

<b>REPORT TO:</b>	<b>Planning Committee</b>
<b>APPLICATION REF:</b>	<b>11/25/0124</b>
<b>APPLICATION ADDRESS:</b>	<b>Land between Burnley Road and Altham Lane, Huncoat</b>
<b>DEVELOPMENT DESCRIPTION:</b>	<b>Major Full: Residential relief road with associated works</b>
<b>DATE REPORT WRITTEN:</b>	<b>3 March 2026</b>

### **Description of the Site and the Proposed Development**

The application site is a linear area measuring 10.6 hectares (ha) located east of the village of Huncoat and wholly within the Hyndburn Borough Council (HBC) and Lancashire County Council (LCC) administrative areas. It extends from Altham Lane in the north to a roundabout on Burnley Road (A679) to the south and is located west of the Accrington Bypass (A56). The roundabout has four arms, two for Burnley Road and two slip roads for Accrington Bypass. The middle of the site crosses Burnley Lane.

*Volume 1, Chapter 10, Landscape and Visual* of the submitted Environmental Statement (ES) provides a detailed description of the application site and surrounding area. In summary, the characteristics of the site and area include:

- The application site is located within pastoral fields on the eastern edge of Huncoat.
- The vegetation on the application site is limited to grassland, remnant hedgerow and hedgerow trees. There are numerous blocks of woodland in the surrounding area, which helps contain the site from some areas, including includes woodland to the north.
- The land use of the application site is predominantly pastoral agricultural with a small section of road infrastructure within the central part. There is energy infrastructure in the form of pylons to the north crossing the site east/west. The surrounding area is covered by a mix of land uses, including urban settlement, major road and energy infrastructure and countryside, including fields and woodland.
- The application site is crossed by a public right of way (PRoW) footpath (path reference FP1101004), which follows a north to south and east to west route within the pastoral fields in the northern half of the site. There are numerous publicly accessible spaces within the surrounding area, including Burnley Way long distance path.
- The Calder Valley forms a strong natural influence with land generally falling northwards towards the River Calder and towards tributary streams. The site follows a curving

landform, sloping predominantly north and east. The highest point of the site is along Burnley Lane (around 206 metres (m) Above Ordnance Datum (AOD)). The surrounding area then rises sharply to the south of the site towards Hameldon Scouts (409m AOD).

- The Accrington Bypass and M65 motorway with associated embankments, junctions and roundabouts, and extensive pylon network are notable artificial influences.

The proposed development comprises the construction of a residential relief road known as Huncoat Lane / Relief Road with associated works. *Volume 1, Chapter 2, Project Description* of the ES provides a detailed description of the proposal. In summary, it would include:

- The proposal would comprise a 1.1 kilometre (km) long, two-way carriageway, which would have a minimum width of 6.5m with a cycleway and footway on the left side of the carriageway and a footway to the right side. There would be bus stops along the road.
- The proposed road would have a signalised junction with Altham Lane and comprise a new arm on the Burnley Road roundabout. There would be a new junction to the eastern arm of Burnley Lane with the western arm closed to vehicular traffic but providing a cycle and pedestrian only access link.
- The proposal would involve cut and fill earthworks to accommodate the proposed road and roadside boundary treatments. It would also include sustainable drainage systems (SuDS) such as attenuation ponds, swales and bio-retention systems. There would be associated cabling, lighting and signage.
- The proposal would require the diversion of the PRoW crossing the application site.

The proposed development is intended to serve Huncoat Garden Village, which is an emerging strategic location for housing that would deliver around 1,500 to 1,600 homes.

### **Relevant Planning History**

There are several previous planning applications that overlap with the boundaries of the current application site. In summary:

- LCC granted full planning permission for the erection of a waste management facility by decision notice dated 20 July 2006<sup>1</sup>. This included a new private access road off the roundabout on Burnley Road.
- LCC granted full planning permission for the construction of a 3.1km long road to the north of Huncoat between Burnley Road and Whinney Hill Road / Bolton Avenue by decision notice dated 29 April 2009<sup>2</sup>.

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<sup>1</sup> Application reference 11/05/0535.

<sup>2</sup> Application reference 11/08/0482.

- HBC granted outline planning permission for an employment development of B1, B2 and B8 uses by decision notice dated 17 September 2008<sup>3</sup>, which would have infilled a large section of the Altham Lane frontage between Lower Gate Road and Peter Grime Row.

## **Planning Law, Policy and Guidance**

### ***Law***

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) (PCPA 2004) states:

*“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”*

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (PLBCAA 1990) states:

*“In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

The Climate Change Act 2008 (as amended) (CCA 2008) provides the legal framework which underpins much national policy on climate change and emissions. It contains obligations in terms of achieving a 100% reduction in greenhouse gas emissions from 1990 levels by 2050, as well as the requirement to set carbon budgets for five-year periods.

### ***The development plan***

The most relevant documents of the development plan comprise the:

- Hyndburn Core Strategy (HCS) (adopted January 2012), which sets out the strategic policy framework for Hyndburn to 2026;
- Hyndburn Development Management Development Plan Document (DMDPD) (adopted January 2019), which sets out the detailed policy framework that will be used for the determination of planning applications; and
- Hyndburn Local Plan (1996 LP) (adopted November 1996), which sets out policies and proposals for the development and use land in Hyndburn to 2006. However, only the

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<sup>3</sup> Application reference 11/08/0355.

saved policies (and those not since superseded) and the Proposals Map continue to have affect.

### *Hyndburn Core Strategy (HCS)*

*Policy BD1: The Balanced Development Strategy* seeks to concentrate development within the urban areas and limit development within the rural area to that supporting farm diversification and promoting leisure and recreational facilities whilst retaining landscape character. It refers to the development of housing and strategic employment sites at Huncoat. The policy states the overall general extent of the Green Belt will be maintained.

*Policy A9: Whinney Hill Link Road* supports the development of a new road connecting the A56 at the Burnley Road junction with Bolton Avenue, and the strategic employment site and housing site at Huncoat, subject to the following criteria:

- a) high quality landscaping being provided along its length which will secure conservation and enhancement of the wider natural environment;
- b) the implementation of measures that would prohibit heavy goods vehicles using Higher Gate Road, Lower Gate Road, the stretch of Bolton Avenue south of the railway bridge and Whinney Hill Road; and
- c) the implementation of measures that would prevent heavy goods vehicles using the stretch of Whinney Hill Road between its junction with Sherwood Way and Whinney Hill Landfill Site.

*Policy A7: Housing in Huncoat* states that the land to the north of the Colne / Preston railway line off Station Road in Huncoat will be developed for housing. *Policy A8: Strategic Employment Site at Huncoat* supports the development of a strategic employment site at Huncoat for B1, B2 and B8 uses subject to the criteria in the policy.

*Policy T1: Improving Connectivity* supports proposals to improve the connectivity of the towns in Hyndburn with neighbouring areas by road provided that the environmental and social impacts are properly taken into consideration and mitigation measures put into place where necessary and that they promote mobility and access for all. *Policy T3: Motorway and Trunk Road Improvements* supports proposals for the improvement of the motorway network and trunk road network where these improvements are required to facilitate improvements in the capacity of the network necessary to facilitate a healthy economy and sub-region.

The other relevant policies of the HCS include:

- *Policy HC4: Community Benefits / Planning Obligations* states that the Council will seek to ensure that development proposals meet the reasonable cost of new infrastructure made necessary by the proposal through planning obligations.

- *Policy ENV1: Green Infrastructure* states that green infrastructure resources will be protected, enhanced and by linking the resources, a multi-functional network will be created. Where developments are within or in close proximity to the network, they will be expected to contribute towards its protection and enhancement.
- *Policy ENV2: Natural Environment Enhancement* states that ecological or geological resources will be enhanced and protected in the ways set out in the policy.
- *Policy ENV3: Landscape Character* states that the design of new development must be appropriate to landscape character type and should contribute towards the conservation, enhancement or restoration of landscape character or appropriate new features. It sets out how landscape character will be protected and enhanced.
- *Policy ENV4: Sustainable Development and Climate Change* states that all development must minimise negative impact on the environment and help to mitigate against the likely effects of climate change on present and future generations. This will be achieved in the ways set out in the policy.
- *Policy ENV6: High Quality Design* states that the character and quality of Hyndburn's urban and rural environments will be conserved and enhanced through high quality design and protection of heritage assets. It sets out the expectations of new development.
- *Policy ENV7: Environmental Amenity* states that proposals for new development will be permitted if it is demonstrated that the material impacts of nuisances (such as traffic, visual impact, noise, dust, emissions and pollution) will not give rise to unacceptable adverse impacts or loss of local amenity and can be properly secured in accordance with best practice and recognised standards.
- *Policy T2: Cycle and Footpath Networks* states that the networks will be safeguarded and extended. Where appropriate, contributions towards the improvement and maintenance of these networks will be sought from developers as a means of ensuring that new developments are accessible by a variety of means of transport.
- *Policy RA2: Historic Character and Identity* states that historic character and identity will be supported by protecting and enhancing the features listed in the policy.

*Hyndburn Development Management Development Plan Document (DMDPD)*

- *Policy GC1: Presumption in Favour of Sustainable Development* reflects the presumption of sustainable development at paragraph 11 of the National Planning Policy Framework.
- *Policy HC2: Infrastructure, Planning Obligations & CIL* generally reflects Policy HC4 of the HCS, although it includes additional information on the relevant tests and viability.

- *Policy DM17: Trees, Woodland and Hedgerows* seeks to avoid the loss of and minimise harm to existing trees, woodland and or hedgerows of visual or nature conservation value. It sets out the criteria that development should be assessed against. The policy requires compensatory trees planting at a ratio of at least 3:1.
- *Policy DM18: Protection and Enhancement of the Natural Environment* generally reflects and expands upon Policy ENV2 of the HCS. It sets out the expectations of development and how they will be assessed.
- *Policy DM19: Protected Species* sets out a hierarchy for proposals that may affect protected species and the circumstances where development will not be supported.
- *Policy DM20: Flood Risk Management and Water Resources* sets out the requirements of the flood risk sequential test and need for surface water drainage systems.
- *Policy DM22: Heritage Assets* sets out how development affecting the setting and significance of heritage assets will be assessed.
- *Policy DM24: Contaminated or Unstable Land & Storage of Hazardous Substances* sets out how applications relating to previously contaminated land and that within legacy coal mining areas will be assessed, including the need for appropriate supporting information.
- *Policy DM26: Design Quality and Materials* generally reflects and expands upon Policy ENV6 of the HCS. It sets out the design criteria that development will be assessed against.
- *Policy DM29: Environmental Amenity* generally reflects and expands upon Policy ENV7 of the HCS. It states that development will be required to protect and where possible improve the amenity of surrounding existing and future residents.
- *Policy DM32: Sustainable Transport, Traffic and Highway Safety* states that all development will be required to actively encourage sustainable travel. It states that development that will generate significant amounts of traffic should be accompanied by a Transport Assessment and that proposals should not give rise to an increase in traffic above the capacity of the local or strategic transport network or harm the character of the surrounding area. It includes inclusive design criteria that are required to be met.
- *Policy DM33: Sustainable Transport Infrastructure* generally reflects Policy T2 of the HCS insofar as it states that development should make appropriate contributions towards improvements in transport infrastructure, particularly to facilitate walking, cycling and public transport use. Beyond that, it states that proposals that reduce, sever or adversely affect the amenity of footpaths must make satisfactory provision for their diversion. It also states that the Council will work closely with the Canal and River Trust and Network Rail to minimise impacts on the canal and railway.

### *Hyndburn Local Plan (1996 LP)*

Saved Policy I.1 permits development between 1991 and 2006 of the sites within the policy for employment purposes within Class B of the Use Classes Order 1987 (business, industry, distribution & storage). This includes 22ha site V, Huncoat Power Station, Huncoat, which includes part of the northern section of the application site.

### *Joint Lancashire Minerals and Waste Core Strategy Development Plan Document (Parts One and Two) (MWCS)*

The MWCS was adopted in March 2009 and sets out the strategic policy framework for minerals and waste planning for Lancashire, Blackpool and Blackburn with Darwen to 2021. *Policy CS1: Safeguarding Lancashire's Mineral Resources* states that mineral resources will be conserved where they have an economic, environmental or heritage value. It states that district councils will consult with them where proposals for development fall within mineral consultation areas. It encourages mineral extraction prior to other forms of development. Other relevant policies of the MWCS include *Policy CS2: Minimising the need for Mineral Extraction* and *Policy CS7: Managing our Waste as a Resource*.

### *Joint Lancashire Minerals and Waste Site Allocations and Development Management Policies Local Plan (Parts One and Two) (MWSADM)*

The MWSADM was adopted in September 2013 and sets out site-specific policies and allocations and detailed development management policies for minerals and waste planning for Lancashire, Blackpool and Blackburn with Darwen.

*Policy SA2: Safeguarding of Land for Access Improvements* states that the minerals and waste planning authority will safeguard land for Whinney Hill Link Road.

*Policy M2: Safeguarding Minerals* states that planning permission in mineral safeguarding areas will not be supported for any form of development that is incompatible with working the minerals, unless the applicant can demonstrate to the satisfaction of the local planning authority that one of the circumstances in the policy applies

### ***Other relevant policy***

### *Emerging Hyndburn 2040: Local Plan (Strategic Policies and Site Allocations) (Emerging LP)*

The Emerging LP would replace the HCS. It has reached Regulation 24 (independent examination) stage with regard to the Town and Country Planning (Local Plan) (England) Regulation 2012 (as amended). The Examining Inspector has issued a post-hearings letter, which does not raise any fundamental concerns. The plan is at an advance stage of preparation with an eight week consultation on the proposed main modifications commencing on 6 March 2026. Therefore, in accordance with paragraph 49 of the National Planning Policy Framework, the policies of the Emerging LP generally attract moderate to substantial weight.

*Policy SP1: The Spatial Development Strategy* would replace Policy BD1 of the HCS and would depart from it insofar as Huncoat would grow at a significantly faster rate than the other Accrington townships. It would acknowledge that additional development land for housing development would be required to deliver the garden village. While it states that the overall general extent of the Green Belt would be maintained, it notes important changes to the boundary, including for strategic residential development at the garden village.

*Policy SP2: Huncoat Garden Village* and *Policy SP29: Huncoat* would replace policies A7, A8 and A9 of the HCS. The garden village would be a strategic location for housing growth that would deliver around 1,500 to 1,600 new homes in line with the Huncoat Garden Village Masterplan and Design Code (sic). Policy SP2 would state that to ensure the infrastructure needed is put in place, development must make provision for the early development of the proposal with only the first phase of development to be completed prior to the Huncoat Relief Road. The policy would also set out how development would be well-designed; developers would contribute towards the cost of strategic infrastructure; measures to reduce car reliance would be incorporated; unacceptable adverse impacts on existing highway safety and infrastructure would be avoided; and how biodiversity and landscaping would be integrated. It would state:

*“The Huncoat Garden Village site allocations have the potential (individually and cumulatively) to generate significant amounts of vehicular movement on the Strategic Road Network (SRN); principally the M65 and A56. Unacceptable severe impacts on the SRN or highway safety should be avoided and, wherever possible, alternative transport options which reduce or eliminate such impacts should be pursued. Where such impacts are unavoidable, suitable mitigation measures should be proposed by the applicant to ensure that the impacts from development on the SRN (in terms of capacity and congestion, or highway safety) are cost effectively mitigated to an acceptable degree. Development shall not be permitted until National Highways has confirmed it is satisfied that any measures proposed can mitigate unacceptable impacts to an acceptable degree. No development shall take place until National Highways has confirmed it is satisfied that the funding, partners, and relevant processes are in place to enable the delivery of the SRN infrastructure required. Any such infrastructure must be operational no later than the occupation of the development for which it is required. Applications should be supported by a Transport Assessment so that the likely impacts of a proposal on the SRN can be assessed.”*

*Policy SP29: Huncoat* would set out the specific site allocations and expect developers to adhere to detailed considerations set out in Policy SP2 of the Emerging LP and the Huncoat Garden Village Masterplan and Design Code (sic). It would also state:

*Policy SP10: Housing Provision (Including Affordable Housing)* would replace policies H1 and H2 of the HCS and set out the requirement for at least 3,686 dwellings over the plan period to

2040 or 194 dwellings per year. It would recognise that Huncoat Garden Village would make a significant contribution to this provision.

*Policy SP13: Climate Change and Sustainable Development* would replace Policy ENV4 of the HCS and link to policies DM18, DM20, DM24 and DM26 of the DMDPD. It would state that all development must mitigate against the likely effects of climate change on present and future generations and minimise negative impacts on the environment. The policy sets out the ways this would be achieved.

The other relevant policies of the Emerging LP include (unless otherwise stated, the policies would broadly continue the existing policy approach):

- *Policy SP3: Planning Obligations* would replace Policy HC4 of the HCS and link to Policy HC2 of the DMDPD and would seek to ensure that development proposals meet the reasonable costs of new infrastructure, facilities or services needed as a direct result of the development.
- *Policy SP14: Green Infrastructure* would replace Policy ENV1 of the HCS and link to Policy DM18 of the DMDPD.
- *Policy SP15: Landscape Character* would replace Policy ENV3 of the HCS and link to Policy DM16 of the DMDPD. It would require new development to be well integrated into existing settlement patterns, appropriate to the landscape character type and designation and contribute positively to its conservation, enhancement or restoration.
- *Policy SP16: Natural Environment Enhancement* would replace Policy ENV2 of the HCS and link to policies DM17, DM18 and DM19 of the DMDPD. It would state that all developments must comply with the statutory biodiversity gain requirements.
- *Policy SP18: High Quality Design* would replace Policy ENV6 of the HCS and link to policies DM26 and DM29 of the DMDPD.
- *Policy SP19: Heritage* would replace Policy RA2 of the HCS and link to policies DM22 and DM26 of the DMDPD.
- *Policy SP20: Environmental Amenity and Air Quality* would replace Policy ENV7 of the HCS and link to Policy DM29 of the DMDPD. It would also state that development that generate high volumes of traffic would only be permitted if it is demonstrated that they would not have an unacceptable adverse impact on air quality.
- *Policy SP21: The Leeds and Liverpool Canal* would link to Policy DM33 of the DMDPD and would set out the expectations of development adjacent to or in the vicinity of the canal. It would require off-site improvements to be delivered by the developer through Grampian conditions or planning obligations.

- *Policy SP22: Connectivity and Improvements to Transport Networks* would replace policies T1 and T3 of the HCS and link to policies DM32 and DM33 of the DMDPD.
- *Policy SP23: Sustainable and Safe Travel* would link to policies DM32 and DM33 of the DMDPD.
- *Policy SP24: Cycle and Footpath Networks* would replace Policy T2 of the HCS and link to Policy DM33 of the DMDPD.
- *Policy SP25: Development in Rural Areas* would link to Policy DM34 of the DMDPD and require development in the Green Belt to accord with national policy set out in the National Planning Policy Framework.

*National Planning Policy Framework (Framework) (updated 7 February 2025)*

The Framework is a material consideration. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. It continues that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account, to reflect the character, needs and opportunities of each area.

Paragraph 161 states that the planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. Paragraph 198 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Criterion a) states that decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life.

Paragraph 187e) states that planning decisions should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of air pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality. Paragraph 199 states that decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the cumulative impacts from individual sites in local areas.

The relevant chapters of the Framework include 1 (Introduction), 2 (Achieving sustainable development), 4 (Decision-making), 5 (Delivering a sufficient supply of homes), 6 (Building a strong, competitive economy), 8 (Promoting healthy and safe communities), 9 (Promoting sustainable transport), 11 (Making effective use of land), 12 (Achieving well-designed places), 13 (Protecting Green Belt land), 14 (Meeting the challenge of climate change, flooding and

coastal change), 15 (Conserving and enhancing the natural environment), 16 (Conserving and enhancing the historic environment) and 17 (Facilitating the sustainable use of minerals).

### *Huncoat Garden Village Masterplan Framework & Infrastructure Delivery Strategy (Huncoat Garden Village Masterplan)*

The Huncoat Garden Village Masterplan was approved by HBC Cabinet in October 2021 and sets out a framework of what the Council will expect to see as part of any applications for the Masterplan area. It clearly identifies the delivery of the proposal as strategically significant and necessary to unlock the full potential of the area. The Masterplan states that the need for a new road is acknowledged by Policy A9 of the HCS and that it provides further evidence for the residential relief road and therefore reaffirms its requirement to support development at Huncoat. It states that it provides an indicative route and design for the road, which will be subject to further consideration in determining its location and direction, design proposals, costing and planning application process.

The Huncoat Garden Village Masterplan specifically states that it is a material consideration in any planning application for Huncoat Garden Village (within the masterplan area) in line with the Existing LP, including the strategic allocations of the former colliery power station sites (Policies A7 and A8 of the CS). *Paragraph 007 of the Planning Practice Guidance (PPG): Design: process and tools* suggests that masterplans should be adopted as supplementary planning documents (SPDs) to attract weight in decision-making. However, *Paragraph 008 of the PPG: Determining a planning application* states that a material consideration is one which is relevant to making the planning decision in question. Therefore, as the Masterplan is relevant, officers consider it is a material consideration, which should attract limited weight commensurate to its relationship with the Emerging LP.

### *Huncoat Design Guide Code*

The Huncoat Design Code was approved by HBC Cabinet in June 2025 and is a tool used to provide detailed guidance on the design parameters, technical standards and specifications of development across Huncoat including the existing settlement and Huncoat Garden Village. It states that Huncoat Lane would be one of the proposed primary streets of Huncoat and must be delivered as a tree lined avenue integrated with planning and SuDS (swale), high-quality footpaths, segregated cycleway, bus stops and frequent traffic calming measures, such as raised tables and change in surface at crossings and key intersections.

The Huncoat Design Guide Code states that it will be a material consideration. Paragraph 134 of the Framework states that design codes should be produced as part of a plan or as SPDs to carry weight in decision-making. The Code was produced as part of the Emerging LP and is relevant to this application. Therefore, officers consider it is a material consideration, which should attract limited weight commensurate to its relationship with the Emerging LP.

### *Lancashire Local Transport Plan: Consultation Version (Draft LTP)*

The Draft LTP has been prepared by Lancashire Combined County Authority (LCCA) under section 108 of the Transport Act 2000 (as amended). *Policy CL1: Enable the delivery of strategic growth sites* would require the LCCA to work with partners to ensure that strategic growth sites (as set out in the Growth Plan and relevant development plans) are appropriately located, accessible and supported by suitable transport evidence. *Policy CL4: Improve reliability of strategic and major roads for all modes of transport* would require the LCCA to work with National Highways and local highway authorities to ensure that strategic and major road networks are efficient and reliable, including by tackling congestion hotspots.

*Policy SV5: Alleviate adverse impacts of travel on communities* would require the LCCA to work with stakeholders to reduce and proactively design out the potential adverse impacts that transport can have on communities.

Other relevant policies of the Draft LTP includes *Policy CL2: Transform east/west public transport through the Central Belt*, *Policy TC1: Improve and modernise bus journeys*, *Policy TC3: Establish convenient and safe active travel options*, *Policy FN3: Improve journey time reliability* and *Policy FN4: Deliver sustainable, resilient infrastructure*.

#### *Hyndburn & Rossendale Local Cycling & Walking Infrastructure Plan (LCWIP)*

The LCWIP refers to the Emerging LP and Huncoat Garden Village Masterplan, and recognises several essential infrastructure requirements for the delivery of the development site, including on site pedestrian and cycle routes to be funded by the developer[s]. It states that by developing new and or enhanced active travel routes between centres and key destinations, the LCWIP will integrate the proposed walking and cycling infrastructure outlined in the Masterplan into the wider Hyndburn and Rossendale active travel network.

#### *Noise Policy Statement for England (NPSE)*

The NPSE aims to avoid significant adverse impacts on health and quality of life; mitigate and minimise adverse impacts on health and quality of life; and where possible, contribute to the improvement of health and quality of life. It identifies the concepts of both a Significant Observed Adverse Effect Level (SOEAL), the level above which significant adverse effects on health and quality of life occur, and a Lowest Observed Adverse Effect Level (LOAEL), the level above which adverse effects on health and quality of life can be detected. *The PPG: Noise* provides guidance in relation to the noise exposure hierarchy.

#### **Environmental Impact Assessment (EIA)**

The Local Planning Authority (LPA) determined that the proposal was EIA development within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulation

2017 (as amended) (EIA Regs 2017) by decision letter dated 23 January 2024<sup>4</sup>. They provided a scoping opinion by decision letter dated 23 January 2024<sup>5</sup>.

The ES considers the proposed relief road as a standalone project. However, the screening opinion suggested it should be considered as part of a larger project alongside the residential development associated with Huncoat Garden Village. Nevertheless, the Cover Letter submitted with the request for a scoping opinion set out the intention for them to be considered separately. Moreover, the scoping opinion itself stated that the approach advocated by the applicant was generally appropriate and did not take issue with the relief road being considered as a standalone project. Regulation 18 of the EIA Regs 2017 requires environmental statements to be based on the most recent scoping opinion or direction where one has been issued, which is what the applicant has done.

Although it is not for this application to revisit the screening and scoping process, it may be useful for members to note the relevant case law. In short, the courts have held that defining the project is for the decision-maker and the relevant factors include:

- Common ownership (*Larkfleet*<sup>6</sup>).
- Simultaneous determination (*Burridge*<sup>7</sup>).
- Functional interdependence – where one could not function without another, this may indicate that they constitute a single project (*Burridge*).
- Standalone projects – where a development is justified on its own merits and would be pursued independent of another development, this may indicate that it constitutes an individual project (*Bowen-Wes*<sup>8</sup>).

In this case, the application site is in multiple ownership; the proposal is not being considered simultaneously with residential development; the proposed relief road could functionally operate without the residential development; and the principle of a relief or link road could arguably be justified on its own merits as per the HCS. On this basis, planning officers now accept that the proposed relief road is a standalone project.

*Volume 1, Chapter 3, Development Need and Alternatives Considered* of the ES reports on alternatives. It explains that an options appraisal was undertaken as part of the Huncoat Garden Village Masterplan, which explored six options. The options without the proposal or 'no development' alternatives were discounted due to a lack of financial viability. The two options with the proposal have been merged to become the preferred option.

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<sup>4</sup> Application reference 11/23/0499.

<sup>5</sup> Application reference 11/23/0500.

<sup>6</sup> *R (Larkfleet) v South Kesteven District Council* [2015] EWCA 887 (Civ).

<sup>7</sup> *R (Burridge) v Breckland District Council and Greenshoots Energy Ltd* [2013] EWCA Civ 228.

<sup>8</sup> *Bowen-West v Secretary of State for Communities and Local Government* [2012] EWCA Civ 321.

Overall, planning officers consider that the submitted ES is legally compliant in content and scope to allow a decision in compliance with the EIA Regs 2017. The assessment below will summarise and consider the environmental effects under each main issue.

## **Consultation Responses/Representations**

### *Consultation*

Active Travel England: No response received (due by 24 April 2025).

Altham Parish Council: 11 April 2025: No objections.

Burnley Borough Council: 15 May 2025:

- The application site is in Green Belt and would extend urban style development towards Burnley and narrowing the existing gap. However, the Emerging LP proposes residential development in this area. The closest town is Padiham, which is 2km to the northeast of the site. Therefore, the proposal would not lead to a risk of the settlements merging.
- The application site is within proximity of residential properties. However, Accrington Bypass is intervening. Therefore, the proposal would unlikely have any significant impact on the living conditions of nearby occupants, subject to conditions relating to construction dust, hours and traffic, and requiring a final Construction Environmental Management Plan (CEMP) (noting the submitted plan is in outline).

Cadent Gas: No response received (due by 24 April 2025).

Canal and River Trust: 21 May 2025:

- The proposal has the potential to encourage greater traffic movements between Altham Business and Park and the junction with the A56, along Altham Lane and over 'Canal Bridge (Altham Bridge)' (List Entry Number: 1072720, which is grade II listed and subject to a formal weight restriction of 7.5 tonnes.
- Ask that the Council is satisfied that appropriate details have been provided to assess any impact on traffic movements on Altham Lane and consequently on Altham Bridge.
- Should the details indicate the potential for the proposal to result in an increase in traffic with the potential to increase damage to the bridge (either by unauthorised heavy goods vehicles ignoring the weight limit or through cars striking the wing walls of the bridge when meeting oncoming traffic) then mitigation may be required.

Coal Authority: 7 April 2025: The application site falls within the coal mining development low risk area; therefore, they have no specific comments to make, but request that their Standing Advice is drawn to the applicant's attention, where relevant.

Electricity North West: 11 April 2025: Their infrastructure is located on the application site. The applicant should be advised that great care should be taken at all times to protect electrical apparatus (above and below ground) and should be referred to the Health and Safety Executive's documents '*Avoiding Danger from Underground Services*' and '*Avoidance of Danger from Overhead Electric Lines*'.

Environment Agency: 22 April 2025: The existing land use is agricultural with no previous contaminative use. While they concur with the findings of the Phase 2 Site Investigation, only ten soil samples have been taken across a very large area. Therefore, they have no objection to the proposal but recommend the inclusion of a condition requiring the reporting of any unexpected contamination.

Growth Lancashire (Heritage): 12 May 2025:

- Grade II listed Huncoat War Memorial is identified as the closest designated heritage asset. However, while the memorial is elevated above the application site, the field it is within is bordered by mature trees and bushes, which largely screen views. Therefore, the proposal would not impact the contribution made by the setting to the memorial.
- The submitted information identifies potentially setting changes to non-designated heritage assets (NDHAs) (the Leeds and Liverpool Canal, Peel Park and Shuttleworth Hall Country Estate (including grade I listed Shuttleworth Hall)). However, in their view, given the separation of the sites and existing major road infrastructure, the proposal would cause no further impact.
- The submitted information also identified 'non-designated monuments' on the brow of Burnley Lane. Any above ground heritage (NDHAs) in this location would experience some impact. However, in their opinion, it would be limited due to the existing and visible Accrington Bypass to the east and the fall of the land restricting any potential visual impact. In any event, in this case, the public benefits of the proposal would far outweigh any identified less than substantial harm.
- In conclusion, they consider that the proposal would cause no discernible level of harm or loss of significant to the heritage assets above, including their setting.

Hyndburn Borough Council (HBC) Ecology: 11 June 2025:

- The applicant has submitted a Biodiversity Gain Assessment and landscape plans, which refer to the creation of traditional orchard habitat. The landscape plans do not show a specific area set aside for this habitat. The biodiversity gain plan would be

refused unless the habitat management and monitoring plan (HMMP), and landscape plans specifically designate the area of traditional orchard.

- The ES includes an Arboricultural Impact Assessment, Baseline Ecological Appraisal Biodiversity Net Gain (BNG) Report and Statutory Biodiversity Metric (SBM). The SBM and BNG Report demonstrate that an onsite habitat unit gain of +14.35% and hedgerow unit gain of +29.96%.
- The scheme would deliver significant onsite habitat creation, which must be maintained for a 30-year period following completion of development. The 30-year HMMP must be approved and secured by planning obligation.

HBC Environmental Protection: 2 May 2025:

- Their comments below relate to air quality, noise and vibration and therefore the impact on the living conditions of nearby occupants. While they acknowledge there may be some diluting through increased traffic routes, the proposal would add to the number of vehicle movements in the area. They hope future applications for residential development consider this further. The existing noise climate is dominated by two major roads (presumably Accrington Bypass and M65).
- During construction, no piling is expected. The Outline CEMP provides details of measures to remove or reduce the potential impact (largely noise and dust) as far as possible. The 'normal' construction working hours should relate to noisy activities. While some disturbance would be inevitable, the use of best practicable means would ensure that this is eliminated or minimised for this 'temporary' issue.
- During operation, the proposal would provide another option for road users and effectively dilute traffic numbers on existing roads. This would result in reductions in noise and air pollution for the vast majority of existing dwellings. The proposal would clearly be closer to some dwellings, but the submitted information highlights that any impacts would be negligible.

HBC Housing: No response received (due by 24 April 2025).

HBC Policy: No response received (due by 24 April 2025).

HBC Trees and Woodland: No response received (due by 24 April 2025).

HBC Waste Services: No response received (due by 24 April 2025).

Lancashire Badger Group: 29 April 2025:

- Concerned that the Phase 1 Habitat Survey was undertaken in June where most signs of mammals are impossible to see. This is a suboptimal time to survey.

- The Survey identified the nearest badger sett 500m north of the proposal. They enquire whether this is within the HGV site. They appreciate that the proposal would not affect the badgers. However, they are concerned that badgers would become isolated being trapped between Accrington Bypass, M65 and railway line with little access to foraging areas. They appreciate this will be considered when the application is considered for the HGV site.

Lancashire Constabulary: No response received (due by 24 April 2025).

Lancashire County Council (LCC) Lead Local Flood Authority:

- 22 September 2025: Maintain its objection.
- 10 April 2025: Objects on the basis of inadequate surface water sustainable drainage strategy (SuDS), in particular the failure to provide appropriate minimum operation standards for peak flow control; provide appropriate minimum operation standards for volume control; meet the hierarchy of runoff destination; demonstrate the principle of development' and provide an appropriate allowance for climate change. They provide advice on how to overcome their objection and other general and site-specific advice.

LCC Highways: 2 February 2026: Have highlighted points of dispute in detail. They urge the applicant to take their advice due to their experience of road building infrastructure alongside the theoretical analysis which includes uncertainty about future flows rather than being wholly reliant upon it. They have provided a list of conditions, as requested by planning officers, should be application be approved without taking onboard their concerns.

LCC Historic Environment: 16 April 2025: The submitted information does accurately reflect the position that they reached in consultation with the agents in 2024 concerning the type, extent and timing of any archaeological assessment of the proposal. They recommend a condition securing a programme of archaeological work.

LCC Minerals and Waste: No response received (due by 24 April 2025).

LCC Public Rights of Way: No response received (due by 24 April 2025).

Lancashire Fire and Rescue Service: No response received (due by 24 April 2025).

National Highways: 30 October 2025: Recommend that conditions should be attached to any planning permission that may be granted relating to the construction design and method statement; full design details of the interfaces and works on the A56 trunk road; geotechnical information; landscaping and planting; and surface water drainage design and survey.

Natural England: 23 April 2025: No objection. Based on the submitted plans, they consider that the proposal would not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. They provide generic advice on other natural environment

issues, including access and recreation; ancient woodland, ancient and veteran trees; best and most versatile agricultural land and soils; biodiversity duty; biodiversity and wider environmental gains; designated nature conservation sites; green infrastructure; local sites and priority habitats and species; protected landscapes; protected species wider landscapes; and rights of way, access land, coastal access and national trails.

United Utilities: 27 October 2025: Following their review of the amended drainage details, they confirm that the proposals are acceptable in principle. They request a condition requiring development to be carried out in accordance with the amended details should permission be granted. They also provide advice on management and maintenance; their assets, including a public sewer and water main, and water efficiency.

### *Publicity*

There have been 15 representations of objection. They raise the following issues:

- Whether the location is appropriate for the proposed development:
  - Huncoat is a village and should remain that way. It does not need more traffic or housing.
- Impact on facilities, infrastructure and services:
  - There is insufficient infrastructure to support residential development.
  - The proposed road should be delivered first, then facilities and services and then residential development.
- Impact on highway safety and transport:
  - Huncoat is already gridlocked most of the time.
  - The surrounding roads already struggle, particularly accommodation heavy goods vehicles. There are issues when the railway crossing barrier on Enfield Road/Station Road fails and around Junction 8 of the M65 and Huncoat Primary School. The proposed road would have little impact on these issues.
  - Concerns about traffic generation and highway safety, particularly near Huncoat Primary School.
  - The proposal would provide a connection between Accrington Bypass and Altham Industrial Estate, which has not been assessed by the submitted information. It is recommended that Altham Lane is made access only.
  - The Transport Assessment does not refer to any impacts on Altham Lane despite single lane Altham Bridge and the lack of footway.

- The Transport Assessment does not consider the proposed around 50% increase to Altham Industrial Estate in the Emerging Local Plan or the employment zone in Hapton.
- Unclear on the impact on the PRoW.
- Clarity is required regarding junction improvements on Altham Lane, Higher Gate Road, Lower Gate Road and Station Road are required.
- Concerns about the proximity of the proposed junction with Altham Lane to the access of Peter Grime Row.
- Can assurances be provided that improvements to motorway networks (Junction 8 of the M65 and Shuttleworth Mead) prior to the construction of the proposal.
- There should be no construction traffic allowed along Burnley Lane.
- The wider signage strategy does not extend to the village as a whole, including a no through route sign at the bottom of Burnley Lane.
- Concerns about a conflict with existing on street parking along both sides of Burnley Lane.
- Concerns about the lack of existing footways along part of Burnley Lane.
- Burnley Lane is used as a shortcut to Burnley and Hapton.
- Recommend considering preventing vehicular traffic using Burnley Lane.
- Recommend that sustainable transport improvements are secured now.
- Impact on flood risk and drainage:
  - Consider additional information is required regarding flood mitigation measures and whether they would be sufficient to protect dwellings on Peter Grime Row.
- Impact on the living conditions of nearby occupants:
  - Concerns about the impact of dust. A full review is required on receptors within 20m.
  - A sensitive lighting solution is required.
  - Concerns about construction hours.

- Concerns about the frequency of audits set out in the Outline CEMP and recommend a community liaison group is established.
- The Outline CEMP includes a map showing dwellings along Burnley Lane and Peter Grime Row within the 20m impact zone but then Table 6.1 states that there are no receptors within 20m and less than one within 50m. There is one disabled resident with lung issues within the 20m zone.
- Impact on air quality:
  - There should be a larger and stronger landscaping zone to the west side of the proposal to minimise the impact on air quality.
- Impact on the character and appearance of the area, including landscape character:
  - There should be a larger and stronger landscaping zone to the west side of the proposal to minimise the visual impact.
- Impact on agricultural holdings:
  - The proposal would involve the stopping up of Burnley Lane, which would require them to undertake a detour of a mile. This would not be practical or workable in a tractor travelling 12 miles per hour (mph). It is recommended that Burnley Road should remain as a through public vehicular highway.
  - The Burnley Lane proposed intersection shows a substandard 6m entrance radius, which would be incapable of accepting large vehicular traffic. It is recommended that amendments and a swept path analysis demonstrating the ability of a heavy good vehicle to access the eastern arm of Burnley Lane with this information.
  - The proposal would not include a replacement field entrance near the Altham Lane proposed intersection.
  - The above matters were not considered by the Environmental Statement despite the affect on agricultural holdings being identified as large/significant.
  - The proposal would bisect a section of an agricultural holding. While the application includes an access, but this is unsatisfactory as it would be inconvenient, circuitous, not have a sealed surface, may be unsuitable to accommodate heavy traffic and potentially prone to flooding being adjacent to an attenuation basin. It is recommended that a direct spur is provided off the proposed road, not dissimilar to that which already exists to the west.
- Impact on biodiversity and ecology:

- The proposed attenuation ponds are likely to become habitat for species. The lighting strategy should be reviewed to reduce light pollution in these areas.
- Impact on equality and human rights:
  - Concerns about a disproportionate impact on disabled people.
  - Concerns about a breach of human rights associated with the impact on agricultural holdings.
- Other matters:
  - Councillor Dave Parkins should not sit as the chair of the planning application due to a conflict of interest.
  - Request details of the assessment of the impact of disturbance and noise, and on the natural environment.
  - Query the width of the proposed Huncoat Lane
  - Raise concerns about residential development associated with the HGV, including the Huncoat Design Code.

## **Assessment**

### 1.1. Whether the location is suitable for the proposal

Whinney Hill Link Road (WHLR)

- 1.2. The purpose of WHLR according to the supporting text of Policy A9 of the HCS is to remove the heavy goods vehicle traffic associated with the Whinney Hill landfill and quarry site, and adjacent brickworks, from nearby residential areas, as well as facilitate employment and housing development in Huncoat. The HCS envisaged that the road would be developed in two phases: phase one between Altham Lane and Burnley Road to serve the employment and housing sites, and phase two between Altham Lane and Bolton Avenue / Whinney Hill Road.
- 1.3. The HCS includes a map showing the general route of WHLR bisecting the strategic employment site with a junction with Altham Lane near the access to the former Huncoat Power Station. The Policies Map of the MWSADM shows the area safeguarded for WHLR, which is more detailed and shows a similar arrangement to the HCS. However, the development plan does not include a policy explicitly setting out a required detailed route, it simply contains policies supporting the principle of a link road between the A56 at the Burnley Road junction with the employment and housing sites, and Bolton Avenue.

- 1.4. The southern half of the proposal would generally follow the route of the WHLR shown in the HCS and the Policies Map of the MWSADM. However, the northern section would not extend as far northwards and would have a junction with Altham Lane south of Peter Grime Row (rather than to the north as shown on in the MWSADM).
- 1.5. The proposal would not fully accord with Policy A9 of the HCS as it would not include the implementation of measures to prohibit heavy good vehicles using roads in nearby residential areas. Nevertheless, it would undoubtedly contribute to the overall aim of the policy as the first phase of a link road between Altham Lane and Burnley Road. The purpose of this phase is to provide access to the employment and housing sites, which would be achieved. Therefore, while the proposal could not be said to fully accord with Policy A9 of the HCS, the policy conflict attracts limited weight against the proposal.
- 1.6. The application site straddles the urban boundary and includes a section within the rural area. Policy BD1 of the HCS states that development within the rural area will be limited to that supporting farm diversification and promoting leisure and recreational facilities whilst retaining landscape character. The proposal would not support farm diversification, could not reasonably be described as promoting leisure and recreation facilities, and would not retain landscape character. Therefore, there is a degree of conflict with Policy BD1. However, as Policy A9 of the HCS supports a road in this general location, the policy conflict attracts limited weight against the proposal.

#### Huncoat Garden Village

- 1.7. There is overwhelming support for the proposal in the Emerging LP, Huncoat Garden Village Masterplan and Huncoat Design Code. The emerging spatial development strategy would be reliant on Huncoat Garden Village and the Masterplan identifies the delivery of the proposal as strategically significant and necessary to unlock the full potential of the area. Therefore, the principle of the proposal draws support from Policy SP2 of the Emerging LP, Huncoat Garden Village Masterplan and Huncoat Design Code. It is important that the proposal is delivered early in the emerging plan period (to 2040) to ensure that the emerging spatial development strategy is realised. This weighs significantly in favour of granting planning permission.

#### Conclusion

- 1.8. In conclusion, the proposal would contribute to the overall aim of Policy A9 of the HCS as the first phase of a link road between Altham Lane and Burnley Road. There is also overwhelming support for the proposal in the Emerging LP, Huncoat Garden Village Masterplan and Huncoat Design Code, which weighs significantly in favour of granting planning permission. Therefore, the location is suitable for the proposal. However, the extent that the proposal accords with the development plan shall be considered in the overall planning balance and conclusion.

2. Whether the proposal would be inappropriate development in the Green Belt
  - 2.1. Paragraph 153 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There are certain exceptions at paragraph 154, including engineering operations and local transport infrastructure provided they preserve its openness and do not conflict with the purposes of including land within it. There is also a requirement for local transport infrastructure to demonstrate a requirement for a Green Belt location.
  - 2.2. The submitted Planning Statement claims that the proposal would meet the exception relating to local transport infrastructure. However, the applicants claim that the proposal would not demonstrably impact upon openness is not accepted. The application site is devoid of built form with a strong degree of openness that it is appreciable from higher ground including Burnley Lane. The introduction of lighting and signage columns and activity associated with the proposal would harm openness. Moreover, the site contributes to the purpose of safeguarding the countryside from encroachment and proposal would conflict with this purpose. Therefore, having regard to its nature and scale, planning officers consider that the proposal does not meet any of the exceptions at paragraph 154 of the Framework.
  - 2.3. Although not advanced by the applicant, planning officers have gone on to consider whether the proposal would satisfy the grey belt exception. Paragraph 155 of the Framework states that development in the Green Belt should also not be regarded as inappropriate where the criteria within the paragraph are met.
  - 2.4. The application site is near to Huncoat, which is a township of the large-built up area (LBUA) of Accrington. While it is free of existing development, there are some physical features (namely highways) that could restrict development. Furthermore, future residential development following the proposal would unlikely result in an incongruous pattern of development (such as an extended 'finger'). The site is also subject to other urbanising influences such as Accrington Bypass, high voltage powerlines and pylons, and the M65 motorway. It does not form a substantial part of a gap between towns nor would there be any significant loss of visual separation between towns. The site is not believed to make any visual, physical or experiential connection to the historic aspects of Accrington. There are no footnote 7 areas or assets that would provide a strong reason for refusing or restricting development. Therefore, planning officers consider that the site satisfies the definition of grey belt at Annex 2: Glossary of the Framework.
  - 2.5. The test of whether development would undermine the purposes (taken together) of the remaining Green Belt across the area of the plan is clearly a high bar. As the proposal forms part of an extension of an existing settlement that is being progressed as part of the Emerging LP, which is at an advance stage, it is not considered that it would undermine the remaining Green Belt across the area of the plan. The Local Planning

Authority cannot demonstrate a five-year housing land supply and the early delivery of the proposal is essential to the full delivery of Huncoat Garden Village. In this context, planning officers consider that there is a demonstrable unmet need for the proposal. The location is sustainable, being partially within the urban boundary, and the proposal would incorporate sustainable transport infrastructure. The 'Golden Rules' are not applicable as the proposal is not major housing development. Therefore, planning officers consider the proposal satisfies the exception at paragraph 155 of the Framework.

2.6. In any event, even if the proposal were considered to be inappropriate development, officers consider that any harm to the Green Belt by reason of inappropriateness, and the other harm resulting from the proposal, would be clearly outweighed by the benefits of the proposal such that very special circumstances would exist.

2.7. In conclusion, the proposal would not be inappropriate development in the Green Belt and complies with paragraph 153 and 155 of the Framework insofar as they seek to avoid inappropriate development in the Green Belt.

### 3. The effect on highway safety and transport

3.1. Accrington Bypass and its slip roads with the western Burnley Road roundabout, as well as the M65, form part of the strategic road network (SRN) for which National Highway are the Highway Authority. The remaining roads in the surrounding area form part of the local road network for which LCC Highways are the Highway Authority.

#### Altham Lane

3.2. The proposed junction with Altham Lane would be signalised and the proposal would have a single lane on approach. The submitted Transport Assessment Report includes modelling, which suggests that the junction would operate within capacity during the morning and afternoon peaks in the future base of 2037 with the development of Huncoat Lane and Huncoat Garden Village. LCC Highways have raised concerns regarding the lack of capacity in future years and seek the incorporation of two lanes on approach to the junction. The applicant has undertaken further modelling, which suggests that the junction could handle an additional 15% in the morning peak and 14% in the afternoon peak. They also state that providing too much capacity at the junction could potentially lead to increased vehicle speeds.

3.3. LCC Highways maintain their concerns. They reiterate previous comments regarding significant fluctuations in the flow data collected and in turn the impact of uncertainty about future flows. However, elsewhere in their comment, they state that they have previously agreed traffic figures and forecasts with the applicant and have not provided any data or modelling of their own. Moreover, they have stated that "*the impacts as presented 'would not be considered severe', in planning terms*". Paragraph 116 of the Framework states that development should only be prevented or refused on highways

grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios. As such, the Framework is clear that the proposal should not be prevented or refused on this basis.

- 3.4. Additionally, the applicant has highlighted that national planning policy has recently moved away to a vision-led approach, which is defined at Annex 2: Glossary of the Framework as:

*“Vision-led approach: an approach to transport planning based on setting outcomes for a development based on achieving well-designed, sustainable and popular places, and providing the transport solutions to deliver those outcomes as opposed to predicting future demand to provide capacity (often referred to as ‘predict and provide’).”*

- 3.5. The proposal has inevitably involved an element of predict and provide insofar as modelling has been undertaken to ensure that it is fit for purpose. It appears the proposed junction with Altham Lane would meet the requirements of the emerging Huncoat Garden Village allocations, which includes an aspiration to reduce the need to travel. It would be for future planning applications to demonstrate that their impact could be satisfactorily accommodated within the highway network. While the concerns of LCC Highways regarding the feasibility of providing additional capacity in the future are noted, this is not a matter for the current application to address.
- 3.6. The posted speed limit on Altham Lane becomes 40mph north of its junction with Peter Grime Row. LCC Highways require this to be reduced to 30mph together with parking restrictions to facilitate the new junction. These could be secured by condition.
- 3.7. The Canal and River Trust have also raised concerns regarding the potential for the proposal to encourage greater traffic movements between Altham Business Park and the junction with Accrington Bypass and over the canal bridge with potential increased damage to the bridge. However, this comment was raised with LCC Highways who do not have any fundamental concerns regarding the impact on the bridge subject to a condition requiring improved signage. They will also report this issue to Lancashire Constabulary with a view to them carrying out enforcement of traffic offences.

#### Construction traffic

- 3.8. LCC Highways seek a detailed construction traffic management plan, which contains the detailed design of construction access points and the phasing and timing of works, which could be secured by condition. While they advise that the proposal should be constructed prior to the first occupation of any dwellings accessed off it, this would be a matter for any future planning applications for residential development.

## SRN

- 3.9. National Highways have withdrawn their holding objection and now recommend that planning conditions be attached to any planning permission. To reiterate, their remit is to consider the impact on users of Accrington Bypass, including its slip roads. They raise concerns that there has been no information submitted to demonstrate that the amended roundabout layout would accord with the relevant design standards. However, as the changes would be mainly centred on changes to lane markings and signage, they are content that this could be dealt with by condition. They note that the submitted Stage 1 Road Safety Audit is acceptable to them at this stage.

### Burnley Road (A56 and A679) western roundabout

- 3.10. The proposed junction with Burnley Road would introduce a fifth arm to the roundabout and would not be signalised. LCC Highways understand that its design meets the relevant design standards. As above, National Highways have withdrawn their holding objection and are satisfied that the design of this junction and any associated alterations to the SRN could be dealt with by condition.

### Burnley Lane and Mill Hill Lane

- 3.11. The proposal would prevent vehicular traffic travelling eastwards along Burnley Lane from its junction with Lower Gate Road and Higher Gate Road. There would be a turning head constructed for vehicles inadvertently travelling this route. The highway would require formal stopping up under section 247 of the Town and Country Planning Act 1990 (as amended). However, access for pedestrians would be maintained. LCC Highways seek access for cyclists and horse riders too, including through the provision of a signalised Pegasus crossing. While they would prefer the issue to be resolved prior to determination, they state that this matter could be dealt with by condition.

## PRoW

- 3.12. The proposal would require the permanent diversion of the public footpath running through the application site (path reference FP1101004) and a temporary diversion of the footpath to the north (path number FP1101003) is likely to be necessary. However, LCC Highways state that details of the route(s) could be required by condition.

### Wider sustainable transport

- 3.13. There is repeated reference by LCC Highways to the low-quality walking and cycling infrastructure along Altham Lane and Burnley Road. While the proposal would not include any improvements to existing highways, these are not necessary as it would not generate trips in and of itself. It would be for future planning applications for trip generating development in the surrounding area to provide or contribute towards such

improvements. They also raise points about the potential for rerouting the M1 bus service along the proposed relief road; and the need for cycle storage at Huncoat Railway Station and travel plans from residential development. However, again, this would be for future applications for trip generating development to address.

Transport network in terms of capacity and congestion

- 3.14. There have been no objections raised regarding the impact on the transport network in terms of capacity and congestion. LCC Highways confirm that the submitted traffic figures and forecasts were agreed by them during the pre-application process.

Design of the street and other transport elements

- 3.15. The design of the proposal would generally accord with the proposed primary street profile set out in the Huncoat Design Code insofar as it relates to highway safety and transport. The bus stops, footpaths and segregated cycleway would be provided. While the predominant carriageway width would be around 0.8m narrower than envisaged, LCC Highways have raised no objection in relation to this matter and any increase in width would presumably heighten their concerns regarding speed compliance. The design of the proposal would also generally accord with the street design principles set out in the Huncoat Design Code insofar as it relates to highway safety and transport.
- 3.16. The proposed bus stops would not all be provided between the 300 to 400m intervals envisaged by the Huncoat Design Code. However, they would be provided in reasonable proximity of the accesses to each respective residential development parcel and LCC Highways have no objections in relation to them. The buses would stop partially within carriageways, which would strike a balance between maintaining traffic flows and maintaining bus priority. The detailed design, including provision of kerbs, lighting, shelters and stops could be dealt with by condition.
- 3.17. The proposal would include lighting and signage, which is sought by the street design principles of the Huncoat Design Code. Their detailed design, including location and type could be dealt with by condition.
- 3.18. The proposal would provide access points for the relevant residential development parcels in accordance with the Huncoat Design Code. The proposed junctions are designed on the typical right turn ghost island arrangement envisaged by the Code. There would be priority cycle junctions on the western side.
- 3.19. The proposal would include some tree planting, which would serve as a traffic calming measures (and additional tree planting is likely to be sought by condition).
- 3.20. The proposed side junctions would have raised table crossings for pedestrians and cyclists, and the proposed plans show demarcated crossings with tactile paving.

- 3.21. There are concerns from LCC Highways regarding speed compliance issues due to the claimed long straight nature of the design. Nevertheless, this could be dealt with by the recommended condition requiring speed monitoring during the first three months of operation and a scheme of measures to address any issues, as necessary.
- 3.22. Finally, LCC Highways state that the submitted long sections are acceptable regarding gradient and swept path. They raise concerns about the proximity of the bioretention features and street lighting columns, and the detailed design of the road construction and any associated embankments or retaining structures. However, they are satisfied that these matters could be dealt with by condition. While they raise concerns about the road restraint risk assessment, National Highways have no concerns.

### Conclusion

- 3.23. In conclusion, notwithstanding the concerns of LCC Highways and subject to conditions, the proposal would have an acceptable effect on highway safety and transport. It would comply with policies DM32 and DM33 of the DMDPD insofar as they relate to these matters.

### 4. The effect on the character and appearance of the area, including landscape character and the setting and significance of heritage assets

- 4.1. The application site lies within the Lancashire Valleys National Character Area, which encompasses the valleys of the Rivers Calder and Ribble, and their tributaries. The area is visually contained with a strong urban character. Major settlements such as Accrington and Burnley expanded during the Industrial Revolution resulting in a strong industrial heritage. While agriculture was historically a dominant land use, it is now fragmented and predominantly comprises pasture bound by hedges with few hedgerow trees and stone walls with post-and-wire fences at higher elevations. There are numerous communication routes running along the valley bottoms, including the East Lancashire railway line and the M65 motorway.
- 4.2. The application site also falls within the Calder Valley Landscape Character Area, which stretches from the hills to the north and moorland to the south to the urban fringes of major settlements like Accrington and Burnley. This area generally reflects the characteristics of the Lancashire Valleys NCA. Key environmental features include hedgerow trees, species-rich grasslands, stone walls and historic field patterns. The local forces for change and their landscape implications in this Industrial Foothills and Valleys Landscape Character Type include pressure for expansion of urban areas, which threatens to suburbanise the countryside, and the fragmentation of land uses, including agriculture, which may contribute to increased clutter and lack of visual unity. The latter may also be associated with the degradation of semi-natural habitats and traditional farmland features, such as walls, field patterns and buildings.

- 4.3. The application site is within a Post Medieval Enclosure Historic Landscape Characterisation Type, enclosed between 1600 and 1850. It is characterised by a mix of regular and irregular patterns.
- 4.4. Volume 1, Chapter 10, Landscape and Visual of the ES provides a detailed assessment of the landscape and visual impact. It was prepared by Arcadis Consulting (UK) Ltd (a Landscape Institute Registered Practice). It sets out the embedded mitigation of the proposal, which for the construction stage would be contained in the final construction management plan and for the operation phase would include:
- The route following the natural and lower parts of the topography with cut and fill earthworks defined to integrate into the surrounding landscape.
  - The creation of species rich grassland areas and native woodland planting; and new hedgerows and tree planting. The selection of species would favour those native to the UK and indigenous to the surrounding area.
- 4.5. The table below shows a summary of the residual landscape and visual effects (post mitigation). The Local Planning Authority have commissioned independent landscape and visual impact advice from a Chartered Landscape Architect. While they raised some points for clarification, they state that the proposal generally shows a well-considered scheme that works with the undulating topography to achieve a sensitive alignment with the minimum of cut and fill. The applicant has provided a response to the requests for clarification, which is generally acceptable. Although there is some disagreement regarding some viewpoints and impacts, these are not considered to be significant. In short, planning officers generally agree with the findings of the ES in relation to the landscape and visual impact of the proposal.

<b>Table 1.</b> A summary of the residual landscape and visual effects.	
<i>Landscape effects</i>	
<i>During construction</i>	
Application site and surrounding area	Moderate adverse (significant)
Landscape character area	Slight adverse (not significant)
<i>During operation</i>	

Application site and surrounding area	<ul style="list-style-type: none"> <li>• Year 1 – Moderate adverse (significant)</li> <li>• Year 15 – Slight to moderate adverse (not significant)</li> </ul>
Landscape character area	<ul style="list-style-type: none"> <li>• Year 1 – Slight adverse (not significant)</li> <li>• Year 15 – Slight adverse</li> </ul>
<i>Visual effects</i>	
<i>During construction</i>	
Users of the public footpath within the application site and those in the immediately surrounding area	<ul style="list-style-type: none"> <li>• Large adverse (significant)</li> </ul>
People in their homes (up to 500m of the site) on the eastern edge of Huncoat (Burnley Lane, Griffin Close, Higher Gate Road, Lower Gate Road, Peter Grime Row and Towneley Avenue)	<ul style="list-style-type: none"> <li>• Moderate adverse (not significant)</li> </ul>
All other receptors	<ul style="list-style-type: none"> <li>• Six slight adverse and three neutral (both not significant)</li> </ul>
<i>During operation</i>	
Users of the public footpath within the application site and those in the immediately surrounding area	<ul style="list-style-type: none"> <li>• Year 1 – Large adverse (significant)</li> <li>• Year 15 – Moderate to large adverse (significant)</li> </ul>

People in their homes (up to 500m of the site) on the eastern edge of Huncoat	<ul style="list-style-type: none"> <li>Year 1 and 15 – Moderate adverse (not significant)</li> </ul>
All other receptors	<ul style="list-style-type: none"> <li>Year 1 – Six slight adverse and three neutral (not significant)</li> <li>Year 15 – Two slight adverse and seven neutral</li> </ul>

#### Heritage impact (excluding archaeology)

- 4.6. Volume 1, Chapter 9, Cultural Heritage of the ES provides a detailed assessment of the cultural heritage impact. It identifies adverse residual effects on a range of heritage assets and features during construction, including slight adverse (not significant) effects on grade II listed buildings High Brake Hall, Huncoat War Memorial, and Huncoat Hall and Attached Barn. It also identifies adverse residual effects during operation, including slight adverse effects on grade II listed buildings Hill House Farmhouse, Huncoat Hall and Attached Barn, Huncoat War Memorial and Village Stocks in Corner of Road 100m East of Hill House. The harm to the designated heritage assets would be less than substantial harm, which is still a matter of great weight, and the harm to non-designated heritage assets would be limited. Growth Lancashire agree with officers that the public benefits of the proposal would far outweigh any identified less than substantial harm.

#### Conclusion

- 4.7. In conclusion, while the proposal would result in less than substantial harm to the setting of some nearby listed buildings and limited harm to some non-designated heritage assets, this would be outweighed by the public benefits. It would also have a harmful effect on the character and appearance of the area, including landscape and visual effects. Therefore, the proposal conflicts with policies BD1, ENV1, ENV3 and ENV6 of the HCS and policies DM17 and DM26 of the DMDPD insofar as they seek to achieve well-designed places that recognise the intrinsic character and beauty of the countryside. This recommendation has had special regard to the duty imposed by section 66(1) of the PLBCAA 1990. The harm identified must be weighed in the overall planning balance.
5. The effect on the living conditions of nearby occupants

Air quality and emissions, including dust

- 5.1. Volume 1, Chapter 6, Air Quality of the ES provides a detailed assessment of the effects on air quality. It assesses that the residual effect during construction would be negligible subject to mitigation measures. It predicts that the proposal would have a negligible impact on air quality at most modelled receptors with some predicted to have a beneficial impact as a result of traffic being rerouted. The predicted concentrations of nitrogen dioxide and particulate matter 2.5 and 10 are below the objectives in the 'Air Quality Strategy: Framework for local authority delivery'. Therefore, the overall impacts are not considered to be significant. HBC Environmental Protection accept that the proposal would reduce air pollution for many nearby properties and that any increase affecting those properties nearer to the proposal are expected to be negligible.

#### Noise and vibration

- 5.2. Volume 1, Chapter 7, Noise and Vibration of the ES provides a detailed assessment of the effects on noise and vibration during construction and operation. It identifies a risk for significant noise effects during construction should best practice measures not be fully implemented but that the potential impacts could be reduced to acceptable levels through their adoption. These matters could be controlled through a construction management plan. It also identifies minor adverse, short-term noise impacts on the dwellings on Peter Grime Row, but moderate to major beneficial, short-term noise impacts on other dwellings. It does not identify any adverse noise effects as significant. For the same reasons as air quality, HBC Environmental Protection raise no objection with regard to noise, subject to a final construction management plan, which limits the hours of noisy activities.
- 5.3. The ES states that based on the type of construction activities associated with projects of this nature, including the lack of need for piling or ground stabilisation, construction generated ground-borne vibration effects have been scoped out. HBC Environmental Protection do not raise any concern regarding vibration.

#### Other nuisances, including lighting

- 5.4. The proposal would include lighting. However, the final street lighting would be agreed with LCC Highways. It is unlikely that it would result in any unacceptable adverse impact on the living conditions of nearby occupants and HBC Environmental Protection raise no objections in this regard. For completeness, there would unlikely be any unacceptable overbearing or overlooking impacts.

#### Conclusion

- 5.5. In conclusion, subject to conditions, the proposal would have an acceptable effect on the living conditions of nearby occupants. It would comply with policies BD1 and ENV7 of the HCS and policies DM25 and DM29 of the DMDPD insofar as they seek to achieve acceptable levels of amenity for all.

6. The effect on flood risk and drainage

- 6.1. The application site is at low risk of flooding from rivers according to the Environment Agency Flood Map for Planning. It does appear to be affected by an extent of surface water flood risk according to the Map. However, this only effects a small part of the site, which will likely marginally increase due to climate change between 2040 and 2060. The Environment Agency Long Term Flood Risk Service does not suggest any risks of flooding from other sources.
- 6.2. Paragraph 027 of the Planning Practice Guidance: Flood risk and coastal change states that where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development, without increasing flood risk elsewhere, then the sequential test need not be applied. Therefore, as the submitted drainage details are acceptable to the relevant consultees, the sequential test need not be applied in this case.
- 6.3. There is an outstanding objection from LCC Lead Local Flood Authority and concerns from LCC Highways regarding the flood risk and drainage impact. The applicant has provided a response to the objection and concerns, and the reconsultation expires 10 March 2026. The impact is acceptable to National Highways and United Utilities who recommend conditions. The outcome of the reconsultation shall be reported to the Planning Committee, but it is not believed that flood risk and drainage represent an insurmountable issue at this stage. Therefore, subject to satisfactory resolution, the proposal would be acceptable in this regard.
- 6.4. In conclusion, subject to satisfactory resolution and conditions, the proposal could have an acceptable effect on flood risk and drainage. Therefore, it could comply with Policy ENV4 of the HCS and Policy DM20 of the DMDPD insofar as they seek to meet the challenge of climate change and flooding. This point shall be clarified at the Planning Committee.

7. The effect on biodiversity and ecology, including BNG and trees

- 7.1. Volume 1, Chapter 8, Ecology and Biodiversity of the ES reports on the impact and likely significant of the proposal on ecology and biodiversity. It scopes in the following ecological receptors: foraging bats; hedgehog; hedgerow; nesting birds; other habitats (not of principal importance) within the site; polecat; and reptiles. The ES finds that the proposal would have a minor slight beneficial or neutral residual effect on these receptors subject to enhancements and mitigation. While HBC Ecology appear to have initially raised concerns about the impact on common lizard, the applicant has clarified that this is covered under the reptile's receptor and this consultee has raised no objection in their latest comment. Therefore, subject to conditions, the proposal would have an acceptable effect on habitats and species, including trees.

7.2. The SBM and BNG Report demonstrate that an onsite habitat unit gain of +14.35% and hedgerow unit gain of +29.96% would be achieved. Officers agree with HBC Ecology that the increase in the biodiversity value of the onsite habitat would be significant so must be maintained for at least 30 years after the development is completed. However, while HBC Ecology recommend the use of a planning obligation, it is noted that planning conditions can be used instead, which is recommended here.

7.3. In conclusion, subject to conditions, the proposal would have an acceptable effect on biodiversity and ecology. Therefore, it would comply with policies BD1, ENV2 and ENV4 of the HCS and policies DM18 and DM19 of the DMDPD insofar as they seek to conserve and enhance the natural environment. The statutory biodiversity gain framework set out in Schedule 7A of the Town and Country Planning Act 1990 (as amended) could be satisfied.

#### 8. The effect on agriculture and soils

8.1. Volume 1, Chapter 5, Agriculture and Soils of the ES reports on the impact and likely significance of the proposal agriculture and soils. The proposal would affect three agricultural holdings and would split them all in two and result in severance. This would have a moderate to large (significant) adverse residual effect. There has been no evidence submitted by the representations of objection to suggest that this would affect the viability of any of the holdings. Nevertheless, this issue attracts negative weight.

8.2. The submitted Soil Strategy proposes the preparation of a soil management plan, which would reduce the residual effect on soils to slight (not significant).

8.3. The submitted Agricultural Land Classification confirms that the application site comprises grade 4 and 5 agricultural land. Therefore, it is not best and most versatile land and there would no harm arising from its loss in this regard.

#### 9. The effect on climate change and greenhouse gas emissions

9.1. Volume 1, Chapter 11, Climate of the ES reports on the environmental impact and likely significance of the proposal on climate. It does not identify any significant effects. The Transport Decarbonisation Plan sets out the Governments policy on decarbonising the transport sector. It will be achieved in large part through non-planning measures and it is not Government policy for there to be a moratorium on all-road building schemes. The CCA 2008 provides for the setting of carbon budgets and requires the Secretary of State to ensure that the budget is not exceeded. The ES states that the carbon emissions from the construction of the proposal would amount to 0.01% of Lancashire's annual emissions. Therefore, the proposal would have an acceptable effect on climate change and greenhouse gas emissions. It accords with policies BD1 and ENV4 of the HCS insofar as they seek to meet the challenge of climate change.

10. The effect on material assets and waste
11. Volume 1, Chapter 12, Materials Assets and Waste reports on the environmental impact and likely significance of the proposal on material assets and waste. In terms of material assets, subject to an environmental management plan, the proposal could use 70-99% of the overall material recovery/recycling (by weight) of non-hazardous construction and development waste to substitute use of primary materials, and aggregates to be imported to comprise recycled/reused content in line with regional targets. In terms of waste, subject to a waste management plan, there would be a less than or equal to 1% alteration or reduction in the regional capacity of landfill. The overall residual effect would not be significant. Therefore, subject to conditions, the proposal would have an acceptable effect on material assets and waste. It would accord with policies Policy ENV4 of the HCS, policies DM10 and DM31 of the DMDPD and Policy CS7 of the MWCS, which seek appropriate management of waste.
12. The effect on land contamination and instability
  - 12.1. The submitted Phase 2 Interpretive Ground Investigation Report evaluates the contamination risks to human health and water resources as not significant. The Environment Agency have no objection to its findings subject to a condition requiring the reporting of unexpected contamination and HBC Environmental Protection have made no comments in relation to contamination. The Coal Authority have confirmed that the application site falls within the development low risk area such that a coal mining risk assessment is not required. Therefore, subject to condition and informative note, the proposal would comply with Policy ENV4 of the HCS and Policy DM25 of the DMDPD insofar as they relate to land contamination and instability.
13. The effect on potential archaeological assets
  - 13.1. Volume 1, Chapter 9, Cultural Heritage of the ES proposes a suitable programme of mitigation, if required by LCC Historic Environment, which would have a slight adverse (not significant) residual effect. LCC confirm that the submitted information reflects the position they have previously reached with the applicant and recommend a condition requiring a programme of archaeological work. Therefore, subject to condition, the proposal would comply with Policy ENV6 of the HCS and Policy DM22 of the DMDPD, which seek to conserve and enhance the historic environment by protecting archaeological assets commensurate to their significance.
  - 13.2. Whether the proposal would make adequate provision of open space
  - 13.3. The proposal does not technically trigger a requirement for open space as it does not involve residential development. Nevertheless, Figure 3.2b Open Space Typology Plan of the Huncoat Design Code shows the location of open space. It shows several areas within the application site, including indicative amenity space at to the east of the

proposed junction with Altham Lane and another to the north of the northern section of the proposed road, and an area of retained fields with indicative new woodland to the east of the southern section. These each contain existing or proposed areas of water.

- 13.4. The submitted Landscape General Arrangement Site Plan shows that parts of the indicative amenity space and retained fields would be provided for by the proposal, including new areas of water. There would also be some tree and woodland planting in the indicative new woodland area and wildflower planting around the basins. There would be reinforced grass maintenance tracks around the basins, which would also provide for recreation. The proposal generally accords with the required (must have) open space design principles.
- 13.5. There are other areas of open space shown within the application site. However, these appear to fall within residential parcels and it is reasonable to expect these to deliver this space and any connections to existing and proposed space.
- 13.6. In conclusion, the proposal would make adequate provision of open space in general accordance with the required open space design principles of the Huncoat Design Code. Moreover, as there is technically no policy requirement to provide this space, it is a benefit that weighs in favour of the scheme.

#### 14. Other matter – Mineral safeguarding area

- 14.1. The application site is located within a mineral safeguarding area. While any minerals within and or near the site would be sterilised by the proposal, the principle of a relief road in this general location is supported by existing minerals and waste policies, and residential development is supported by the Emerging Local Plan. There is clearly an overarching need for the proposal that outweighs the need to avoid the sterilisation of the mineral resources. It is unlikely that prior extraction would be appropriate given the timeline for the delivery of Huncoat Garden Village. LCC Minerals and Waste have been consulted but have not commented at the time of writing. Therefore, based on the available information, the proposal does not conflict with the aim of Policy M2 of the Joint Lancashire Minerals and Waste Local Plan: Site Allocations and Development Management Policies – Part One, which is to safeguard minerals for extraction unless one of the circumstances within the policy applies.

#### 15. Other matter – Overhead powerlines and pylons

- 15.1. The application site is crossed by high voltage overhead powerlines. However, Electricity North West do not raise any objection. Therefore, this is a neutral matter.

#### 16. Outstanding matters

- 16.1. Beyond the issues covered above, there have been representations of objection that Huncoat does not need nor have the facilities, infrastructure or services to support more traffic or housing. However, this application is not the forum to debate whether future levels of growth within the existing and emerging development plan are sustainable or revisit the site allocations. The whole purpose of the proposal is to provide the infrastructure to support the growth set out in Emerging Local Plan.
- 16.2. The representation regarding the non-pecuniary interests of Councillor Dave Parkins is not material to the determination of the planning application. There have been requests and queries regarding the impact of noise and disturbance, the impact on the natural environment and the width of the proposal. However, these details are shown online as part of the submitted information.

## 17. Planning balance and conclusion

- 17.1. In conclusion, while the proposal would involve a degree of conflict with policies BD1 and A9 of the HCS, it would contribute to the overall aim of the latter as the first phase of a link road between Altham Lane and Burnley Road. The proposal would have a harmful effect on the character and appearance of the area, including landscape and visual effects, and adverse effects relating to the splitting and severance of agricultural holdings. There would also be some less than substantial harm to the setting of some nearby listed buildings and limited harm to some non-designated heritage assets (albeit this would be outweighed by the public benefits). However, such adverse effects are to be expected with a scheme of this nature and scale.
- 17.2. Planning officers consider that the proposal accords with the development plan taken as a whole. In any event, even if it were deemed that it conflicts with the plan, the proposal draws support from the Emerging LP, Huncoat Garden Village Masterplan and Huncoat Design Code, which would be a material consideration of sufficient weight to outweigh any conflict and would also result in further benefits including a substantial biodiversity net gain above and beyond the mandatory BNG requirement. On this basis, it is recommended that planning permission be approved.

## 18. Conditions

- 18.1. At the time of writing, planning officers have not completed and agreed a full list of conditions. However, a high-level list shall be presented at Planning Committee.

## **Human Rights and the Public Sector Equality Duty**

In accordance with Article 9 of the Human Rights Act 1998 (as amended), this recommendation has considered the rights of everyone respect for his private and family life, his home and his correspondence. This is a qualified right where interference may be justified in the public interest, but the concept of proportionality is crucial.

The applicant has identified potential effects from air quality, loss of green space and noise, which it states have been assessed and mitigated through the design process.

In accordance with section 149 of the Equality Act 2010 (as amended), this recommendation has given due regard to the public sector equality duty, which is the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The applicant acknowledges that the proposal has the potential for negative equality impacts for example environmental impacts (e.g., air quality, amenity or noise) during the construction phase, which could have a disproportionate or differential impact on groups including children, disabled people and older people. It states that the potential negative impacts have been identified and assessed, and mitigation measures embedded or best practice identified. This includes a construction environmental management plan. The applicant has also identified positive equality impacts, including improved accessibility to facilities and services, particularly beneficial to disabled and older people, and those without cars.

These matters have been taken into account when assessing the application and ascribing weight to any benefits and harm arising.

**Recommendation:**

That the Head of Planning and Transportation be given delegated powers to grant planning permission subject to conditions to their satisfaction.

**List of Background Papers**

*The background papers are available on the Council's website at:*

<https://planning.hyndburnbc.gov.uk/Northgate/ES/Presentation/Planning/OnlinePlanning/OnlinePlanningOverview?applicationNumber=11%2F25%2F0124&guid=30c9f794-7edc-49f5-be7b-3a47776bd99d>.