selection process, as well as the Exceptional Circumstances<sup>9</sup> case which the Council has to demonstrate in order to make changes to Green Belt, will be set out in a series of Background Papers which will accompany the Local Plan consultation.

- 4.5 Along with existing development commitments, land has been identified across the Borough to meet the requirements set out above, in accordance with the overall development strategy. This sees the allocation of 23 specific housing site allocations, including sites at Huncoat, and 6 employment site allocations, including the two new strategic allocations at Altham and Whitebirk. The new employment land allocations are provided in conjunction with a policy approach which seeks to protect and develop existing employment locations. As well as land for general housing, the Plan identifies sufficient land to meet the needs for Gypsy and Traveller use over the Plan period. The Plan identifies four specific sites and one broad location for growth for Gypsy and Traveller use.

Table 2: Local Plan chapter and policy summary

Section no.	Name of Chapter	No. of Policies	Policy topics covered include:
2.0	Vision and Objectives		This sets out the overall Vision for Hyndburn in 2037 and a series of strategic objectives that reflect the strategic policies of the Borough.
3.0	The Spatial Development Strategy	3	This sets out the pattern and scale of development across the Borough required to deliver the vision and strategic objectives, and is further informed by the subsequent policies, site allocations and supporting text. In particular, it sets out the housing and employment land requirements, a specific strategic policy for Huncoat Garden Village and the policy framework for developer obligations.
4.0	The Economy & Town Centres	4	Employment Provision and Strategic Sites; existing employment sites, centre hierarchy and a specific policy for Accrington Town Centre
5.0	Community Infrastructure	2	Open space provision and community facilities
6.0	Housing	3	New residential development including the new housing requirement, affordable housing and gypsy and traveller site provision.

<sup>8</sup> As required by paragraph 142 of the [National Planning Policy Framework](#)

<sup>9</sup> As required by paragraph 140 of NPPF

Section no.	Name of Chapter	No. of Policies	Policy topics covered include:
7.0	Protecting and enhancing the environment	9	Climate change and sustainable development, green infrastructure, biodiversity net gain, renewable energy, high quality design and heritage.
8.0	Accessibility and Transport	3	Connectivity and improvements to transport networks, Sustainable and safe transport and cycle and footpath networks
9.0	Rural Issues (Green Belt and Countryside Area)	1	Development in rural areas, including the Green Belt and countryside area
10.0	The Local Plan Areas	6	Six Local Plan areas are identified, along with each area's proposed growth over the Plan period. The Local Plan areas are as follows: <ol style="list-style-type: none"> <li>1. Accrington Central, Baxenden and Church;</li> <li>2. Clayton le Moors and Altham;</li> <li>3. Great Harwood;</li> <li>4. Huncoat;</li> <li>5. Oswaldtwistle and Knuzden;</li> <li>6. Rishton and Whitebirk</li> </ol>
11.0	Site Specific Policies: Employment allocations	4	Set out additional development requirements and considerations on the larger strategic sites (Land S. of Altham and E. of Whitebirk) which have been identified as new employment land allocations
12.0	Site Specific Policies: Housing allocations	13	Set out additional development requirements and considerations on larger, or more complex, housing allocations

4.6 The Local Plan Publication version is in effect the Council's final version of the document, and represents a statement of intent that it now wishes to submit the document to the Secretary of State for examination. In accordance with 'the Regulations', a final 6-week statutory consultation period on this version must now take place, providing individuals and organisations a final opportunity to comment on the 'soundness'<sup>10</sup> of the document.

4.7 During this 6-week period, the consultation will include the following methods:

- letters/emails will be sent to all contacts on the Local Plan mailing list database (approximately 950 people/organisations); the Council's social media channels and the

<sup>10</sup> Paragraph 35 of NPPF defines 'soundness' of a Plan as being: positively prepared; justified; effective; and consistent with national policy.

new residents' e-newsletter will be used to raise awareness of the consultation and provide links to further information;

- the Local Plan and all supporting documentation will be available on the Council's website;
- copies of the Local Plan will be deposited in all the libraries in the Borough;
- press releases and press notices will be sent to local newspapers; and
- drop-in sessions, staffed by Council officers, may be organised in local venues.

## **5. Alternative Options considered and Reasons for Rejection**

- 5.1 The Local Plan (Strategic Policies and Site Allocations) is being prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. As the Council are required to review their Local Plan documents at least every five years and as the preparation of this document is to be in accordance with this legal framework there are no alternative options for its preparation.

## **6. Consultations**

- 6.1 A wide range of people and organisations have been involved in the evolution of the Local Plan up to this point. Three main public consultation events have already been undertaken. The first took place Feb-April 2018 (Reg 18(1)) and the second in Feb-April 2019 (Reg.18(2)). At the end of 2019, a third targeted consultation commenced on the Council's approach to Gypsy and Traveller Site Provision (Reg18(3)), ending in Jan 2020. All of this work constitutes 'preparation of a local plan' under Regulation 18 of the 2012 Regulations. The Council also ran a Call for Sites exercise between 2015 and 2020 inviting landowners, developers and other interested parties to submit details of land that they wished to be considered for allocation or other designation. A total of 132 site suggestions were received as part of this exercise.
- 6.2 A total of 141 individual representations<sup>11</sup> were made to the Reg18(1) consultation, 649 representations were made to the Reg18(2) consultation and 9 representations to the Reg18(3) consultation. Detailed reports on the outcome of these consultations have been presented to Cabinet after each stage has concluded.
- 6.3 The Council's Cabinet, Local Plan Members Working Group, Portfolio Holder, and Corporate Management Team have been informed that the Regulation 19 work is being undertaken and have provided comments at an earlier date on the consultation papers. As well as the various reports on the Local Plan that have been taken to Cabinet and Council, all elected Members have been invited to a number of specific briefings, workshops and drop-in sessions on the Local Plan.

---

<sup>11</sup> An individual representation relates to a specific matter in the consultation documents. One response from an individual/organisation may contain a number of individual representations to different matters.

7. **Implications**

<p><b>Financial implications (including any future financial commitments for the Council)</b></p>	<p>The direct financial implications of this work are costs relating to the consultation process itself, and publication of relevant material. This will be covered by the annual budget assigned to Local Plan work.</p>
<p><b>Legal and human rights implications</b></p>	<p>The Local Plan (Strategic Policies and Sites Allocations) document forms part of the statutory development plan for the Borough. Once adopted, it will be (along with other adopted plans) the starting point for considering planning applications and should be given full weight in decision-making. At this stage however (Regulation 19 consultation), the Plan cannot be given full weight in decision-making, although this weight will increase as the Plan reaches more advanced stages. Local plans are prepared in a manner that is prescribed by statute and by its very nature seeks to protect human rights.</p>
<p><b>Assessment of risk</b></p>	<p>There are no significant risks associated with this consultation exercise</p>
<p><b>Equality and diversity implications</b>  <i>A <a href="#">Customer First Analysis</a> should be completed in relation to policy decisions and should be attached as an appendix to the report.</i></p>	<p>The Council is subject to the public sector equality duty introduced by the Equality Act 2010. When making a decision in respect of the recommendations in this report Cabinet must have regard to the need to:</p> <ul style="list-style-type: none"> <li>• eliminate unlawful discrimination, harassment and victimisation; and</li> <li>• advance equality of opportunity between those who share a relevant protected characteristic and those who don't; and</li> <li>• foster good relations between those who share a relevant protected characteristic and those who don't.</li> </ul> <p>For these purposes the relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. When making a decision in respect of the proposals in this report members should have regard to the Customer First Analysis annexed to</p>

	this report.
--	--------------

**8. Local Government (Access to Information) Act 1985:  
List of Background Papers**

8.1 The following background papers will form the proposed consultation documents:

1. Local Development Scheme (Local Plan timetable), approved Feb. 2022
2. Local Plan (Strategic Policies and Site Allocations)
3. Local Plan area maps identifying: proposed housing and employment site allocations; proposed and existing gypsy and traveller site allocations; town and local centres; safeguarded land; Huncoat Garden Village sites; key changes to Green Belt, Countryside and Urban Boundary<sup>12</sup>;
4. Open Space Maps – maps showing the results of the Open Space Audit which informs the Local Plan and Policies Map.

**9. Freedom of Information**

9.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.

---

<sup>12</sup> The maps being presented to Members with this report are pdfs which only show the proposed site allocations and any new or amended designations which differ from those identified in the Development Management DPD and which are not already adopted. Once the Local Plan goes out to consultation it is intended the consultation map will take the form of an online, interactive map similar to that which currently accompanies the DM DPD on the Council's website at: [eGGP\(hyndburnbc.gov.uk\)](http://eGGP(hyndburnbc.gov.uk)).

## Appendix 1: Key stages in Local Plan preparation

Regulation Stage	Summary
Reg.18	<p><b>Preparation (incl. Public Participation)</b></p> <ul style="list-style-type: none"> <li>• first statutory phase of preparation of a Local Plan which can include consultation on draft proposals</li> </ul>
Reg.19	<p><b>Publication (incl. Public Participation)<sup>13</sup></b></p> <ul style="list-style-type: none"> <li>• publication of the version of the Local Plan that the Council consider legally “sound” and wishes to put forward for independent Examination</li> </ul>
Reg.20	<p><b>Representations on the Local Plan</b></p> <ul style="list-style-type: none"> <li>• a final opportunity to make comments on the plan;</li> <li>• any formal objections to the ‘soundness’<sup>14</sup> of the plan will need to be submitted at this stage in order to be considered at Examination</li> </ul>
Reg.22	<p><b>Submission of documents and information to the Secretary of State</b></p> <ul style="list-style-type: none"> <li>• formal submission of the documents (including all representations received under Reg. 20) to the Secretary of State, in preparation for independent examination by a Planning Inspector</li> </ul>
Reg.24	<p><b>Independent examination</b></p> <ul style="list-style-type: none"> <li>• formal examination commences on Submission but hearings may be held into specific aspects where objectors have the right to be heard;</li> <li>• the duration of the examination stage depends upon the complexity of the Plan and the number of objections received</li> </ul>
Reg.25	<p><b>Publication of the recommendations of the appointed person</b></p> <ul style="list-style-type: none"> <li>• where there are proposed modifications to the Local Plan the Planning Inspector will publish recommendations to the Council;</li> <li>• where the Inspector recommends ‘main modifications’<sup>15</sup> the Council is expected to re-consult on these and carry out further SA work if necessary;</li> <li>• once consultation on any main modifications has taken place and the Inspector has considered any representations, a final Inspector’s report will be issued.</li> </ul>
Reg.26	<p><b>Adoption</b></p> <p>Once the Council has received the final Inspector’s report, assuming that there are no issues of ‘soundness’ then it will consider the recommendations, and can formally adopt the Plan via a full Council meeting.</p>

<sup>13</sup> Following the Council’s approval of a ‘Publication’ version, policies and proposals within the plan will have greater weight in terms of decision making in Development Management.

<sup>14</sup> The tests of soundness are set out in paragraph 35 of the NPPF, namely that a Local Plan is ‘positively prepared’, ‘justified’, ‘effective’ and ‘consistent with national policy’.

<sup>15</sup> Changes that materially affect the policies of the Plan

## Appendix 2: List of documents to be presented at Regulation 19 Local Plan consultation stage

### Local Plan documents:

- Local Plan (Strategic Policies and Site Allocations)
- Local Plan Policies Map<sup>16</sup>
- Sustainability Appraisal (SA) of Regulation 19 version of Local Plan
- Habitats Regulations Assessment (HRA)
- Local Development Scheme 2022
- Statement of Community Involvement 2022

### Other Hyndburn Borough Council development strategies:

- Huncoat Garden Village Masterplan
- Huncoat Design Code (draft)

### Evidence Base documents (new):

- Housing and Economic Needs Assessment (refresh 2021)
- Local Plan Transport Assessment (2022)
- Local Plan Viability Assessment (2021)
- Local Plan Landscape Assessment of selected site allocations (2022)
- Open Space Audit (2022)
- Strategic Flood Risk Assessment (2022)

### Evidence Base documents (previously published):

- Employment Land Study (refresh 2019)
- Habitats Survey (2020)
- Gypsy and Traveller and Travelling Showperson Accommodation Assessment (2019)
- Housing and Economic Needs Assessment (2018)
- Green Belt Assessment (2018)

### Background and Other Supporting Papers:

- Authority Monitoring Report
- 5 Year Housing Land Supply Statement
- Local Plan Housing Land Requirement and Supply (2022)
- Local Plan Employment Land Requirement and Supply (2022)
- Local Plan Site Allocation Assessment and Selection process (2022)
- Exceptional Circumstances for Green Belt release – Local Plan (2022)

---

<sup>16</sup> At this stage of consultation, the Policies Map to be presented will comprise of any new or amended designations from the Local Plan, including new site allocations, and any changes to the previous urban boundary, Countryside and Green Belt boundaries. The Policies Map will be presented as an online interactive map but selected site designations and allocations will also be made available as separate pdfs for information. Eventually the new Policies Map will be amalgamated with the map accompanying the DM DPD for full policy map coverage.