

REPORT TO:		Special Scrutiny Committee	
DATE:		14 October 2024	
PORTFOLIO:		Cllr Munsif Dad, Leader of the Council	
REPORT AUTHOR:		Chief Planning and Transportation Officer	
TITLE OF REPORT:		Local Plan update	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	Options	Not applicable	
KEY DECISION:	Options	If yes, date of publication:	

1. Purpose of Report

1.1 This report provides an update on the key matters relating to the emerging Local Plan:

- a) Update on the preparation of the emerging Local Plan up to now;
- b) Update on proposed changes to national planning policy;
- c) Update on next steps, including submission of the Local Plan to the Planning Inspectorate for Examination, and;
- d) Update on consequences of not submitting the Local Plan (Sections 5 and 7).

2. Recommendations

2.1 To note the contents of this report.

2.2 In the light of the observations made at sections 5 and 7 of this report, Officers strongly recommend that members support Huncoat Garden Village, the associated Link Road and the continued development and submission of the emerging Local Plan.

3. Reasons for Recommendations and Background

3.1 Work has reached an advanced stage in the preparation of the new Local Plan for Hyndburn. The new Local Plan (Strategic Policies and Site Allocations) will set out the strategic vision, objectives and spatial strategy for the Borough, including strategic planning policies that will guide future development. It establishes policies and guidance to ensure local development is built in accordance with the principles set out in the National Planning Policy Framework (NPPF). Covering the period 2021-40, the Plan sets out the main areas for growth by

identifying site allocations to meet development requirements of 194 dwellings per year (3,686 in total) and 70 hectares of employment land. These figures are considered to be suitably ambitious but realistic in that they reflect actual delivery that has taken place in the Borough in recent years.

- 3.2 Once adopted, the new Plan will replace the saved elements of the 1996 Local Plan and the 2012 Core Strategy. The two key documents representing the full Local Plan for Hyndburn will then become be the new Plan (the subject of this report), and the existing Development Management DPD 2018, which contains local (non-strategic) policies. The key stages of the Local Plan adoption process, according to the Town and Country Planning (Local Planning) (England) Regulations 2012 are set out in Table 1 below.

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

Regulation (Reg) Stage	Summary
Reg.18	<p>Preparation (incl. Public Participation)</p> <p>This is the first statutory phase of preparation of a Local Plan, where the Council will prepare draft proposals and present them in the form of a consultation document to the public.</p>
Reg.19 / Reg.20	<p>Publication (incl. Public Participation)</p> <p>This is a consultation on the version of the Local Plan that the Council wishes to put forward for independent Examination. By this point all the relevant supporting evidence should be in place and this version represents the version that the Council considers to be “sound” in terms of any relevant legal and to be justified and deliverable.</p> <p>Representations on the Local Plan</p> <p>This stage affords any interested party a final opportunity to make comments on the plan (against the ‘Publication’ version published under Regulation 19). Any formal objections to the ‘soundness’¹ of the plan will need to be submitted at this stage in order to be considered by the Planning Inspector appointed to examine the Plan.</p>
	<p>*CURRENT STAGE*: preparing for Reg.22</p>
Reg.22	<p>Submission of documents and information to the Secretary of State</p> <p>This is principally an administrative stage and relates to the formal submission of the documents (including all representations received under Regulation 20 consultation) by the Council to the Secretary of State, in preparation for the independent examination by a Planning Inspector. The Council may at this stage request that the Inspector makes</p>

¹ 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’.

Regulation (Reg) Stage	Summary
	recommendations which would address any key issues of the 'soundness' of the plan during the examination process.
Reg.24	<p>Independent examination</p> <p>The formal examination of the Plan actually commences on Submission. However, hearings may well be held into specific aspects of the plan during the examination process. All objectors will have the right to be heard and involved in that process. The duration of the examination stage depends upon the complexity of the Plan, the number of objections received, the amount of further work required after the hearings, including any necessary additional consultation. Therefore, it could take up to 12-18 months in total.</p>
Reg.25	<p>Publication of the recommendations of the appointed person</p> <p>If there are proposed modifications to the Local Plan arising from the Examination, the Inspector will publish recommendations in a preliminary report. The Council must make these available to the public then determine how to address them. If 'main modifications'² are recommended the Council is expected to re-consult on these. Once any further consultation has taken place and the Inspector has considered any representations, a final Inspector's report will be issued.</p>
Reg.26	<p>Adoption</p> <p>Once the Council has received the final Inspector's report, and assuming that there are no issues of 'soundness', it will consider the recommendations and can then formally adopt the Plan via a full Council meeting.</p>

3.3 The emerging Plan has already been through 3 rounds of Regulation 18 consultation and 2 Regulation 19 consultations. The Regulation 19 consultation stage precedes the submission of the Local Plan (and all associated evidence base and other supporting material) to the Planning Inspectorate for Examination. The version of the Local Plan consulted on at this stage is intended to represent the settled view of the Council on what the adopted Plan should contain and that they believe to be sound and ready for Examination. It is also known as the "Pre-submission" or "Publication" Plan.

3.4 For a variety of reasons, including Covid19, staff departures and recruitment issues, there have been a number of delays in the preparation of the latest Local Plan since the review first commenced. To add to the delay, the Regulation 19 consultation, which first took place between November 2022 and January 2023 (following approval to consult at a Full Council meeting in March 2022) had to be repeated in 2024 as it emerged that there had been some

² Changes that materially affect the policies of the Plan

procedural issues. The second consultation rectified these issues and also provided an opportunity to publish an up-to-date Sustainability Appraisal and all other evidence which had been prepared in support of the emerging Local Plan.

4. Responses to the Regulation 19 consultation

- 4.1 During the first Regulation 19 - Reg19(1) - consultation, representations were received from 133 separate respondents and 65 separate respondents commented during the Reg19(2) consultation - 22 of whom had also commented at Reg19(1) stage. Across the two consultations, a greater number of respondents were members of the public (around 72%) than organisations.
- 4.2 The general issues which received the most comments included the Huncoat Garden Village policy, the Spatial Development Strategy (which sets out the amount and distribution of proposed growth), climate change and housing provision. The specific sites which received the most comments were the Whitebirk employment sites; sites at Huncoat; land off Cut Lane, Rishton; employment land south of Altham; and Ringstonhalgh Farm, Clayton-le-Moors.
- 4.3 A summary of all the comments, along with a brief indicative Council response, will be set out in a Consultation Statement which is being prepared for the Examination. This will be sent to the Inspectorate upon submission, along with copies of all the original representations.

5. Proposed Changes to national policy and the plan-making system

- 5.1 The new Government consulted on proposed changes to the NPPF between July and September 2024. Amongst the more significant changes is an amendment to the standard methodology for calculating annual housing need figures and making the use of this method a mandatory requirement. The methodology now uses a formula based on a proportion of the existing housing stock, multiplied by an affordability ratio (previously it used projected household formation as a starting point). This has had the effect of increasing the housing need figure for Hyndburn from around 50 dwellings per year to 313 dwellings to be delivered annually - a significant increase. This is expected to be the starting point for any housing requirement which is included in a new Plan.
- 5.2 In recognition that some planning authorities are at an advanced stage of their plan-making process (prepared under the old system), the Government propose a transitional timetable to allow those who have reached Regulation 19 stage to be examined under the old NPPF. As Hyndburn have reached this stage, this means they would not be expected to apply the new standard method to identify the Plan's proposed housing requirement and can retain the proposed requirement of 194 dwellings per year. However, until any new housing requirement is adopted, the new standard method figure of 313 dwelling per year will be considered to be the default requirement. This has implications for the Housing Delivery Test, which is the method by which the Government measures each local authority's annual housing delivery results.

5.3 Further information on this can be found in the Members Briefing paper taken to Cabinet on September 18th 2024.

6. Next Steps

6.1 At this stage, it is not possible to accurately estimate how long the adoption of the Plan will take to complete, particularly if further evidence gathering or consultation is required to take place as part of the Examination. However, an indicative timetable has been presented below (which relates to the stages set out in Table 1). Once the dates can be confirmed, a revised timetable will be published in the Local Development Scheme on the Council's website but the below timetable can be taken as an interim guide.

Regulation 18 – Preparation of a Local Plan

This stage is now complete, with the last consultation at Regulation 18 ending in January 2020

Regulation 19 – Publication of a Local Plan

This stage is now complete, with a revised consultation taking place between January and March 2024.

Regulation 20 – Representations relating to a Local Plan

Regulation 20 is effectively the same stage as Regulation 19 - it refers to the formal consultation process/period.

Regulation 22 – Submission to the Secretary of State

Following consultation at Regulation 19 and 20 stages, the Council are now collating all the responses received, including a summary and initial response to these comments, and compiling a portfolio of all other relevant supporting information ready for formal submission to the Planning Inspectorate. **Submission to the Inspectorate will take place as soon all the material has been assembled and all submission material has been assembled – likely by end of 2024.**

Regulation 24 – Independent Examination

Within a few weeks of receiving the Local Plan, the Inspectorate will aim to appoint an Inspector(s) and agree a proposed date for the formal hearings. The date any formal hearings commence will be dependent on the Inspectorate's timetable and initial questions may be raised by the Inspector in the period preceding the hearings. A large volume of Local Plans may be submitted to the Inspectorate in 2024/25 (in order to meet the Government's proposed transition deadlines relating to planning system reforms). This may lead to some delay in receiving a confirmed date but the hearings should be set for around 3 months after submission. **An estimate of when the Examination hearings could commence is Spring 2025.**

Regulation 25 – Publication of the recommendations of the appointed person

This date is dependent on the progress and outcome of the Examination.

Regulation 26 – Adoption

Assuming that there are no issues of ‘soundness’ raised through the Inspector’s final report then the Council will consider the recommendations, and formally adopt the Plan via a full Council meeting. **Given that Examinations typically take around 12-18 months to conclude, the earliest this can be is late 2025 or into 2026.**

6.2 There is no prescribed timescale for implementing a Local Plan from the start of the process (Regulation 18) through to adoption (Regulation 26). However, the previous and new Government has made it clear through various announcements that it wishes to see Local Plans progressed as fast as possible. It must be borne in mind, however, that timescales are heavily influenced by the resources available, the complexity of the topics raised within the Plan, and the scale of objections received.

7. Alternative Options considered and Reasons for Rejection

7.1 The production of a Local Plan is a statutory requirement and the Government expects all local planning authorities to have up to date Plans in place as soon as possible. The Council has reached an advanced stage in its plan-making process and the best course of action at this stage is to progress this Plan, with its realistic housing and employment requirements, to Examination and adoption under the old NPPF. This would mean the Council would have an up to date Plan in place, potentially by the end of 2025. They could then commence an immediate review of both the strategic and non-strategic Plans and begin work on a new all-encompassing Local Plan.

7.2 Huncoat Garden Village comprises a strategic and integral part of the emerging Local Plan. A key requirement of the Garden Village development is that it be accessed via a new link road. Viability issues in Hyndburn mean that the link road cannot be funded without some form of additional funding.

7.3 The support of elected members for Huncoat Garden Village and the associated link road is critical if the emerging Local Plan is to be submitted.

7.4 If Huncoat Garden Village and the Link Road are not supported the Council would not be able to submit the Local Plan to Government. The new Labour Government has issued policy on which it is consulting that would have significant consequences for Hyndburn should the Local Plan not proceed:

- The Council would immediately have to embark on the preparation of a new Local Plan which would have a significantly higher housing figure under the new methodology that is proposed to calculate housing numbers.
- Finding sufficient land to meet the increased housing figures would further increase the amount of Green Belt that is likely to be lost to development.

7.5 This would require a complete review of all existing evidence base which was commissioned to support the previous Plan. This would involve significant delay and expense and would mean the Council is left without an up to date Plan or future strategic development land supply for at least 3 more years.

7.6 Officers strongly recommend that members support the Huncoat Garden Village and Link Road proposals and, in turn, the submission of the emerging Local Plan.

8. Consultations

8.1 As is required by the legislation, a wide range of people and organisations have been involved in the evolution of the Local Plan up to this point. Five extensive public consultation events have already been undertaken, which have been approved for consultation by Full Council. 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. Detailed reports on the outcome of the previous Regulation 18 consultations have been presented to Cabinet after each stage has concluded.

8.2 The Council’s Portfolio Holder, and Corporate Management Team will be kept informed of future work 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.

9. Implications

<p>Financial implications (including any future financial commitments for the Council)</p>	<p>There are no direct financial implications arising from the recommendations of this report but any costs relating to the Local Plan Examination will be covered by the annual budget assigned to Local Plan work.</p>
<p>Legal and human rights implications</p>	<p>There are no direct financial implications arising from the recommendations of this report. 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, the Plan cannot be given full weight in decision-making, although this weight will increase as the Plan progresses to adoption. Local plans are prepared in a manner that is</p>

	prescribed by statute and by its very nature seeks to protect human rights.
Assessment of risk	There are no significant risks associated with the recommendations of this report.
Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</i>	<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"> • eliminate unlawful discrimination, harassment and victimisation; and • advance equality of opportunity between those who share a relevant protected characteristic and those who don't; and • foster good relations between those who share a relevant protected characteristic and those who don't. <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 this report.</p>

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

n/a

If the report is public, insert the following paragraph. If the report is exempt, contact Member Services for advice.

11. Freedom of Information

- 11.1 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.