

REPORT TO:		Cabinet	
DATE:		18 March 2026	
PORTFOLIO:		Councillor Melissa Fisher - Deputy Leader of the Council (Housing and Regeneration)	
REPORT AUTHOR:		Mark Hoyle, Head of Regeneration and Housing	
TITLE OF REPORT:		Huncoat Garden Village – authorisation for making a Compulsory Purchase Order (CPO) for the proposed Relief Road (Huncoat Lane)	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	Yes	If yes, date of publication:	10 March 2026

1. Purpose of Report

- 1.1 To provide Cabinet with an update on the Huncoat Garden Village Project.
- 1.2 To update Cabinet on progress to date with the acquisition of interests in the land required to enable construction of the proposed residential relief road (Huncoat Lane) at Huncoat Garden Village.
- 1.3 To invite Cabinet to authorise the making of a Compulsory Purchase Order (CPO) under Section 226 (1)(a) and 226(3)(a) of the Town and Country Planning Act 1990 to acquire compulsorily land, together with existing rights and interests in land required to construct the proposed Huncoat Lane where agreement cannot be reached in order to deliver the proposed new relief road Huncoat Lane, which forms part of the Huncoat Garden Village proposals.
- 1.4 The draft Statement of Reasons is attached at Appendix A to this report. The CPO Plan identifying the Order Land edged in red is attached at Appendix B to this report, and the full details of the interests and rights comprised in the Order Land are set out in the Order Schedule at Appendix C. To assist the Council in understanding the equality and diversity implications of this report an Equality Impact Assessment report is attached at Appendix D
- 1.5 This report also seeks approval for the Head of Regeneration and Housing, following consultation with the Executive Director (legal and Democratic Services) to agree

compensation and acquisition payments where this will avoid the need to compulsorily purchase interests.

2. Recommendations

I recommend that Cabinet:

- 2.1 Note the progress being made with the Huncoat Garden Village (HGV) project.
- 2.2 Having concluded that the acquisition of all interests in the Order Land will facilitate development of the land required for the construction of the proposed residential relief road (Huncoat Lane), (the “Scheme”), which is essential to unlock land for the HGV project, note that the Scheme therefore is likely to contribute to the achievement of the following objectives:

2.2.1 The promotion or improvement of the economic well-being of the area

2.2.2 The promotion or improvement of the social well-being of the area

2.2.3 The promotion or improvement of the environmental well-being of the area

Resolves to take all necessary steps to make and secure the confirmation and implementation of a Compulsory Purchase Order (the “Order”) pursuant to section 226 (1)(a) and 226(3)(a) of the Town and Country Planning Act 1990 (‘the 1990 Act’) to acquire compulsorily all or part of the land shown shaded pink and edged red on the plan (Order Land) attached at Appendix B entitled “Map referred to in the Hyndburn Borough Council (Huncoat Lane) Compulsory Purchase Order 2026”, together with all rights and interests affecting the land (which may be extinguished or overridden), in order to enable the delivery of the proposed residential relief road, known as Huncoat Lane, forming part of the HGV project. Those steps include the publication and service of all notices and the presentation of the Council’s case at any public inquiry if required.

- 2.3 That Cabinet resolves to delegate authority to the Head of Regeneration and Housing: To finalise the wording of the Order and the Statement of Reasons and to make any final adjustments as may be necessary to reduce the boundaries of the Order Map and take all steps necessary to make and confirm the Order;
 - To take all steps to seek to acquire any or all of the necessary interests in the Order Land by agreement or by implementing any confirmed compulsory acquisition powers;
 - To remove from the Order any plot (or interest therein) no longer required to be acquired compulsorily, to amend the interests scheduled in the Order (if so advised) and to request that the Secretary of State makes any changes to the Order prior to confirmation as may be appropriate;
 - To negotiate and agree the terms of such acquisitions, settle claims for compensation and enter into such agreements or deeds necessary for the acquisition of all or part of the Order Land;
 - That if the Secretary of State authorises the Council to do so, confirm any Order made;

- 2.4 Resolves to utilise, where appropriate, either the general vesting declaration procedure under the Compulsory Purchase (Vesting Declarations) Acts 1981 or the notice to treat procedure under Section 5 of the Compulsory Purchase Act 1965 in respect of the confirmed Order.
- 2.5 Agrees, under section 6 (4) of the Acquisition of Land Act 1981 to dispense with individual service of notices in respect of land where the Council is satisfied that it has not been possible following the making of reasonable inquiry to establish ownership of the land in question and for the service of notices in the manner set out in section 6 (4) of the Acquisition of Land Act 1981.
- 2.6 Confirms that, in agreeing to recommendations 2.1 – 2.6 above, Cabinet has considered the provisions of the Human Rights Act 1998 so far as they are applicable in deciding whether to make the Order and to exercise all other statutory powers that the Council seeks to exercise and resolve the following:
- With regard to Article 1 Protocol 1, it is considered that the interference with the individual's land is justified by the advantages accruing to the public by proceeding with the development of the proposed link road particularly taking into account the fact that there is a legal right to compensation for the property taken and any rights extinguished under the Order.
 - With regard to Article 8 of Protocol 1, it is considered that in balancing the rights of the individuals who are affected by the Order against the benefit to the community of proceeding with the Order, the making of the Order resulting in the interference with the individuals rights is justified in the interest of improving the economic, social and environmental wellbeing associated with the Scheme and wider HGV project.
- 2.7 Confirms that, in agreeing to recommendations 2.1 - 2.6 above, Cabinet has had due regard to the Equality Act 2010, including the public sector equality duty in section 149 of the latter.
- 2.8 Note the overall cost estimates, including the estimated acquisition costs of those interests which are still to be acquired and the fees for making the Order will be met from existing Council budgets.

3. Reasons for Recommendations and Background

HGV Project Update

- 3.1 HGV forms a key part of Hyndburn Borough Council's growth plans. It is a residential-led, housing development project with the potential to transform the housing market within Hyndburn. HGV will bring back into use the site of the former Huncoat Power Station, and the site of the former Huncoat Colliery, to create an extension to the existing Huncoat village using new garden community principles. It will deliver circa 1,800 new homes of mixed tenure (including affordable and social housing), over a circa 15-year period, alongside a new local centre meeting amenity needs, an expanded primary

school, 24 hectares of strategic and functional open space, including a safeguarded area of ecological importance, new woodland and networked open space, and infrastructure in the form of the Scheme, car parking provision at Huncoat Railway Station, and localised road junction upgrades as required.

3.2 The Council has successfully secured circa £29.90 million from the Government's Brownfield, Infrastructure and Land Fund ("BIL Funding") which is managed by Homes England. The secured funding covers the cost of land acquisition and delivery of the Scheme. Money within the BIL Funding is also allocated for remediation works to the two largest sites within HGV at the former Huncoat Power Station and the former Huncoat Colliery as well as improvement works at Junction 8 of the M65 to the north of Huncoat which is at capacity.

3.3 The Council continues to make good progress on the HGV project, including:

3.3.1 In July 2025, the Council notified Homes England that some agreed milestones within the project would not be met and as such an extension to the funding availability period would be required. A revised programme, expenditure forecast, updated milestones and supporting narrative was submitted to Homes England with a request for an extension of the funding period to 31st March 2029, to be approved by way of an Assurance Review.

3.3.2 The Assurance Review assessed the revised programme to ensure it fitted with Homes England's corporate governance, managed financial risks effectively, and complied with government standard.

3.3.3 The Council received written confirmation from Homes England on the 6th of March 2026 that the Assurance Review process had approved the revised programme milestone and extension of the funding availability period to 31 March 2029, subject to satisfaction of the following conditions:

- a new milestone being inserted into the grant funding agreement, (via a Deed of Variation), setting the date by which the Council will have to have addressed the recommendations of the Assurance Review;
- confirmation that the Subsidy Control position on the project remains unchanged & compliant;
- confirmation in writing from that the Council accepts full responsibility for any cost overruns, setting out how these would be covered;
- confirmation the Council will be responsible for meeting all costs not incurred and claimed before the revised Availability Period of 31 March 2029 from its own resources.

The Council is already in the process of complying with these additional conditions and is confident that they will be satisfied in a timely manner.

3.3.4 The planning application for the Scheme is expected to be considered by Hyndburn Planning Committee on the 11th of March 2026.

3.3.5 The Design Code for the project was approved by the Council's Cabinet on the 18th June 2025.

3.3.6 The Council's publication Draft Local Plan was subject to public examination in September 2025. At its meeting on the 15th of January 2026, Full Council approved the consultation on the main modifications to the draft Plan which the appointed independent inspector has identified as necessary for the Plan to be found sound and legally compliant. Policy SP2 within the draft Plan sets out HGV as a strategic location for housing growth, and the main modifications continue to support HGV policy which includes site allocation and the Scheme.

3.3.7 Eric Wright Civil Engineering has been selected as the preferred bidder to construct the proposed Scheme. Stage 2 is being progressed which includes the road design to RIBA Stage 4.

3.3.8 The owners of the former colliery site have selected a preferred house builder partner.

3.3.9 The former power station site owner and their house builder partner have finalised their remediation plan for the site.

3.3.10 The Council is progressing contract terms with the landowners of 3.3.8 and 3.3.9 above to grant fund site remediation works.

3.3.11 The Council is in discussions and negotiations with landowners on the route of the Scheme.

3.4 The Scheme is a circa 1.1km proposed residential relief road with access to the north via Altham Lane and from the south via A697 Burnley Road / A56 Accrington Bypass roundabout to the south. The primary objective of the Scheme is to enable the delivery of HGV, unlocking significant social, economic and environmental wellbeing benefits to the area.

3.5 The Council's Cabinet is being asked to resolve to make a compulsory purchase order ("CPO") in order to facilitate the Scheme, which forms a critical path to delivering HGV and its substantial benefits. Given the funding and development programme for the Scheme (and wider delivery of HGV), it is considered that the use of compulsory purchase powers is necessary to effect the delivery of the proposed Scheme, enable the Council to materialise the Scheme in a timely fashion and to deliver the wider benefits of HGV. It remains the Council's preference and intention to secure interests by negotiated agreement rather than the use of CPO powers and it is hoped that negotiations can conclude prior to making the Order.

The Need for the Proposed Residential Relief Road (Huncoat Lane)

- 3.6 On the 18th June 2025 the Council's Cabinet resolved to acquire land by agreement to facilitate the construction of the Scheme which forms part of the HGV project. The Cabinet also passed a resolution to approve the in-principle use of the Council's compulsory purchase powers should the Council fail to acquire the required land by agreement. This report invites Cabinet to authorise the making of the Order under Section 226 (1)(a) and 226(3) of the Town and Country Planning Act 1990, to compulsorily acquire land, plus existing rights and interests in land required to construct the Scheme where agreement cannot be reached in order to deliver the Scheme.
- 3.7 The Council's purpose in making the Order and seeking its confirmation by the Secretary of State for Housing, Communities and Local Government is to facilitate the delivery of the Scheme, which is necessary to facilitate the delivery of HGV. The Council has identified Huncoat as a key location for strategic development and plans to deliver circa 1800 new homes, equating to a third of the Council's housing need in the new Local Plan alongside new local amenities and infrastructure improvements.
- 3.8 The primary objective of the Scheme is to enable HGV to come forward, unlocking significant social, economic and environmental wellbeing benefits to the area. It will also address local transport issues resulting from the existing network being at near capacity within, and around, the existing Huncoat Village.
- 3.9 The Scheme will:
- Provide direct access via new junctions to new homes
 - Promote sustainable transport options including bus stops and creating a pedestrian friendly environment.
 - Provide inclusive and sustainable connections for the existing and future communities of Huncoat through a landscape-led approach to the new residential relief road including provision of footways and a cycleway as well as plenty of trees, incorporation of swales and bioretention verges, enhancing the look and the biodiversity of the area.
 - Provide green infrastructure and public realm to create a gateway feel to HGV
 - Increase highway capacity. Development at Huncoat and nearby Altham Business Park is hindered by the existing road networks being near capacity. Therefore, the Scheme is also needed to ensure that there is enough highways capacity to bring forward HGV and to support wider investment at Altham Business Park.

Attempts to Acquire Interests by Agreement.

- 3.10 The Council has appointed consultants, Avison Young, to assist it with acquiring land by private treaty, or if it becomes necessary, by the Order. Negotiations will continue in parallel with making this Order.
- 3.11 There are also a number of unregistered parcels of land within the Order Land, where despite attempts to ascertain ownership, ownership remains unknown.

3.12 The Council is seeking to acquire only the land required to construct the Scheme and where appropriate is seeking to enter into licence agreements, with landowners where land/rights are only needed for the construction of the Scheme.

3.13 The Ministry of Housing, Communities and Local Government's 'Guidance on the Compulsory Purchase Process, January 2025', ("the CPO Guidance"), sets out the requirements in respect of negotiations to acquire third party property interests. The Council has followed and complied with this guidance in its approach to negotiations and will continue to do so. As would be expected for a scheme of this size and where the Order Land is in multiple ownership, the Council expects that it will need to exercise its compulsory purchase powers because either reasonable terms cannot be agreed for private treaty acquisition or because the legal owners cannot be traced. The Council will continue to seek to acquire all the required interests by negotiation alongside the Order process. This is in accordance with paragraph 17 of the CPO Guidance which at paragraph 17.1 states that:

"Undertaking negotiations and engagement prior to, and in parallel with, preparing and making a compulsory purchase order can help build good working relationships with those whose interests are affected [...] Acquiring authorities should be open and honest with those whose interests are affected and treat their concerns with respect."

3.14 The Council's approach is also in accordance with paragraphs 2.8 and 2.9 of the CPO Guidance which states that negotiations can be carried out in parallel with the CPO process and that by initiating formal CPO procedures this will help make the seriousness of the acquiring authority's intentions clear from the outset, which in turn can encourage those third parties to enter more readily into meaningful engagement.

3.15 In summary, the Council's overall approach to undertaking negotiations is as set out below:

- Initial landowner engagement started as part of the Masterplan Framework process prior to the adoption of the latter in October 2021.
- The Council contacted landowners in 2023 through a series of landowner workshops and public consultation sessions held between December 2023 and January 2024.
- Since the initial early engagement, the Council has continued to keep landowners informed about the Scheme and the wider HGV project through letters, phone calls and emails.
- The Council and its advisors offered to meet with all landowners individually from September 2025 onwards and discussions have since taken place about the Scheme including the impact on landowners and timescales as well as discussions on compensation and mitigation where appropriate.
- The Council has ensured that it has shared information about the Scheme throughout the process. This includes creating a website about the Scheme and

the production of a Frequently Asked Questions document which provides information about both the Scheme and the Order process, including who to speak to about the negotiations.

- Individual meetings with affected third parties have taken place from October 2025 onwards focusing on seeking to understand the impact of the Scheme on third parties, any possible mitigation and to reach an agreement on compensation for the acquisition.
- Financial offers, in line with paragraphs 3.1 and 3.2 of the CPO Guidance, have been made to all landowners (excluding those whose property interest in the Order is limited to subsoil, the cautioner parties of the mines and minerals interests, and beneficiaries of manorial rights).

Land Assembly and Obtaining Clean Title to the Land

3.16 The land to be included in the proposed CPO is shown edged red (referred to as the Order Land throughout this report). The total area of the land to be compulsorily acquired is approximately 13.8 hectares.

Description of the Order Land

3.17 The proposed Scheme is a circa 1.1 km residential relief road with access to the north via Altham Lane and from the south via A697 Burnley Road/A56 Accrington Bypass roundabout. The Order Land comprises land located within an area of predominantly open landscape between the current built edge of the existing Huncoat settlement and the A56 Accrington Bypass. The Order Land comprises of mostly agricultural land and is mostly situated within green belt.

Description of Interests in the Order Land

3.18 The detailed boundary of the Order Land is shown on the Order Map. The land (coloured pink) identifies the land in which the Council seeks to compulsorily acquire all third – party proprietary interests and existing rights. The land required to deliver the Scheme is held by a number of different landowners. In addition to a number of freehold interests, there are also a number of other registered interests in the Order Land and identified in the Order Schedule, including cautionary restrictions benefitting parties with mines and minerals interests, and beneficiaries of manorial rights. Some of the landowners affected by the Scheme will also benefit from its delivery as it will enable development to come forward on their (currently landlocked) land.

3.19 The full details of the interests and rights comprised in the Order Land are set out in the Order Schedule at Appendix C

3.20 Some of the land and rights included within the Order Schedule are required in perpetuity whereas others are required only for the construction phase of the Scheme. Where

there is only a need to require land/rights during construction, the Council is seeking to negotiate a licence to temporarily occupy and carry out works during construction and to secure rights of access once works are completed, rather than permanent acquisition. However, in the absence of agreement being reached with the landowners, these are included within the Order to ensure that the Council has the right to permanent acquisition if so needed to enable the construction of Scheme to proceed. The Statement of Reasons (Appendix A) includes Table, in section 4, which summarises the property interests included in the Order and reasons for their inclusion.

- 3.21 In order to ensure that the construction of Scheme can take place, the Council needs to acquire all of the interests in the Order Land. If agreements cannot be reached voluntarily in a timely manner with those with an interest in the Order Land, it will be necessary for the Council to compulsorily acquire the Order Land.
- 3.22 Cabinet is therefore asked to consider and authorise the compulsory purchase of the Order Land. The primary purpose of the Scheme is to facilitate the delivery of the HGV project and ensure clean title to land can be transferred to the Council in a timely manner, free of encumbrances which could otherwise prevent or delay construction. The Order is also necessary to ensure site assembly in a timely manner.

The Need for a compulsory Purchase Order (CPO)

- 3.23 Although the Scheme is a highways scheme, the Council considers that the use of the regeneration compulsory acquisition powers (S.226(1)(a) and S.226(3) of the 1990 Act), as opposed to powers under the Highways Act 1980, are appropriate to this case as the primary objective of Huncoat Lane is to facilitate delivery of HGV and the construction of the proposed houses
- 3.24 Section 226 (1)(a) of the 1990 Act permits a local planning authority (i.e. the Council) to exercise compulsory acquisition powers if it thinks that it will facilitate the carrying out of development, redevelopment or improvement on, or in relation to the land being acquired.
- 3.25 Section 226(1)(a) is subject to Section 226(1A) which sets out a "wellbeing" test. This requires that the acquiring authority (the Council) must not exercise the power unless it thinks that the proposed development, redevelopment or improvement is likely to achieve the promotion or improvement of the economic, social or environmental well-being of its area.
- 3.26 226(3)(a) gives local authorities power to compulsorily acquire land (with Secretary of State authorisation) for development, redevelopment, or improvement, (again subject to the "wellbeing" test), as a key tool for regeneration and proper planning by enabling acquisition for related works.
- 3.27 The success of any compulsory purchase action is dependent on demonstrating a compelling case in the public interest for the Order in accordance with the CPO Guidance. This requires in relation to CPOs promoted under Section 226(1)(a) and Section 226(3):

-

- that the scheme has clear public benefits.
- that there is clarity on the acquisition powers to be used.
- that planning permission for the scheme is or can be secured.
- that there is clear planning policy support for the scheme.
- that there is clarity on the funding for the scheme.
- that the human rights and equalities impacts have been considered.
- that alternatives to compulsory acquisition have been considered; and
- all other matters as set out in the CPO Guidance including any impediments to delivery.

3.28 A detailed Statement of Reasons has been prepared in support of the Order, addressing all these considerations and is enclosed at Appendix A. In summary, the key matters in demonstrating the compelling case in the public interest are set out below.

THE EXTENT TO WHICH THE PROPOSED PURPOSE WILL CONTRIBUTE TO THE ACHIEVEMENT OF THE PROMOTION OR IMPROVEMENT OF THE ECONOMIC, SOCIAL OR ENVIRONMENTAL WELLBEING OF THE AREA (CPO GUIDANCE PARAGRAPH 109.1 BULLET POINT 2)

3.29 The Scheme has direct benefits, but it also supports the wider benefits of HGV. The Scheme is critical to the delivery of HGV and will contribute to the promotion of the social, economic and environmental wellbeing of the Council's area in accordance with Section 226 (IA) of the 1990 Act because:

Economic – wider HGV benefits

- The HGV project will deliver circa 1800 new homes, with a total investment of £463,449,001 in an area that the new draft Local Plan identifies for new homes.
- The HGV project will also include the construction of a new road, and the creation of a new village centre with the potential to create up to 110 permanent jobs, in addition to the temporary jobs required during the construction period which will be available to the local jobs market.

Social - Scheme direct benefits

The HGV project will:

- Provide inclusive and sustainable connections for the existing and future communities of Huncoat through a landscape-led approach to the new residential relief road including provision of pathways and cycleways as well as the planting of trees, incorporation of swales and bioretention verges, enhancing the look and the biodiversity of the area.
- Promote sustainable transport options including bus stops and creation of a pedestrian friendly environment.
- The green infrastructure and public realm to create a gateway feel to HGV
- Incorporate amendments to existing junctions and create new junctions. This will help to reduce pollution resulting from cars idling along traffic queues that develop at times of peak flow and capacity.

Social – wider HGV benefits

The HGV project will

- Directly contribute to safety improvements to the adjacent Junction 8 of the M65 motorway.
- Allow for the provision of new open space and sports facilities for the benefit of the existing and future Huncoat community.

Environmental – Scheme direct benefits

The HGV project will:

- Provide for the planting of trees, incorporation of swales and bioretention verges, enhancing the look and the biodiversity of the area.
- Create green infrastructure and public realm (including highway, pavement and cycle way) will help create a gateway to HGV.

- 3.30 Cabinet should note that a CPO can only be made if there is compelling case in the public interest and that the purposes for making the Order should sufficiently justify interfering with the human rights of those with an interest in the Order. Based on the assessment carried out by the Council it must consider that a compelling case exists before a decision is made and consider the contribution to the social, economic and environmental wellbeing of those who live, work and visit the area which will be made by the development. Officers have carried out this assessment and are of the view that there is a compelling case in the public interest on the basis that the delivery of the Scheme is likely to contribute to the well-being objects because it will unlock the wider HGV project (of which it forms part).

COMPLIANCE WITH THE DEVELOPMENT PLAN AND THE NPPF (CPO GUIDANCE PARAGRAPH 109.1 BULLET POINT 1)

- 3.31 There is very strong planning policy support for HGV including the Scheme. Both adopted and emerging planning policies support the delivery of HGV and the Scheme, as well as national planning policy which strongly supports the delivery of new homes.
- 3.32 The Council is currently bringing forward its new Local Plan which includes a strategic policy for HGV. The examination in public took place in October 2025 and on 15 January 2026 the Council approved the main modifications with accompanying documents for the purposes of public consultation. It is anticipated that the new Local Plan will be adopted in the summer of 2026.
- 3.33 Key draft Local Plan policies relevant to Huncoat Lane and HGV:
- Policy SP1: Identifies HGV as a strategic growth location, with Huncoat expected to grow faster than other Accrington townships.
 - Policy SP2: Allocates land for 1,500–1,600 homes in Huncoat over the plan period, supporting a new local/neighbourhood centre and significant infrastructure improvements.

- a) The policy requires the delivery of a new link road, cycle and pedestrian infrastructure, and comprehensive green, blue, and grey infrastructure.
 - b) Early delivery of the Huncoat relief road is deemed essential for phased development; only the first phase of housing may proceed before the relief road is completed.
 - c) Strategic changes to the green belt have been made locally to facilitate development at HGV and safeguard land for longer-term housing requirements.
- 3.34 The HGV Masterplan Framework and Delivery Strategy (2021) provide detailed policy support and guides the local planning authority, landowners, developers and housebuilders in respect of land use, environmental, social, design and economic standards in creating HGV. It includes proposals for the Scheme and its necessity to support development at Huncoat.
- 3.35 HGV, including the Scheme, are also supported by the HGV Design Code, which was approved by Cabinet on the 18th June 2025. The Code provides detailed guidance on the design parameters, technical standards and specifications for HGV. 'Huncoat Street' provides street design principles, with the Scheme following the code for a primary street within the Code.
- 3.36 The planning framework for Huncoat Lane is shaped by national policy, adopted local plans, and the emerging draft Local Plan, which is currently nearing adoption. The draft Local Plan and accompanying Masterplan establish HGV as a strategic growth area, requiring early infrastructure delivery, including the Scheme, to support phased housing development and sustainable community objectives. The proposals are consistent with both current and emerging policy requirements for sustainable, inclusive, and well-connected development.
- 3.37 A planning application for the Scheme was submitted to the Local Planning Authority in April 2025. The application is expected to be considered by Planning Committee on the 11th March 2026.

ALTERNATIVES (CPO GUIDANCE PARA 109 BULLET POINT 3)

- 3.38 In light of the multiple ownerships within the Order Land and the efforts already made to date (unsuccessfully) to acquire all relevant interests, it is considered that the only certain way of securing development of the Scheme within a reasonable time and in accordance with the relevant policies, is for a compulsory purchase order to be made. This approach is supported by the planning policy framework of the area, the potential to deliver the regeneration well-being benefits, and the fact that alternatives that are not comprehensive would not deliver the range of regeneration benefits that are required.
- 3.39 In addition to the above, the Council's grant funding agreement (GFA) with Homes England's currently only makes grant available until the 31 March 2028 (the grant availability period). The GFA therefore includes key milestones to help to ensure that the road is constructed within the grant availability period. The milestones include legal contracts with the landowners, acquisition of all necessary rights / interests in the land for the construction of the road, start on site for the construction of the Scheme, and completion of the construction of the Scheme. In the circumstances there is a need to

proceed with a CPO as soon as possible to ensure that the programme and milestones are achieved and that the Scheme is completed within the grant availability period.

- 3.40 Given the extent of development required and the comprehensive design approach adopted across the Order Land, it is not possible for individual owners to achieve appropriate development of the Order Land (or parts of it).
- 3.41 Single ownership and control of the Order Land is necessary to enable the Scheme to proceed. Given the third-party interests identified in the Schedule to the Order it is unlikely that the Council will be able to acquire all of the necessary interests by agreement within a reasonable timescale. Officers are of the opinion that the Council therefore needs to make the Order to ensure that the significant benefits of the Scheme (and the facilitation of HGV) can be brought forward in a reasonable timescale. Whilst negotiations to acquire all interests by agreement, wherever possible, will continue, given the fragmented nature of the ownership of Order Land, the Order is required to achieve vacant possession of the land where necessary.

FUNDING AND VIABILITY (CPO GUIDANCE PARAGRAPH 109.1 BULLET POINT 4)

- 3.42 The Council has secured just under £30 million from Homes England's Brownfield, Infrastructure and Land (BIL) Grant fund for infrastructure works to facilitate the development of HGV, including the Scheme and thus making the Scheme viable. The funding includes full costs for land assembly either by agreement or CPO and the construction of the Scheme. The funding also includes the cost compensation payments and potential additional project costs to allow for inflation, risk, and contingencies. In its agreement with Homes England the Council has agreed to be responsible for any additional costs relating to the HGV project and for any cost over-run.
- 3.43 Eric Wright Civil Engineering has been selected as the preferred contractor through the Procure Northwest Framework. Stage 2 of the tender process has commenced which includes progressing the road design to RIBA Stage 4, with Eric Wright Civil Engineering firming up its final tender price.

NO IMPEDIMENT TO THE SCHEME GOING AHEAD (CPO GUIDANCE PARA 15.1)

- 3.44 As detailed earlier in this report, the planning application for the Scheme is due to go before Planning Committee on 11 March 2026. The proposals for the Scheme emerge from the HGV Masterplan Framework which was subject to extensive consultation leading up to its approval by Cabinet in October 2021. In addition, HGV formed part of the consultation on the new, draft Local Plan (Hyndburn 2040: Local Plan (Strategic Policies and Site Allocations; Policy SP2: Huncoat Garden Village). Huncoat Lane was subject to pre planning application consultation. A Statement of Community Involvement (March 2024) forms part of the Huncoat Lane planning application (Application No. 11/25/0124).
- 3.45 The HGV Masterplan Framework consultation helped to steer the final Masterplan Framework. Some of the key messages included:

- Greater support for a housing led development as opposed to any employment uses
- The need for new infrastructure including support for a new relief road
- Strong support for preserving biodiversity and improving green and open spaces
- Stronger support for new amenities and facilities including sports facilities and shops and a community centre

3.46 pre-application consultation on the Scheme generated comments and support for:

- A road that generates a “country” feel including plant and tree planting to foster biodiversity
- Support for a shared footway and cycleway and pedestrian crossing points
- Support for high quality design

3.47 As part of the planning application determination process, revisions to the Scheme have been discussed and agreed with the local planning authority and Lancashire County Council, as local highway authority.

3.48 The Scheme also requires a Stopping Up Order in relation to part of Burnley Lane at the intersection of the proposed Huncoat Lane, which will be applied for by the Council pursuant to section 247 of the Town & Country Planning Act 1990. The stopping up of this section of the adopted highway is needed to allow for the fact that the existing road gradient, (approx. 1 in 10), does not meet current highway standards and the existing site levels prevent improving it. Additionally, due to space and level constraints, there is not enough space to adjust the western arm or add appropriate traffic calming measures on approach to the junction. The proposed stopping up will also address community concerns, raised during consultation, that not stopping up this section of Burnley Lane would lead to and encourage rat-running.

3.49 The Scheme also necessitates the diversion of footpath number FP1101004, which will be applied for by the Council pursuant to section 257 of the Town and Country Planning Act 1990, as this crosses part of the Scheme at an angle. It is proposed to divert the footpath perpendicular to the road, along the route of a proposed pedestrian uncontrolled crossing.

3.50 It is anticipated that the stopping up and diversion orders will be progressed swiftly following the grant of planning permission for the Scheme.

3.51 Officers are satisfied that there are no legal or physical impediments to the Scheme progressing.

LAST RESORT (CPO GUIDANCE PARA 2.8)

3.52 The Order is to be made in relation to the Order Land under the provisions of section 226(1)(a) and 226(3) of the 1990 Act and the Acquisition of Land Act 1981.

3.53 Under section 226 (1)(a) of the Town and Country Planning Act 1990, (as amended by section 99 of the Planning and Compulsory Purchase Act 2004) a local authority may compulsorily acquire any land in its area if it thinks that the acquisition will facilitate the

carrying out of development, redevelopment or improvement on or in relation to the land. This power is the most appropriate power available to the Council in the context of the primary objective of the Scheme i.e. the enabling of HGV.

- 3.54 It is considered that the use of these CPO powers is the most appropriate having regard to the aims of the HGV project. Paragraph 1.2 of the CPO Guidance states that: -

“Compulsory purchase powers are an important tool to use as a means of assembling the land needed to help deliver social, environmental and economic change. Used properly, they can contribute towards effective and efficient urban and rural regeneration, essential infrastructure, the revitalisation of communities, and the promotion of business – leading to improvements in quality of life.”

- 3.55 Officers are asking the Council to consider exercising its compulsory purchase powers to ensure the Scheme and ultimately HGV proceed within a reasonable timeframe. It is considered that the acquisition of the interests in the land in the Order will contribute to the improvement of the social, economic, and environmental well-being of the area in and around the heart of the Borough.
- 3.56 Compulsory purchase is essential to enable the Scheme to take place and for the Council to achieve its policy objectives in delivering the HGV project. There are various freehold interests and restrictions over the Order Land. The Council needs to ensure that it secures unencumbered freehold title to the Order Land, free of title restrictions, subject to payment of compensation. Without this it is very unlikely that the Scheme (and ultimately HGV) could proceed.
- 3.57 It is understood and acknowledged that the compulsory purchase of land involves interference with human rights and should be a measure of last resort where negotiations have been unsuccessful. It is also understood and acknowledged that there must be a compelling case in the public interest that sufficiently justifies interfering with the rights of those with an interest in the land. Details of the negotiations that have been undertaken with those affected by the Order can be found in Section 6 of the Statement of Reasons. A summary of the considerable public benefits of the Scheme is set out at paragraph 3.29 above. Consideration of the impacts of the Order on human rights is set out in the section below.
- 3.58 Officers believe that the considerable public benefits associated with the Scheme satisfies the “wellbeing” criteria. Officers have also considered the CPO Guidance on the use of the Council's compulsory purchase powers in making the Order. Officers believe that the proposed use by the Council of its powers under Section 226(1)(a) and Section 226(3) are necessary because achieving the voluntary transfer of the ownership of and interests in the Order Land is uncertain and the Council needs to ensure that ownership of the Order Land is vested in it so that it provides vacant possession of the Order Land to build out the Scheme.
- 3.59 Paragraphs 98, 99 and 100 of the CPO Guidance make it clear that, although the powers under Section 226(1)(a) and Section 226(3) should not be used in place of other more appropriate enabling powers, the general power is intended to provide a positive tool to

help acquiring authorities with planning powers to assemble land where this is necessary to implement proposals in their Local Plan or where there are strong planning justifications. The CPO Guidance also notes that the power can be used where it will facilitate development on land being acquired and it is not certain that they will be able to acquire it by agreement. As such (and on the basis of legal advice obtained), officers consider that the powers under Section 226(1)(a) and Section 226(3) are the most appropriate to use.

3.60 Part of the justification for obtaining confirmation of the Order would involve demonstrating that compulsory powers are necessary because the land required cannot be acquired by agreement. Compulsory purchase is a last resort and the acquiring authority must be able to show that it has made genuine attempts to acquire the land by negotiation. The Council has made significant efforts to acquire all interests by voluntary agreement. The CPO Guidance expects that the Council will continue those efforts and detailed evidence of those further efforts should be available prior to the making of the Order.

3.61 The Council must also demonstrate that there are no other impediments to proceeding with the Scheme, for example the need for planning permission, other consents, or physical constraints. The planning application in relation to the proposals is due to be determined on 11th March 2026. For the reasons detailed in paragraphs 3.44 to 3.51, Officers are satisfied that there are no legal or physical impediments to the Scheme progressing.

4. Alternative Options considered and Reasons for Rejection

4.1 Refer to paragraphs 3.38 to 3.41.

5. Consultations

5.1 The HGV project including the HGV Masterplan Framework has been subject to extensive consultation with local and wider communities, stakeholders, and locally elected members.

5.2 The planning application for the Scheme in April 2025 was subject to pre application engagement and consultation.

5.3 This report summarises the Council’s contact and engagement with landowners and the attempts so far to acquire by agreement.

6. Implications

Financial implications (including any future financial commitments for the Council)	Refer to paragraph 3.42 of the report.
Legal and human rights implications	As made clear in the CPO Guidance, a CPO should only be made if there is a compelling

case in the public interest. The Council as acquiring authority should also be sure that the purposes for which the Order is made justify interfering with the human rights of those with an interest in the land affected and are proportionate.

The Council will need to consider the Human Rights implications of the Order:

a) The Human Rights Act 1998 incorporated the European Convention on Human Rights (the Convention) into domestic law and continues to be relevant. The convention includes provision in the form of Articles, the aim of which is to protect the rights and freedoms of individuals (including companies). The main articles of the Convention which are of importance in circumstances where the Council is considering making a CPO are Article 1 and Article 8 of the First Protocol.

b) Article 1 of the First Protocol protects the right of everyone to a peaceful enjoyment of their possessions. No-one can be deprived of possessions except in the public interest and subject to the conditions provided for by law and the general principles of international law.

c) The European Court of Human Rights has recognised in the context of Article 1 that regard must be had to a fair balance which has to be struck between the competing interests of the individual and of the community as a whole. In this case any interference is considered to be proportionate and justified in the public interest to secure the development of the Scheme so as to facilitate delivery of the HGV project.

d) The compulsory purchase process includes a statutory objection and inquiry procedure. The statutory procedure also provides for the payment of compensation where certain interests in the affected land have been lost.

Article 8 is clarified below:

Article 8(1) provides that everyone has the right to respect for his/her home but Article 8(2) allows the State to restrict the rights to respect for the home to the extent necessary in a democratic society and for certain listed public interest purposes for example, public safety, economic wellbeing, protection of health and protection of the rights of others.

When considering Article 8 in the context of a CPO the Council needs to ask the following questions:

Firstly, does a right protected by Article 8 apply – to which the answer is "yes". Secondly, has an interference with that right taken place or will take place as a result of the compulsory purchase being made - to which the answer is again "yes".

The answers to these two questions being in the affirmative confirms that Article 8 applies and it is therefore necessary to consider the possible justifications for the interference under Article 8(2). There are 3 questions for the Council to consider:

Firstly, is the interference in accordance with the law? The answer is "yes", there being a legal basis for making the CPO under Section 226(1) (a) of the 1990 Act.

Secondly, does the interference pursue a legitimate aim? The justification for the CPO is that the development seeks to improve the economic, environmental and social wellbeing of Huncoat and the Borough more widely in the public interest.

Thirdly, is the interference necessary in a democratic society? Here the Council must make a balancing judgment between the public interest and the rights of the individual – the CPO must be both necessary and proportionate.

	<p>In this matter it is considered that in balancing the rights of the individuals who are affected by the CPO against the benefit to the wider public, economic and social wellbeing of local residents, visitors and stakeholders of proceeding with the CPO, the making of the CPO and the interference with the individuals rights is justified in the interests of the community in order to achieve the improvements and benefits brought by the HGV project.</p> <p>In order to compulsorily acquire land the Council must have a relevant statutory power. In order to rely on the powers in Section 226(1)(a) of the 1990 Act, the Council will need to be satisfied that the proposals are likely to contribute to the achievement of any one or more of the economic, social or environmental well-being of the Borough or part of the Borough. Please see earlier in the report with regard to the justification(paragraph 3.29)</p>
<p>Assessment of risk</p>	<p>The main risks associated with seeking the Order in the circumstances set out in this report are:</p> <p>The Homes England's Brownfield, Infrastructure and Land (BIL) Grant fund spending timescales are tight i.e. up to the 31st March 2029. Therefore, there is a risk of not delivering the interventions within the BIL timescales if the Council is unable to secure the Order Land by agreement. The Council is therefore promoting the Order to provide certainty that the Order Land will be within the Council's control when required for the construction of Huncoat Lane.</p> <p>The other major risk is associated with cost. Current estimated costs for land acquisition, compensation payments, construction costs are estimated and covered within the BIL grant funding. In addition, allowance has also been made for potential additional costs including inflation, risk, contingencies, etc.</p>

	<p>However, it is possible that costs could exceed the grant funding available. Should this situation arise the Council will be required to meet any additional costs.</p>
<p>Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</i></p>	<p>The Council is subject to the public sector equality duty introduced by the Equality Act 2010. When making a decision in respect of the recommendations in this report Cabinet must have regard to the need to:</p> <ul style="list-style-type: none"> • eliminate unlawful discrimination, harassment and victimisation; and • advance equality of opportunity between those who share a relevant protected characteristic and those who don't; and • foster good relations between those who share a relevant protected characteristic and those who don't. <p>For these purposes the relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. To assist the Council in this regard an Equality Impact Assessment (EqIA) has been undertaken by Equality Impact Consulting Ltd and this is attached as Appendix C to this report.</p> <p>Cabinet is advised to consider the EqIA and its obligations in respect of the public sector equality duty when making a decision in respect of the recommendations contained in this report</p>

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

7.1 *The Huncoat Garden Village Masterplan Framework and Infrastructure Delivery Strategy was approved by Cabinet on the 20th of October 2021.*

7.2 *Huncoat Garden Village Update and Appointment of External Consultants – Cabinet, 31st May 2023*

7.3 *Huncoat Garden Village, approval to accept the Homes England Grant Award with delegated authority to enter into a grant funding agreement with Homes England – Cabinet, 30th October 2024.*

7.4 *Huncoat Garden Village update report including the main provisions of the Home England Grant Funding Agreement – Cabinet, 26th March 2025*

7.5 *Huncoat Garden Village Relief Road – Appointment of Preferred Contractor Emergency Decision dated 27/05/25 and Cabinet Report 18th June 2025.*

7.6 *Huncoat Garden Village: Update and Steps to Acquire Land and Property for the Proposed Relief Road – Cabinet, 18th June 2025*

8. Freedom of Information

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