

# **The Hyndburn Borough Council (Huncoat Lane) Compulsory Purchase Order 2026**

## **Statement of Reasons**

Draft for Cabinet 18 March 2026

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# 1. Introduction

- 1.1 On 18th March 2026 Hyndburn Borough Council (the “Council”) made the Hyndburn Borough Council (Huncoat Lane) Compulsory Purchase Order 2026 (the “Order”).
- 1.2 The Order is made pursuant to section 226(1)(a) and section 226(3)(a) of the Town and Country Planning Act 1990 (“the 1990 Act”).
- 1.3 This document is the non-statutory Statement of Reasons (“the Statement”) which has been prepared in accordance with the Ministry of Housing, Communities and Local Government’s ‘*Guidance on the Compulsory Purchase Process, January 2025*’ (“the CPO Guidance”) (CD14.27). The Council, in preparing and making the CPO, has also had regard to the advice contained within the Department of Transport Circular 2/97 ‘*Notes on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes and Car Parks for which the Secretary of State for Transport is the Confirming Authority*’, (CD14.28).
- 1.4 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 a residential relief road, known as Huncoat Lane (“the Scheme”), which is an integral part of the Huncoat Garden Village (“HGV”) development proposals, absent which HGV cannot be delivered, given the limited existing capacity across the local highway network. The Council has identified Huncoat as a key location for strategic growth and plans to deliver circa 1,800 new homes, equating to a third of the Council’s housing need for the new plan period, alongside new local amenities and infrastructure improvements. Delivery of the Scheme will form part of the first phase of HGV, providing access to currently landlocked development parcels.
- 1.5 The primary objective of the Scheme is to deliver critical road infrastructure for (and part of) HGV, 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. Section 5 of this Statement provides further detail on the progression of the wider HGV.
- 1.6 The Scheme (and ultimately HGV) requires a co-ordinated approach and none of the multiple landowners are capable of funding or delivering the necessary up front infrastructure works required.
- 1.7 The Council has worked hard and over a sustained period with landowners to ensure collaboration and coordination of costs and values (to be captured in landowner agreement(s)) and has successfully secured Brownfield Infrastructure Land grant funding of circa of £30,000,000 from Homes England. The colliery and power station sites, (the two biggest land parcels within the draft HGV allocation), have remained vacant and undeveloped since their closure in 1968 and 1984 respectively, demonstrating that the market has not been able to deliver these sites without public sector investment. Furthermore, HGV in terms of its proposed size and quality is simply not possible without highway improvements and the provision of the Scheme.
- 1.8 The Scheme is a circa 1.1km 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 land within the Order comprises approximately 13.9ha and includes land adjacent to the Scheme to facilitate its construction, (the “Order Land”). The Order Land is described in more detail in Section 3 of this Statement.
- 1.9 The Scheme will:
  - Provide direct access via new junctions for currently landlocked parcels which would facilitate the independent delivery of up to circa 590 new homes. It is clear that without the upfront funding and delivery of the extensive HGV infrastructure requirements, (including the Scheme), individual landowners of the Order Land cannot viably bring forward development proposals. Further detail is set out at section 5 of the Statement;
  - 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 the planting 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; and
- Increase highways capacity and unlock development potential at Huncoat, and nearby Altham Business Park which is hindered by the existing road network 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.

1.10 The background to the need for and aspirations of the Scheme and the wider HGV is set out in section 2 of this Statement.

1.11 HGV is a strategic priority for the Council, and the Council is committed to the delivery of HGV, including the Scheme, which is integral to and part of the masterplan framework for HGV. HGV is also a strategic priority for Lancashire and has the potential to be one of the largest housing-led developments in the North West. Given the local and regional significance of HGV, Homes England has also identified it as a key priority and has committed significant funding to the project.

1.12 The Council has already committed significant efforts and resource to ensuring the delivery of HGV, relating to:

- the securing of funding – the Council was successful in a bid to Government’s Brownfield, Infrastructure and Land Fund (“BIL Funding”) and in 2025 entered into a grant agreement with Homes England for circa £30 million of funding. Further detail is set out in sections 2 and 5 of this Statement;
- preparing robust policies to support the delivery of HGV and ensuring its comprehensive delivery.

1.13 Further detail on the efforts and resources committed to the delivery of HGV (and the Scheme) is set out at section 5 of this Statement.

1.14 There is strong policy support for HGV which includes the Scheme. Both adopted and emerging planning policies support the delivery of HGV and the Scheme, including national planning policy in the National Planning Policy Framework which strongly supports the delivery of new homes.

1.15 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. On the 15th of January 2026, Full Council approved the Main Modifications and accompanying documents to be published for consultation. The public consultation will run for a six-week period which opened on the 6th of March 2026. At the end of this period, all consultation responses to the Main Modifications will be sent to the Inspector for consideration. After which the inspector can finalise her report, which will then be published. The Local Plan can then be prepared for adoption which is likely to take place towards the end of May 2026. A copy of the Regulation 22 Submission Version of the draft Local Plan is at CD14.16 and a copy of the Proposed Modifications, which are currently being consulted on is at (CD14.17).

1.16 The Council’s Huncoat Garden Village Masterplan Framework and Delivery Strategy (2021) (“the Masterplan Framework”) (CD14.18) provides further 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 the proposal for Huncoat Lane and its necessity to support development at Huncoat. Further detail is set out at sections 2 and 4 of this Statement.

1.17 A planning application for the Scheme was submitted to the Local Planning Authority in April 2025. Section 4 of this Statement sets out more detail on both the planning framework and the progress of the planning application for the Scheme. The Council has appointed a preferred contractor to build the Scheme and has a consultant team in place to provide the required support to deliver the Scheme and the wider HGV – all of which demonstrates the Council’s commitment to delivery of the Scheme and HGV. Further detail is set out at section 5 of this Statement

1.18 The Order Land is in multiple, third party ownership and the Council has sought to acquire all third party property interests by agreement. Negotiations to acquire by negotiation will continue alongside the Order

process. Section 6 of this Statement summarises the negotiations carried out to date and the current position with each affected third party. There are also a number of plots of land in unknown ownership and these are included in the Order to ensure that the Council can acquire these plots of land, to allow the Scheme to proceed.

- 1.19 The Council has followed the CPO Guidance in preparing for the making of the Order and will continue to do so throughout the Order process. Due diligence has been carried out to ensure the correct and accurate making of the Order and to inform the approvals that have been sought at appropriate times from the Council's Cabinet. In particular the Council sought approval from its Cabinet for the principle of using its compulsory purchase powers in June 2025, (report titled: *Huncoat Garden Village: Update and Steps to Acquire Land and Property for the Proposed Relief Road, June 2025*) (CD14.5) and sought and obtained approval from its Cabinet and Full Council to make the CPO in February 2026 (report titled *Huncoat Garden Village – authorisation for making a Compulsory Purchase Order (CPO) for the proposed Relief Road (Huncoat Lane)* dated 18 March 2026) (CD14.6).
- 1.20 Compulsory purchase powers are being sought in respect of the Order Land to ensure the timely delivery of the Scheme, in the event that attempts to acquire all the necessary interests and rights by agreement are not successful, and to ensure that there are no title impediments to the delivery of the Scheme.

## 2. The Scheme

2.1 The Scheme is a much needed residential relief road which will facilitate the wider HGV. The overarching aspirations of HGV and the needed residential relief road are set out in the Masterplan Framework and the emerging Local Plan. The Scheme will assist in delivering these aspirations.

### The Scheme

2.2 The Scheme is a circa 1.1km residential relief road comprised of a c. 6.5m wide two-way carriageway, footways on both sides and a c. 3m wide segregated cycleway on the left side of the road.

2.3 The Scheme comprises several key elements:

- Amendments to the existing A697 Burnley Road / A56 Accrington Bypass western roundabout to create an additional arm at the southern end of the Scheme.
- Installation of a new signalised junction on Altham Lane at the northern end.
- At the intersection of the Scheme and the existing Burnley Lane roundabout, a new junction will be provided for the eastern arm. The western arm will be closed to deliver improved pedestrian and cyclist access.
- Provision of a footway and cycleway on the western side of the carriageway, as well as a footway on the eastern side.
- Associated earthworks, boundary treatments, highway drainage features, bus stop provision, appropriate lighting, signage and cabling.
- Measures for the protection and diversion of existing utilities within the vicinity of the new residential link road.
- Inclusion of green infrastructure and public realm improvements to create a gateway feel for the Huncoat Garden Village (HGV).

2.4 The road has been designed with a 6.5m wide two-way carriageway. On the left side, a 3.0m segregated cycleway and a 2.0m footway are provided, separated from the highway by a 1.75m verge. On the right side, there is a 2.75m wide verge and swale, along with a 2.0m footway. The proposals prioritise placemaking and local distinctiveness, offering inclusive access and sustainable connections for both existing and future communities in Huncoat. The Scheme embodies a landscape-led approach, integrating natural and sustainable elements into the new highway.

2.5 Sustainability features are central to the Scheme, including strategic tree planting, the incorporation of swales, and the use of bioretention verges. These features will enhance the appearance and biodiversity of the area and are integrated with proposed footpaths and cycleways to promote sustainable transport and foster a pedestrian-friendly environment. The carriageway is designed to facilitate a high-quality bus link, supporting new or redirected bus services to serve Huncoat in the future.

2.6 Access to the Scheme site will be gained from the A697 Burnley Road / A56 Accrington Bypass roundabout to the south, with alternative access from Altham Lane to the north and pedestrian only access from Burnley Lane to the east. The Scheme aims to address urgent transportation needs by enhancing connectivity, reducing congestion, and improving access to essential services and employment opportunities for the local community. Environmental impact has been minimised through the use of green infrastructure, sustainable construction practices, and the preservation of natural habitats.

2.7 The Scheme is designed to accommodate speeds of up to 30mph. On approach to the roundabout at A679 Burnley Road, the speed transitions from 30mph to 40mph.

2.8 Six bus stops will be strategically located along the road, with three in each direction, ensuring most residents in the HGV are within a 400m walk of bus provision. Waiting facilities, including shelters and real-time bus information, will be provided where possible. The design prioritises full accessibility for all

commuters, including those with mobility challenges. Bus shelters will comply with Lancashire County Council's adoptable shelter specifications, featuring stainless-steel structures with toughened laminated glass panels for durability, safety, and weather protection.

- 2.9 To enhance accessibility and safety for visually impaired pedestrians, blister tactile paving will be installed at highway crossing points, while corduroy tactile paving will delineate entrance points to cycleways and footways. All tactile paving installations will adhere to the specifications outlined in BS EN 1339:2003 for Tactile Paving Surfaces and the Department of Transport's 'Guidance on the Use of Tactile Paving.' Concrete road kerbs, compliant with BS EN 1340:2003 Concrete Kerb Units, will be utilised throughout the project. A dedicated active travel cycle kerb will clearly mark the boundary between cycleways and pedestrian routes.
- 2.10 The proposed lighting will comprise 10m and 12m columns with LED lanterns, spaced at 20–30m intervals at the back of footpaths to minimise direct light spillage into adjacent habitats and maintain a natural night environment. In line with ecological recommendations and to foster wildlife corridors related to the broader HGV plan, sectional breaks with low-level lighting will be integrated, creating essential dark zones for nocturnal species and sensitive ecosystems. This approach enhances road safety while minimising disturbance to wildlife habitats and migration patterns. The Scheme also provides direct access via new junctions, for currently landlocked development parcels, which would facilitate the development of up to 590 new homes. Further detail is set out at section 5 of this Statement.
- 2.11 The Council submitted a planning application for the Scheme ("the Planning Application") to the Local Planning Authority in April 2025. The Planning Application will make a significant contribution towards delivering the Council's aspirations for HGV through the delivery of the residential relief road and will ensure that the benefits of the Scheme are delivered. Further detail on the Planning Application, the relevant planning policies and compliance of the Scheme with the strategic planning framework is set out in section 4 of this Statement.
- 2.12 HGV has long been a priority for the Council and it is a strategic priority for Lancashire. The Council has made significant progress in developing the proposals for HGV. The background to HGV and the Scheme is set out below.

## **The Need for the Scheme**

### **Huncoat Garden Village (HGV)**

- 2.13 The Scheme is an integral part of HGV, unlocking significant social, economic and environmental wellbeing benefits to the area. It is a once in a lifetime opportunity with the BIL funding and planning policy support enabling HGV to come forward. HGV forms a key part of Hyndburn Borough Council's growth plans and is promoted through its emerging Local Plan as a strategic allocation. It is a residential-led, brownfield and greenfield (including some land to be released from the green belt) housing development project with the potential to transform the housing market within Hyndburn. HGV will bring back into use the large sites of the former Huncoat Power Station, and the former Huncoat Colliery as well as bringing forward greenfield/green belt land, 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.
- 2.14 National Government policy promotes garden communities as a way to deliver sustainable housing development at scale, and this is the intention of HGV. The Council is seeking to stimulate sustainable economic growth and housing renewal in order to tackle the historic trends of deprivation within the borough by providing high quality housing and skilled and specialist jobs. The Scheme is included in the first phase of development of HGV and is necessary infrastructure to bring forward HGV. The Scheme itself will provide direct access via new junctions to currently landlocked development parcels, for up to circa 590 new dwellings, making up a substantial part of the emerging local plan allocation for HGV.
- 2.15 The Scheme will also enable the wider HGV to come forward, including the two largest sites within HGV, the former power station (Huncoat Power Station) and the former colliery (Huncoat Colliery). Huncoat

Power Station closed in 1984 and Huncoat Colliery closed in 1986. The market has not brought forward development on either of these brownfield sites since their closure, demonstrating the need for intervention to bring forward development. It is clear that without the upfront funding and delivery of the extensive HGV infrastructure requirements, (including the Scheme), individual landowners of the Order Land cannot viably bring forward development proposals. The planning policy support for HGV (which includes the Scheme) and the significant funding from Homes England provides the framework for the market to now bring forward HGV. Further information is set out at sections 4 and 5 of this Statement.

- 2.16 The Council has developed its policies and proposals for HGV over a number of years and is committed to bringing forward the once in a lifetime development opportunity of HGV.
- 2.17 The Council's Huncoat Garden Village Masterplan Framework & Infrastructure Delivery Strategy, October 2021 ("the Masterplan Framework") (CD14.18) provides a clear framework for the development of the Scheme. The Council carried out a thorough consultation exercise with landowners, key stakeholders and the wider public as part of the development of the Masterplan Framework from 2018 to 2021. The Council's Cabinet approved the Masterplan Framework in October 2021 (report titled *Huncoat Garden Village - Masterplan Framework & Infrastructure Delivery Strategy*, CD14.2) and the Masterplan Framework is recognised as a material consideration for any development within the masterplan area.
- 2.18 The technical assessment work underpinning the Masterplan Framework identifies, (inter alia), that the trigger point for the requirement to build the Scheme is 400 dwellings. The Masterplan provides a clear framework for the development of HGV including setting out the expected locations for new development, the type of development and design principles. Its purpose is to guide the local planning authority in developing its new local plan and to guide landowners, developers and house builders in respect of land use, environmental, social, design and economic standards in creating HGV.
- 2.19 The Masterplan Framework identifies the need for the delivery of infrastructure which is strategically significant and necessary to unlock the full potential of the area. Through highways capacity testing as part of the preparation of the Masterplan Framework, the Council confirmed that the existing road network in and around Huncoat is close to capacity. It concluded that development exceeding 400 units would require a new residential relief road connecting the roundabout on the A56 with Altham Lane. The Masterplan Framework identifies Plot C and the former Huncoat Power Station site as phase 1 of the HGV which total over 400 units, thus triggering the need to deliver the Scheme. Further detail is set out in section 5 of this Statement.
- 2.20 The Masterplan Framework shows an indicative route and sets out that this would be subject to a bespoke study to determine its actual alignment, its connections, design and costs. The Masterplan Framework sets out that that the residential relief road is an essential part of the required infrastructure to deliver HGV.
- 2.21 Whilst there are known challenges in the local road network, the main driver of the Scheme is the delivery of HGV.

### **Addressing Local Transport Issues**

- 2.22 Wider development at Huncoat, and nearby Altham Business Park is also hindered by the road network 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.
- 2.23 Altham Business Park is a significant employment area to the north of Huncoat which forms part of the East Lancashire M65 Growth Corridor. Economic growth and local employment opportunity in Huncoat is also expected to be supported by development at Altham Business Park. The intended development of this 60 acre site will result in 1.3 million sq. ft. of manufacturing and employment floorspace. This is allocated within Hyndburn's emerging Local Plan.
- 2.24 As part of the evidence base for the Masterplan Framework a highways study 'Huncoat Masterplan Development Thresholds for Highway Interventions' confirmed that the existing road network in and around Huncoat is close to capacity and that the following development thresholds could be accommodated:
- A maximum of 70 units without priority junction intervention will be required between Higher Gate Road and the A679 Burnley Road.

- A maximum of 400 units with highway improvement works delivered at the junction of Higher Gate Road/Burnley Road to increase capacity at this location, or
  - A theoretical maximum of 500 units through the implementation of improvement works at both the junction of Higher Gate Road/Burnley Road, and Bolton Avenue/ Burnley Road, noting that the costs associated with the latter are likely to be unviable.
- 2.25 According to the Huncoat Lane Transport Assessment (TA), submitted as part of the evidence base for the Planning Application, the following roads will be directly impacted by the Scheme:
- A56 Accrington Bypass
  - A679 Burnley Road
  - Altham Lane
- 2.26 Other local roads and junctions in the vicinity of the Scheme are:
- Station Road
  - Lower Gate Road
  - Higher Gate Road
  - Burnley Lane
  - Bolton Avenue
- 2.27 Traffic modelling and junctions' assessment has demonstrated that the Scheme will operate with adequate capacity to absorb increased traffic movements from HGV and other planned development within the emerging Local Plan. It should be noted that the Scheme will not generate traffic movements, but it will cause existing traffic movements to be rerouted which will have an impact on the connecting road network. In addition, it will result in changes to existing pedestrian, cycle and bus routes and Public Rights of Way (PRoW).
- 2.28 Detail on the delivery of the wider HGV is set out in section 5 of this Statement on delivery.

### **Securing funding from Government's Brownfield, Infrastructure and Land Fund**

- 2.29 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 also at capacity.
- 2.30 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.
- 2.31 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.
- 2.32 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:
- 2.32.1. 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;

- 2.32.2. confirmation that the Subsidy Control position on the project remains unchanged and compliant;
- 2.32.3. confirmation in writing from that the Council accepts full responsibility for any cost overruns, setting out how these would be covered; and
- 2.32.4. 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.

- 2.33 The Council is also in ongoing regular communication with National Highways about the funding of the works at Junction 8 of the M65. The BIL funding constitutes a contribution of 50% of the costs of the works at the time of the business case. The remaining funding for the improvement works will come from the National Highways Road Investment Strategy (RIS 3), formal publication of which is expected in March 2026.
- 2.34 More detail is set out in section 5 of this Statement.

### **Delivery of HGV and the Scheme**

- 2.35 The Council has carried out considerable work to bring forward HGV and the Scheme itself. In addition to the development of policy for HGV and the securing of the BIL Funding as summarised above, the Council has made significant progress in bringing forward the Scheme. This includes progressing a planning application for the Scheme and the procurement of a preferred contractor to construct the Scheme once vacant possession is secured.
- 2.36 In relation to the wider HGV, the Council is working with the owners of the two larger sites (the former Huncoat Power Station and the former Huncoat Colliery) to ensure that their sites come forward within reasonable timescales and that they deliver the aspirations of HGV. It is also in discussion with the owners of the other sites which will come forward to deliver HGV.
- 2.37 Section 5 of this Statement provides more detail on the delivery and funding position of the Scheme.

### **3. Description of Order Land and surrounding area and ownership**

- 3.1 The Order Land comprises approximately 13.9ha of land located within an area of predominantly open landscape between the current built edge of the Huncoat settlement and the A56 Accrington Bypass. The Order Land comprises mostly agricultural land, and is mostly situated within the Liverpool, Manchester and West Yorkshire Greenbelt.
- 3.2 The Order Land sits within a predominantly rural landscape with open fields and natural features. There are strong urban influences from the edge of the existing Huncoat settlement, major roads, and pylon networks within and surrounding the Order Land. A rural lane runs through the centre of the Order Land bordered by scattered small trees, grass verges and post-and-rail fencing and fragmented stone walls, contributing to the open field character.
- 3.3 The existing Huncoat settlement is located on the outskirts of Accrington and to the eastern boundary of Hyndburn, bordering with Burnley. It comprises a population of approximately 4,700 people and has significant employment areas within and adjacent to it, including Huncoat Business Park and Altham Business Park to the north, and Burnley Bridge Business Park to the east. The area presents excellent connectivity to the strategic road network. The M65 and A56/M66 are immediately adjacent to the north and east, respectively with Junction 8 of the M65 located approximately 1.5 kilometres from the Huncoat village centre. Additionally, Huncoat Train Station benefits from direct services to Preston and has connections to Manchester.

#### **Explanation of the Order Map and the interests being acquired**

- 3.4 The Council have ensured that the appropriate preparation has been carried out in advance of the making of the Order. Paragraphs 20.1 and 20.2 of the CPO Guidance emphasise the importance of making sure that a CPO is made correctly including recording the names and addresses of all those with an interest to be acquired.
- 3.5 In accordance with this, a specialist land referencing company, TerraQuest, has been appointed by the Council to carry out all the necessary due diligence prior to making of the Order. TerraQuest has carried out extensive due diligence on behalf of the Council to obtain accurate information on the land ownership and occupation of the Order Land and surrounding properties. This has included: obtaining Land Registry title information; site visits; and issuing of requisitioning notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976. The most recent work was carried out from July 2025 to February 2026 including verification of information. The Council is satisfied that all the required due diligence has been carried out to establish ownership of the Order Land. Full details of the Order Land appear in the Schedule to the Order.
- 3.6 The detailed boundary of the Order Land is shown on the Order Map. The land coloured in pink identifies the land over 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 with the largest parcels of land's freeholds held by; Mr Lindsey David Nutter, Ms Alison Grimshaw and Ms Irene Stevenson; Mr David and Mr John Leitherd; and Ms Judith Hughes and Mr Paul Stark. There are also a number of other registered interests across the Order Land and identified in the Order Schedule including cautionary parties with a mines and minerals interest, and beneficiaries of manorial rights as well as an occupier on one of the parcels of land. Many of the landowners affected by the Scheme will also benefit from its delivery as it will enable development to come forward on their land as part of HGV. Further detail is set out in Section 5 of this Statement.
- 3.7 The full details of the interests and rights comprised in the Order Land are set out in the Order Schedule. Table 1 of the Order Schedule sets out where the Council seeks to compulsorily acquire proprietary interests and existing rights. Table 2 of the Order Schedule includes all interests where the Council has identified that there could be a potential claim for compensation due to a right affected by the Scheme underpinning the Order.
- 3.8 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 the need to acquire 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 such works are completed, rather than permanent acquisition. However, in the absence of agreement being reached as yet 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 Scheme to proceed. Table One below summarises the interests included within the Order and the reasons for inclusion in the Order.

- 3.9 The Council has at all times sought to only acquire land that is definitively needed to develop the relief road. Therefore, throughout the CPO process, the Council has tried to and successfully reduced the land extent and number of property interests to ensure it is only seeking to acquire land that is necessary. The Council is confident that only land necessary to deliver the Scheme is included within the Order.
- 3.10 Table 1 below summarises the freehold interests included within the Order and the reasons for their inclusion.

**Table 1: Property interests included in the Order and the reasons for their inclusion**

<b>Order Map Plot Number</b>	<b>Owner</b>	<b>Extent, description and situation of the land</b>	<b>Reason for inclusion in the Order</b>
<b>1</b>	Unknown  Lancashire County Council (Highway Authority)  Trustees of the Hon. R.J. Assheton's Discretionary Minerals Trust (Mines and Minerals)  Trustees of The Salford Diocesan Trust (Subsoil)  D. Leitherd and J. Leitherd (Subsoil)  Hyndburn Borough Council (Subsoil)	1,950 square metres, or thereabouts, of public adopted highways (Altham Lane and Peter Grime Row), Huncoat	Temporary Construction
<b>2</b>	Hyndburn Borough Council  Lancashire County Council (Highway Authority)	490 square metres, or thereabouts, of public adopted highway (Altham Lane), Huncoat except those interests owned by the acquiring authority	Temporary Construction
<b>3</b>	Unknown  Trustees of the Hon. R.J. Assheton's Discretionary Minerals Trust (Mines and Minerals)  Hyndburn Borough Council (Subsoil)  D. Leitherd and J. Leitherd (Subsoil)	161 square metres, or thereabouts, of public adopted highway (Altham Lane), Huncoat except those interests owned by the acquiring authority	Temporary Construction

<b>Order Map Plot Number</b>	<b>Owner</b>	<b>Extent, description and situation of the land</b>	<b>Reason for inclusion in the Order</b>
	Lancashire County Council (Highway Authority)		
<b>4</b>	D. Leitherd and J. Leitherd  Trustees of the Hon. R.J. Assheton's Discretionary Minerals Trust (Mines and Minerals)	75,039 square metres, or thereabouts, of agricultural land, scrubland and public footpath (FP1101004) situated to the north of Bowland View, Huncoat	Relief Road  Attenuation Pond  Temporary Construction
<b>5</b>	National Highways Ltd  Lancashire County Council (Highways Authority)	3,108 square metres, or thereabouts, of public adopted highway (Burnley Lane), Huncoat	Relief Road  Temporary Construction
<b>6</b>	National Highways Ltd	640 square metres, or thereabouts, of woodland situated to the north east of Bowland View, Huncoat	Temporary Construction
<b>7</b>	A. Grimshaw, L. D. Nutter and I. Stevenson  Trustees of the Hon. R.J. Assheton's Discretionary Minerals Trust (Mines and Minerals)  R. C. Assheton (Mines and Minerals)	3,857 square metres, or thereabouts, of agricultural land situated to the east of Bowland View, Huncoat	Relief Road  Temporary Construction
<b>8</b>	Unknown  A. Grimshaw, L. D. Nutter and I. Stevenson  Trustees of the Hon. R.J. Assheton's Discretionary Minerals Trust (Mines and Minerals)  Lancashire County Council (Highways Authority)	71 square metres, or thereabouts, of public adopted highway (Burnley Lane), Huncoat	Temporary Construction
<b>9</b>	A. Grimshaw, L. D. Nutter and I. Stevenson  Trustees of the Hon. R.J. Assheton's Discretionary Minerals Trust (Mines and Minerals)  R. C. Assheton (Mines and Minerals)	964 square metres, or thereabouts, of agricultural land situated to the east of Bowland View, Huncoat	Temporary Construction

<b>Order Map Plot Number</b>	<b>Owner</b>	<b>Extent, description and situation of the land</b>	<b>Reason for inclusion in the Order</b>
<b>10</b>	A. Grimshaw, L. D. Nutter and I. Stevenson	21,243 square metres, or thereabouts, of agricultural land and scrubland situated to the east of Avondale, Huncoat	Relief Road Temporary Construction
<b>11</b>	J. A. Hughes and P. M. Stark	27,425 square metres, or thereabouts, of scrubland, wooded area and agricultural land situated to the east of Sunnyside, Huncoat	Relief Road Temporary Construction Attenuation Pond
<b>12</b>	Unknown  Trustees of the Hon. R.J. Assheton's Discretionary Minerals Trust (Mines and Minerals)	14 square metres, or thereabouts, of scrubland and pond situated to the east of 3 Griffin Close, Huncoat	Relief Road Temporary Construction
<b>13</b>	National Highways Ltd	1,134 square metres, or thereabouts, of scrubland and pond situated to the east of 14 Griffin Close, Huncoat	Relief Road Temporary Construction
<b>14</b>	E. Bowling and J. R. Bowling	1,286 square metres, or thereabouts, of scrubland, wooded area and pond situated to the east of 3 Griffin Close, Huncoat	Relief Road Temporary Construction
<b>15</b>	National Highways Ltd  Lancashire County Council (Highways Authority)	1,273 square metres, or thereabouts, of public adopted highway and roundabout (Burnley Road, A679), Huncoat	Relief Road Temporary Construction
<b>16</b>	National Highways Ltd	131 square metres, or thereabouts, of public adopted highway (A679), Huncoat	Temporary Construction

## 4. Planning policies affecting the Order Land and the status of the planning application

- 4.1 The Planning Application, and the Scheme which it seeks to facilitate, is in accordance with national, regional and local policies. The Council has had regard to national planning policy and guidance as well as the provisions of the development plan and any other material considerations.

### National Policy

- 4.2 The National Planning Policy Framework (NPPF), revised in December 2024, sets out the Government's core planning policies for England, (CD14.8). The NPPF provides the basis for local plan development and planning application determination, with a presumption in favour of sustainable development at its heart. It establishes three overarching objectives: economic, social, and environmental, which guide the preparation and implementation of plans and policies.
- 4.3 The key NPPF principles relevant to Huncoat Lane and Huncoat Garden Village (HGV) (of which the Scheme forms part) include:
- 4.3.1. Promoting Healthy, Safe and Inclusive Communities: Policies should foster social interaction, safety, accessibility, and healthy lifestyles (Paragraph 96).
  - 4.3.2. Open Space & Recreation: High-quality open spaces and opportunities for sport and physical activity are vital for community health and climate resilience (Paragraph 103).
  - 4.3.3. Sustainable Transport: Transport issues must be integrated from the earliest stages of plan-making (Paragraph 109).
  - 4.3.4. Good Design: New development should be high-quality, beautiful, and sustainable (Paragraph 131).
  - 4.3.5. Green Belt Protection: The fundamental aim is to prevent urban sprawl by keeping land permanently open (Paragraphs 142–143). Certain forms of infrastructure, including local transport infrastructure with a demonstrated need for a Green Belt location, are not inappropriate if openness is preserved.
  - 4.3.6. Climate Change & Flooding: The planning system should support the transition to net zero, enhance resilience, and support renewable energy and sustainable drainage (Paragraph 161).
  - 4.3.7. Natural Environment & Biodiversity: Development must protect and enhance landscapes, biodiversity, and ecosystem services, with net gains for biodiversity required (Paragraphs 187–194).
  - 4.3.8. Historic Environment: Heritage assets must be conserved appropriately for the enjoyment of future generations (Paragraph 202).

### Local Plan Policy

- 4.4 The current Development Plan for Hyndburn Borough Council (HBC) comprises:
- 4.4.1. Hyndburn Core Strategy (2012): Sets the strategic policy direction for development. Policies A7 and A9 specifically allocate Huncoat for growth, support the removal of land from the Green Belt for housing, and require a new road connecting the A56, Huncoat Strategic Employment Site, and residential areas, (CD14.9).
  - 4.4.2. Development Management DPD (2018): Provides detailed planning policies, supplementing the Core Strategy, (CD14.10).
  - 4.4.3. 1996 Local Plan (Saved Policies): Some policies remain relevant, (CD14.11).
  - 4.4.4. Accrington Area Action Plan (2012), (CD14.12).
  - 4.4.5. Joint Lancashire Minerals and Waste Planning Documents, (CD14.13).

- 4.5 Relevant policies from the Hyndburn Core Strategy and DPD include requirements for high-quality landscaping, protection and enhancement of green infrastructure, ecological networks, sustainable design and construction, minimisation of environmental impact, and improved connectivity and transport infrastructure.
- 4.6 As set out at paragraph 1.14 of this Statement, the Council is currently bringing forward its new Local Plan which includes a strategic policy for HGV. The adoption of the Local Plan is expected to take place towards the end of May 2026. A copy of the Regulation 22 draft Local Plan and the Proposed Modifications can be found at CD14.16 and CD14.17, respectively.
- 4.7 The key draft Local Plan policies relevant to Huncoat Lane and Huncoat Garden Village (HGV) (of which the Scheme forms part):
- 4.7.1. Policy SP1: Identifies Huncoat Garden Village as a strategic growth location, with Huncoat expected to grow faster than other Accrington townships.
- 4.7.2. 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 Scheme is deemed essential for phased development; only the first phase of housing may proceed before the Scheme is completed.
- (c) Strategic changes to the Green Belt have been made locally to facilitate the development of HGV and safeguard land for longer-term needs.
- 4.8 The draft policies set ambitious standards for design, sustainability, and community integration, as established in the HGV Masterplan and Huncoat Design Code. In addition, the HGV Masterplan Framework & Infrastructure Delivery Strategy (Oct 2021) is a material consideration. Until the new Local Plan is adopted, the Masterplan guides planning decisions. Highways evidence supporting the Masterplan confirms the local road network is near capacity, and development of more than 400 units requires the delivery of the Scheme, linking the A56 roundabout with Altham Lane.

### **Transport Policy**

- 4.9 Lancashire County Council's Highways and Transport Strategy (2023–2025), (CD14.14), aims to create a modern, efficient, and sustainable transport network that drives economic growth, improves health and well-being, addresses environmental challenges, and fosters inclusive, accessible communities. The strategy is built around four core priorities: effective management of highway assets, improved network efficiency and safety, promotion of sustainable and active travel, and the development of strategic partnerships to attract investment and support regeneration. These priorities are supported by twelve specific objectives, which include reducing the carbon footprint of highways activities, enhancing safety, increasing opportunities for walking, cycling, and public transport, and aligning transport improvements with local and regional growth ambitions.
- 4.10 The Scheme addresses all four strategic priorities. The Scheme provides robust new infrastructure that enhances asset resilience and connectivity, supporting future growth and unlocking the wider HGV development. Its design improves network efficiency and safety by relieving congestion at key junctions, introducing safe crossings, and prioritising pedestrian and cyclist movement, directly supporting the strategy's goal of safer, more reliable journeys and reduced road casualties. The provision for active travel and public transport is exemplary, with dedicated facilities for walking, cycling, and bus users, meeting national standards and encouraging a shift away from private car use. This supports both the council's sustainability targets and broader health objectives. The Scheme also demonstrates strong partnership working, bringing together Hyndburn Borough Council, Lancashire County Council, National Highways, technical consultees, and the local community to deliver a plan-ready infrastructure intervention fully embedded in local and regional plans.
- 4.11 In the context of Lancashire Local Transport Plan (Consultation Version) 2025-2045, (CD14.15), which sets out a vision for a stronger economy, fairer opportunities, and a more sustainable future, all are directly

supported by the delivery of the Scheme as part of the HGV masterplan. The Scheme is a critical enabler for new homes and jobs, unlocking a major growth site as envisaged in the Local Transport Plan's "Connecting Lancashire" workstream. By providing a new link between the A56 Accrington Bypass and Altham Lane, the Scheme removes barriers to development, improves access to employment, and supports efficient movement of people and goods. This directly aligns with Policy CL1, which calls for multi-modal infrastructure to unlock growth sites and attract investment.

- 4.12 The Scheme also delivers on the Local Transport Plan's ambition to transform travel choices across Lancashire. The provision of high-quality, segregated active travel infrastructure alongside enhanced bus stops is aligned with Workstream 2 ("Transforming Travel Choices") and specifically Policies TC1 and TC3. These policies aim to make bus journeys more reliable and attractive, and to establish walking and cycling as natural first choices for shorter trips. Huncoat Lane's design, which incorporates real-time bus information, step-free access, and safe crossings, is fully consistent with the focus on modernising public transport and embedding active travel into daily life. By giving local residents viable alternatives to car travel, the scheme contributes to broader LTP goals of reducing transport-related social exclusion, improving air quality, and supporting public health.
- 4.13 Safety and placemaking are central to the "Safe and Vibrant Communities" workstream, and the Scheme addresses these priorities through its landscape-led approach and inclusive design. The Scheme introduces raised pedestrian crossings, tactile paving, and lighting designed to enhance both safety and personal security, addressing Policy SV1's "vision zero" ambitions for road safety. The Scheme's public realm and green infrastructure not only deliver measurable biodiversity net gain but also contribute to Policy SV3's commitment to high-quality, accessible places. By working closely with local stakeholders, the design process has embedded community feedback and placemaking principles, supporting the call to "embed placemaking in new developments" (Policy SV4).
- 4.14 Additionally, the Scheme supports the "Future-Ready Networks" workstream by integrating climate resilience, sustainable drainage, and low-carbon construction into the scheme's core. By choosing durable materials, providing sustainable drainage systems, and minimising embodied carbon, the Scheme exemplifies Policy FN4's goal of delivering sustainable, resilient infrastructure. Its forward-thinking approach to asset management and use of technology further aligns with the ambition to embrace innovation and prepare Lancashire's networks for future challenges.

### **Lancashire Growth Plan**

- 4.15 The Scheme and HGV are well-aligned with the vision, strategic priorities, and growth ambitions articulated in Lancashire Combined County Authority's (LCCA) Lancashire Growth Plan 2025–2035), (CD14.16). The Lancashire Growth Plan was published in September 2025 following a public consultation exercise. The Growth Plan sets out Lancashire's ambition to be a globally recognised, highly competitive, and sustainable region, powered by innovation, advanced manufacturing, clean energy, digital transformation, and high-quality places. Central to this vision is the delivery of targeted infrastructure that supports inclusive economic growth, unlocks major development sites, and provides the connectivity needed for residents and businesses to thrive.
- 4.16 The Scheme directly addresses several of the Growth Plan's key drivers and enablers for growth. By unlocking a strategic housing site in the Pennine Lancashire corridor and improving access between the A56 Accrington Bypass and Altham Lane, the scheme supports the plan's focus on spatial priorities, including the economic 'Central Belt' running along the M65, where much of Lancashire's employment and innovation potential is concentrated. The relief road provides the physical infrastructure necessary to deliver new homes, facilitate regeneration, and attract investment, which are all highlighted as critical components in the Growth Plan's spatial vision and major project pipeline.
- 4.17 Infrastructure is identified in the Growth Plan as a foundational enabler of growth, with specific emphasis on the need to improve east-west connectivity, reduce barriers to employment, and address transport-related social exclusion. The Scheme advances these goals by providing robust multi-modal access to new and existing communities, enabling more people to connect to job opportunities, education, and services in the wider Central Belt. The scheme's design includes dedicated active travel and public

transport facilities, supporting modal shift and reducing car dependency, which is expressly encouraged in the Growth Plan as part of a low carbon, clean growth Lancashire.

- 4.18 The Growth Plan also stresses the importance of inclusive growth, quality of place, and placemaking as a catalyst for economic resilience. The landscape-led, community-informed approach to the Scheme ensures that it not only delivers essential transport capacity, but also enhances the public realm, supports biodiversity net gain, and integrates with green infrastructure; all contributing to the high-quality, sustainable communities envisaged in the Plan. The creation of accessible, attractive environments supports workforce wellbeing, talent retention, and local pride, reinforcing the Growth objective for quality of place as a lever for economic competitiveness.
- 4.19 Furthermore, the Scheme supports the Growth Plan's call for investment in a pipeline of transformational infrastructure projects that underpin economic priorities and unlock new opportunities. By coordinating with the Local Transport Plan and the wider Lancashire Infrastructure Strategy, the scheme strengthens Lancashire's case for additional government and private sector investment.

#### **Consultation and engagement with stakeholders and the local community in preparing the Scheme for delivery**

- 4.20 The Council and its team of consultants have carried out considerable engagement and consultation with stakeholders and the local community in preparing the Scheme for delivery. A summary of the consultation and engagement carried out to date is set out below. In addition, the Council and its consultants have undertaken tailored negotiations with third parties whose property interests are affected by the Scheme. Section 6 of this Statement provides further information.

##### *Consultation events and engagement to design up a scheme for the residential relief road*

- 4.21 The Scheme forms part of the Masterplan Framework for HGV, which was subject to several rounds of community and stakeholder engagement as it was developed in advance of its approval by the Council's Cabinet in 2021. The process included engagement with Council members, landowners and statutory consultees. Statutory consultees included officers from Lancashire County Council (Highways and Education Authority), the Environment Agency, National Highways and Network Rail. In addition, Arriva North were engaged in the process. Key consultation events that took place as part of the Masterplan Framework process included:
- Stage 1 Baseline Evidence (October 2018) – in person landowner and key stakeholder presentation detailing key constraints and opportunities of the masterplan area.
  - Stage 2 Option Development and Testing (Part 1) (November 2018) – in person landowner and stakeholder engagement presenting three initial growth options which considered residential and employment.
  - Stage 2 Option Development and Testing (Part 2) (February 2019 – April 2019) – in person public engagement to discuss masterplan options developed further since the events in 2018.
  - Stage 3 Draft Masterplan Framework and Infrastructure (May/June 2021) – online engagement and survey with the public, statutory consultees.
- 4.22 Prior to the submission of the Planning Application, extensive engagement was undertaken with the Local Planning Authority ("LPA"), involving proactive discussion and consultation to elicit feedback and ensure compliance with adopted and emerging planning policy.
- 4.23 In September 2023, the Council's planning department held an initial meeting with the Council, as applicant, to discuss the outline of the Scheme. The LPA agreed that the Scheme is a strategic local transport infrastructure project in line with the definition provided by the National Planning Policy Framework, and there is policy support available to support the principle of the Scheme being within a Green Belt location.
- 4.24 HGV has also been considered a strategic priority for the region and has been referenced in strategic documents such as the "Lancashire Strategic Economic Plan (2014)" and as a site within the Pennine Lancashire Housing Zone.

*Engagement with Lancashire County Council (LCC) Highways Department*

- 4.25 A number of design workshops were held with LCC Highways Department between November 2023 and February 2024 to discuss various aspects of the road design, including road alignment and design parameters, Burnley Road roundabout, drainage and Altham Lane design proposals.
- 4.26 The design evolved over the course of these workshops and engagement, taking into account comments received from LCC. Further explanation of the approach to highway design and associated considerations are outlined in further detailed in the Design and Access Statement (DAS) submitted with the Planning Application (CD14.22).

*Public Exhibition*

- 4.27 Two in-person public exhibition events were held at Huncoat Primary School on 25th January 2024 and 6th February 2024. The event was attended by local residents, stakeholders and elected members. The event was advertised by e-mail and letters delivered to local stakeholders and residents. An online survey provided an opportunity to provide feedback; paper copies of the feedback form were also available at both exhibitions.
- 4.28 A Statement of Community Involvement (SCI) was submitted alongside the Planning Application which provides further detail on the pre-application engagement with statutory consultees and the local community, including feedback from the public exhibitions and the extent to which this has informed the road design. A copy of the SCI is at CD14.23.

**Planning Position for the Scheme**

- 4.29 The Council is the LPA for the Scheme.
- 4.30 An application for full planning permission for the Scheme (reference 11/25/0124) was validated on 3 April 2025.
- 4.31 As detailed above, the Planning Application has been informed by consultation with key statutory bodies and the community and was supported by an Environmental Statement and other required documents.
- 4.32 The Planning Application is expected to be determined by the LPA on 11<sup>th</sup> March 2026. It is supported by robust technical and policy evidence, and the principle of development is established by both the adopted and emerging planning frameworks for Hyndburn. The proposals are designed to deliver significant public benefits, including the unlocking of much-needed housing and supporting sustainable, inclusive community growth.
- 4.33 Given the close compliance with planning policy (as detailed in this Section) and the benefits the Scheme would bring (see Section 7) it is considered that there is no reason why the Planning Application would not be approved at first instance.
- 4.34 In the event that planning permission is granted, discharge consents, ecological consents and waste management licences will be applied for during the detailed design stage of the Scheme. These are not considered to be impediments to the Scheme proceeding. As part of the planning process, there has already been extensive dialogue undertaken by the Council with all the statutory bodies affected. This includes Lancashire County Council in its role as both Lead Flood authority and the Highway Authority, National Highways, The Coal Authority (now named the Mining Remediation Authority), Environment Agency, etc. This dialogue has helped shape the preliminary design of the Scheme and has also provided an opportunity for the statutory bodies to influence matters and to ensure their own requirements will be met and included in the Scheme proposals from an early stage. For these reasons, the Council has a high level of confidence that there will be no potential impediments to the Order being implemented, if confirmed.

## 5. Delivery and funding

5.1 The Council is committed to the delivery of the Scheme, providing critical infrastructure necessary to support HGV and to facilitate wider investment at Altham Business Park. The Council has and continues to carry out all the required due diligence and other work to ensure that the Scheme is delivered successfully and in a timely manner. Significant progress has already been made, and the Council is continuing to progress the delivery of the Scheme and the wider HGV alongside the progression of the Order. The section below sets out a summary of the progress that the Council has made to date alongside information on how the Council intends to ensure delivery of the Scheme including the funding position.

### Funding Sources and Timing

- 5.2 The Council has ensured that there are sufficient funds in place to deliver the Scheme. The Council has already spent and committed money to bringing forward the Scheme, which is part of the HGV masterplan framework, to its current stage including the following. As of February 2026, circa £3,365,360 has been spent including on the following:
- Monies spent on developing the policy framework for HGV.
  - Monies spent on preparing and submitting various funding bids to Government/Homes England.
  - Monies spent on appointing and managing a team of consultants to assist as necessary in bringing forward the Scheme and HGV.
  - Monies spent on procuring the preferred contractor.
  - Monies spent on the preparation and due diligence prior to submitting the planning application for the Scheme.
  - Monies spent on RIBA Stage 4 design work.
  - Monies spent on preparing this Order including land referencing.
  - Monies spent on carrying out negotiations.
  - Monies transferred to National Highways to support the delivery of upgrades to Junction 8 of the M65
- 5.3 The Council has been successful in securing funding for preparation of the policy framework for HGV, as well as for the delivery of the Scheme and a significant contribution towards the delivery of HGV.
- 5.4 Government, through Homes England, has made a significant commitment to the delivery of HGV. Firstly, the Huncoat Garden Village Framework Masterplan benefited from a significant contribution of £224,000 from Homes England's (formerly Homes & Communities Agency) Housing Zone Programme. Secondly, Homes England has made a £115,000 contribution towards the development of the Council's business case to secure further funding through Government's Brownfield, Infrastructure and Land Fund. A £50,000 contribution was also secured from DLUHC towards the production of a design code for Huncoat Garden Village as part of the national design code pilots.
- 5.5 Most importantly, the Council has secured a £29.90 million grant from Homes England's Brownfield Infrastructure Land Fund. The Brownfield, Infrastructure and Land Fund was established by the Government at the end of July 2023. The fund is delegated to and managed by Homes England. In October 2023 the Council submitted a business case to Homes England seeking grant funding of circa £29.9 million from the BIL fund. The funding bid was successful, and the Council entered into a grant agreement with Homes England ("the Homes England Grant Agreement") in March 2025 for the payment of grant funding to the Council of up to £29,879,722 during the "availability period", which runs from 31 March 2025 to 31 March 2028.
- 5.6 As confirmed in section 2 of this Statement, In July 2025 the Council submitted a formal request to revise the grant funding programme milestones and extend the grant availability period to 31<sup>st</sup> March 2029. The

Council received written confirmation from Homes England on the 6<sup>th</sup> of March 2026 that the revised programme milestone and extension of the grant availability period to 31<sup>st</sup> March 2029 was approved, subject to satisfaction of the following conditions:

- 5.6.1. 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;
- 5.6.2. confirmation that the Subsidy Control position on the project remains unchanged and compliant;
- 5.6.3. confirmation in writing from that the Council accepts full responsibility for any cost overruns, setting out how these would be covered; and
- 5.6.4. 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.

5.7 The monies secured from the Homes England Grant Agreement will fund the following:

- Land acquisition over the Order Land to build the Scheme;
- Construction of the Scheme to adoptable standards;
- Land acquisition of the former Huncoat Colliery Site and the former Huncoat Power Station Site by CPO if required;
- Financial contribution to the capacity mitigation works at Junction 8 M65;
- Site remediation of both the former Colliery Site and former Power Station Site;
- Funding for a professional consultancy team to support the delivery of HGV which includes the Scheme; and
- Any necessary package of works in relation to the adjacent local road network to the National Highways scheme at junction 8 of the M65. See paragraph 5.24 for further information on this.

5.8 Ultimately there are two key elements of the Scheme requiring funding. Firstly, funding to acquire the necessary third party land and property interests, (including appropriate compensation) and secondly funding to deliver the Scheme for which the Order Land is required. In terms of monies for acquisition, the Council and its consultants have prepared and maintain an estimate of acquisition costs for acquiring the third party property interests, which is regularly reviewed. The estimate of acquisition costs was shared with Homes England as part of the funding bid for the Brownfield Infrastructure Land Fund. In terms of funding to construct the Scheme, the Council and its consultants have prepared and maintain a cost plan to monitor the expected costs to construct the Scheme. As with the estimate of acquisition costs, this is regularly reviewed. The cost plan is kept under regular review and will be updated on completion of design to RIBA Stage 4.

5.9 As at the date of making the Order the estimates of costs for the delivery (including both the estimate of acquisition costs and the cost plan of expected costs to construct the road) of the Scheme are circa £10.3m. £8.5m is available from the Homes England Grant Agreement to contribute towards these costs with the remainder to be funded by the Council, who are responsible for any cost overruns related to the delivery of the road, over and above the grant allowance, as set out in the grant funding agreement with Homes England. The Council is committed to the delivery of the Scheme and the potential risk of the cost exceeding the available grant funding was reported to the Council's Cabinet on the 30<sup>th</sup> of October 2024 and the 26<sup>th</sup> of March 2025 when Cabinet gave its' consent to enter into the grant funding agreement and noted that the Council is responsible for all cost overruns for the HGV project, including any potential additional costs for the Scheme.

### **Council's Progression of the Scheme to Date**

5.10 The Council has spent significant time and resources in bringing forward the Scheme for delivery to ensure that its aspirations for HGV (as set out sections 2 and 4 of this Statement) can be realised.

5.11 The Council has appointed a team of experienced consultants to assist the Council in bringing forward the Scheme and HGV. Work to date has included:

- Preparation of the Masterplan Framework to provide a framework for the delivery of HGV and the need for the residential relief road, as set out in section 3 of this Statement.
- Development of further planning policies to support the delivery of HGV and the need for the residential relief road, as set out in section 4 of this Statement.
- A successful funding bid to Government as well as preparation and review of financial and budgeting information to ensure that the Scheme can be delivered. More information is set out below.
- Due diligence to prepare this Order in the event that third party land, property and rights cannot be acquired by agreement. This has included a detailed land referencing exercise by a specialist land referencing company. More information on the due diligence carried out is set out in section 3 of this statement.
- Progression of negotiations to acquire third party land and property affected by the Scheme by agreement. More information is set out in section 6 of this Statement.
- Preparation and submission of the Planning Application for the Scheme. More information is set out in section 4 of this Statement.
- Procurement of a preferred contractor, Eric Wright Group. More information is set out below.
- Progression of negotiations and discussions with the landowners of the two large sites of the former Huncoat Power Station and the former Huncoat Colliery to ensure that these sites are brought forward in a timely manner and that the aspirations and benefits of HGV are realised.
- Obtaining the relevant Council approvals through its Cabinet to progress the Scheme and the wider HGV. These include the following Cabinet approvals:
  - Adoption of Masterplan Framework: 20<sup>th</sup> October 2021(CD14.2)
  - Approval of Procurement Strategy for a contractor for the Scheme: 18<sup>th</sup> October 2023 (CD14.3)
  - Acceptance of Homes England's Grant Funding Agreement: 30<sup>th</sup> October 2024 (CD14.4)
  - Agreeing to contract with Homes England on the Grant Funding Agreement: 30<sup>th</sup> To submit a planning application with supporting Environmental Impact Assessment for the Scheme 30th October 2024 (CD14.4)
  - To enter into a Pre-Construction Services Agreement with the preferred contractor: Urgent Decision taken on 27th May 2025 and reported to Cabinet on the 18th of June 2025 (CD14.5)
  - CPO in principal approval: 18<sup>th</sup> June 2025 (CD14.5)
  - Making the CPO: 18<sup>th</sup> March 2026 (CD14.6)

#### **Appointment of a Contractor to Deliver the Scheme**

5.12 The Council has selected a preferred contractor to construct the Scheme through the Procure Northwest Framework. Eric Wright Civil Engineering has been selected as the preferred contractor. Stage 2 of the tender process has commenced which includes progressing the road design to RIBA Stage 4.

## Management of the Scheme Post Completion

- 5.13 Lancashire County Council (LCC) is the highways authority for the Scheme. The Scheme will be adopted by Lancashire County Council upon completion as a public highway and it will be managed in alignment with LCC's Highways Management Plan (updated 2023). HBC intend to enter into section 278 and 38 Agreements under the Highways Act 1980 with LCC and have already confirmed this intention to LCC. It is intended that negotiations for the section 278 and 38 agreements will commence once the planning application is approved and the Stage 4 Design is complete.

### Delivery and timing

- 5.14 The Council has programmed for its preferred contractor to start on site in June 2027, on the assumption that this Order is required and confirmed, and that agreement by negotiation cannot be reached earlier with all affected third parties. If agreement can be reached with all third parties and there is no need for a public inquiry into this Order (and therefore the Council would self-confirm this Order), the Council would like to start on site at an earlier date. The Council has, as part of its negotiations with third parties, confirmed that the earliest state date would be August 2026.
- 5.15 The programmed start date is critical due to the timescales imposed by Homes England for spending the funding allocated within the Homes England Grant Agreement. As confirmed at paragraphs 5.6 to 5.8, the Council has submitted a revised programme which would extend the date for monies to be spent to 31 March 2029. Homes England's decision on whether to approve the revised programme is expected by the end of March 2026.
- 5.16 The headline delivery programme for the Scheme is set out in Table 2 below.

**Table 2: Headline delivery programme for the Scheme**

Milestone	Programme date
<b>Planning application for the Scheme submitted</b>	March 2025
<b>Determination of the planning application</b>	March 2026
<b>CPO made</b>	March 2026
<b>Vacant possession and start on site</b>	June 2027
<b>Housing Start on Site Date</b>	December 2027

- 5.17 The Scheme also requires a Stopping Up Order in relation to part of Burnley Lane at the intersection of the proposed Huncoat Lane, which has been applied for by the Council pursuant to section 247 of the Town & Country Planning Act 1990. This narrow lane was identified by local residents as a high risk of being used as a short cut by car users. As such, this feedback has been incorporated into the design of the Scheme and which now requires a small section of Burnley Lane to be amended to prevent access by vehicles but which will still provide access for pedestrians, cyclists etc. The Scheme also necessitates the diversion of footpath number is FP1101004 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. Further information on both of these proposed orders is set out in section 7 of this Statement.

### Delivery of the wider HGV

- 5.18 In addition to the critical infrastructure to be delivered by the Scheme, the Council has also made significant progress in delivering development parcels within the HGV
- 5.19 The Council is in discussions with the major landowners of the former Huncoat Colliery and the former Huncoat Power Station. The owners of both these sites will be recipients of the secured BIL Funding. £18m

of BIL Funding is secured to support remediation works on these brownfield sites to make them suitable for residential development. Ongoing discussions are taking place between the Council and the owners/their development partners to meet the terms of the Homes England Grant Funding Agreement, to allow for the payment of grant funding in relation to remediation activity on both sites and to ensure that development comes forward in accordance with the Masterplan Framework. Further detail on the key milestones with the Homes England Grant Agreement is set out in paragraph 5.18 of this Statement.

- 5.20 Both landowners who are the intended recipients of the BIL Funding have identified preferred housebuilder partners to bring forward residential development however, the progression of those development proposals is contingent upon the Scheme's delivery – simply put, no development will come forward until there is certainty that the Scheme will be delivered by the Council. The former Huncoat Colliery site owners and their preferred house builder have taken pre-application planning advice based on a scheme for circa 394 residential units, with an expected outline planning application submission date of mid to late 2026.
- 5.21 The owner of the former Huncoat Power Station site submitted an outline planning application in December 2021 for the delivery of up to 451 residential units together with associated landscaping, open space, access and infrastructure. In response to this planning application National Highways submitted an objection which is a holding objection that National Highways will object to any trip generating development in the Huncoat area until full funding is secured for improvement works for Junction 8 of the M56. The planning application has therefore not been determined by the Local Planning Authority and in the meantime the Local Plan has progressed with the site allocation for HGV and the Council has been in discussions with National Highways re the required work to ensure that the holding objection can be removed. The Huncoat Power Station landowner and preferred housebuilder partner are now preparing a revised outline application for up to 360 residential units for submission in Spring 2026.
- 5.22 Alongside this the Council has continued engagement with National Highways around the delivery of the improvement works at Junction 8 of the M65. Homes England BIL Funding covers circa 50% of the estimated costs for the works and National Highways are progressing with internal discussions within Central Government to secure the remainder of funding for the works. This funding is expected to form part of the Road Investment Strategy 3 (RIS 3) covering investment in highways infrastructure from 2026 to 2031. Recent discussions between National Highways and the Council have suggested that the holding objection could be lifted in favour of an approval with conditions related to the design of Junction 8 and formal publication of RIS 3 expected by the end of March 2026. The holding objection does not apply to the Planning Application for the Scheme which, as set out in section 4 of this Statement, a decision is expected to be taken by the Council's Planning Committee on 11<sup>th</sup> March 2026.
- 5.23 In terms of the other sites which are expected to come forward for development within HGV (which are not recipients of the BIL Funding), the Council is in discussion with the landowners and has been informed that, subject to construction of the Scheme, the landowners intend to bring these sites forward and have been approached by housebuilders. In accordance with the Masterplan Framework phasing plans, the Council expects these sites to come forward for residential development following completion of the Scheme. The majority of these sites will be accessed directly from the Scheme and so the routing and completion of the road is required to unlock access to these development sites.

### **Conclusion in respect of delivery and funding**

- 5.24 The Council has carried out considerable work to bring forward HGV, of which the Scheme forms part and, is committed to its delivery. The Council has a preferred contractor appointed to deliver the Scheme and is expecting a decision on the Planning Application for the Scheme in March 2026.
- 5.25 A grant funding agreement has been signed with Homes England to fund the delivery of the Scheme and the funding covers both acquisition and the costs to build and implement the Scheme. The Council is also satisfied that there are no planning impediments to the delivery of the Scheme.
- 5.26 The Council, its preferred contractor and its team of consultants have the required knowledge, capacity and intention to deliver the Scheme, which in turn will assist in delivering the wider HGV.

## 6. Efforts to acquire land by agreement

6.1 The Council has sought to negotiate the acquisition of all third-party interests by agreement and is continuing negotiations in parallel with the making of this Order, to seek to acquire as much of the Order Land as possible by private treaty. There are also a number of unregistered parcels of land within the Order Land, where despite attempts to ascertain ownership, ownership remains unknown. The Council is seeking to acquire only the land required to deliver the Scheme and where appropriate is seeking to enter into licence agreements with landowners where land/rights are only needed temporarily for the construction of the road. Further information on the components of the Scheme is set out in section 3 of this Statement.

### **CPO Guidance and the Council's overall approach to negotiations**

6.2 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.”*

6.3 The Council's approach is also in accordance with paragraphs 2.8 and 2.9 of the CPO Guidance which sets out 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 from the outset, which in turn can encourage those third parties to enter more readily into meaningful engagement.

6.4 In summary, the Council's overall approach to undertaking negotiations with the landowners 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 made contact with landowners in 2023 through a series of landowner workshops and public consultation sessions held between December 2023 and January 2024. These are summarised in section 2 of this Statement.
- Since the initial early engagement, the Council has continued to keep landowners informed about the Scheme and the wider HGV through letters, phone calls and emails.
- Individual meetings with affected third parties have taken place from October 2022 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.
- Further to the early engagement, 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 a website about the Scheme and a Frequently Asked Questions document which provides information about both the Scheme and the Order process, including who to speak to about the negotiations.
- Financial offers, in line with paragraphs 3.1 and 3.2 of the CPO Guidance, and in accordance with the statutory Compensation Code, 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)

- Attempts to acquire all interests are ongoing and will continue alongside and throughout the Order process.
- The Council has given full consideration as to the mitigation and minimisation of the impact of the Order and the Scheme on landowners and occupiers. As set out in paragraphs 3.4 to 3.8 of this Statement, the Council has undertaken a full land referencing exercise and has carried out considerable due diligence to ensure that only land that is required to deliver the Scheme is included in the Order. The Council has received, discussed and given careful consideration to several points of objection raised by two landowners to the Scheme's Planning Application and is satisfied that it has taken on board the objections raised through the planning and negotiation processes. Whilst the Council has not been able to make all the changes requested by the two objectors, the Council remains committed to acquiring all interests by agreement. These negotiations will continue with the Council remaining committed to agreeing on the voluntary acquisition of all outstanding interests in the Order Land.

6.5 In addition, the Council has entered into negotiations with the occupier of plot 11 of the Order Schedule following information being provided by the freehold owners of the land that there is an occupier in place who runs a small stables on the site. The Council has met with the occupier to seek to understand her occupation and the nature of her use of the land including to see whether she may be entitled to compensation under the statutory Compensation Code, as well as to discuss any support which may be required to relocate the horses and stables. The Council will continue to negotiate with the occupier and provide the appropriate support alongside the Order process.

#### Parties with a property interest in the subsoil

6.6 As identified in the Order Schedule, there are a number of parties with a property interest in the subsoil. The Council's consultants Avison Young are seeking to make contact with the subsoil interest owners and will make financial offers in accordance with the statutory compensation code. In some circumstances the subsoil owners also are one of the main landowners and where this is the case, financial offers have been made as part of the overall offer to the landowner.

#### Registered caution: Mines and minerals beneficiaries, plots 3, 4, 7, 8, 9, 12, 13 of the Order Schedule and Order Map

6.7 There is a caution title in respect of mines and minerals registered across a number of plots within the Order. The beneficiaries of the caution title are identified on the Order Schedule.

6.8 The Council's consultants Avison Young have made contact with the appointed agent and a meeting has taken place to discuss the CPO and potential compensation. Negotiations are ongoing.

6.9 The Council will make a financial offer in accordance with the statutory Compensation Code.

#### Manorial beneficiaries, plots 7 and 9 of the Order Schedule and Order Map

6.10 There are two beneficiaries with manorial rights. They have appointed an agent for these negotiations. The Council's consultants Avison Young have made contact with the appointed agent and a meeting has taken place to discuss the CPO and potential compensation. Negotiations are ongoing.

6.11 The Council will make a financial offer to acquire the manorial rights in accordance with the statutory Compensation Code.

#### **Compliance with paragraph 19 of the CPO Guidance**

6.12 Paragraph 19.1 of the CPO Guidance sets out a list of steps which should be considered to help those affected by a CPO proposal. It requires an acquiring authority to explain how and to what extent the actions in the list have been taken, and if an action has not been taken the reasons why. The section below sets out the steps identified in paragraph 19.1 and how the Council has complied with these.

- 6.13 At paragraph 19.1 (a), the CPO Guidance states:
- (a) provide full information from the outset about what the compulsory purchase process involves, the rights and duties of those affected and an indicative timetable of events - information should be in a format accessible to all those affected*
- 6.14 The Council has provided this information through its Frequently Asked Questions document which sets out information on both the Scheme and the Order process, as well as through letters and emails to third parties, through information on the Council's website and through in person negotiation meetings.
- 6.15 At paragraph 19.1 (b), the CPO Guidance states:
- (b) inform owners and occupiers of guidance which is publicly available and professionally published on compulsory purchase and compensation including: this guidance, the Department's plain English guides, and any information or guidance published by the acquiring authority (including on the scheme) or other professional body*
- 6.16 The Council has provided this information through its Frequently Asked Questions document which sets out information on both the Scheme and the Order process, as well as through letters and emails to third parties, through information on the Council's website and through in person negotiation meetings.
- 6.17 At paragraph 19.1 (c), the CPO Guidance states:
- (c) appoint a specified case manager during the preparatory stage to whom those with concerns about the proposed acquisition can have easy and direct access*
- 6.18 The Council has a designated officer who is the appointed case manager for all the negotiations. The designated officer has been involved in the project since engagement and negotiations began, is named in all the correspondence and in the Frequently Asked Questions and has continued to seek to meet with all landowners in the run up to the making of this Order.
- 6.19 At paragraph 19.1 (d), the CPO Guidance states:
- (d) make owners and occupiers aware of professional advice available to assist them in understanding the impact of the scheme on their interest and the appropriate compensation which may be available to them*
- 6.20 Most of the landowners have already appointed their own independent professional advisors who have made direct contact with the Council on their clients' behalf.
- 6.21 The Council has provided this information through its Frequently Asked Questions document which sets out information on both the Scheme and the Order process, as well as through letters and emails to third parties, through information on the Council's website and through in person negotiation meetings.
- 6.22 At paragraph 19.1 (e), the CPO Guidance states:
- (e) where appropriate, in particular for estate regeneration or similar types of schemes, offer advice and assistance to affected occupiers in respect of their relocation and provide details of, and discuss with the occupier, available relocation properties*
- 6.23 The majority of the Order Land is owner occupied. The Council understands there to be one occupier who uses part of Order Land plot11 for stables and horses. The Council will seek to provide assistance to this occupier.
- 6.24 At paragraph 19.1 (f), the CPO Guidance states:
- (f) keep any delay to a minimum by completing the statutory process as quickly as possible and taking every care to ensure that the compulsory purchase order is made correctly and under the terms of the most appropriate enabling power*

- 6.25 The Council has sought to undertake and complete the statutory process as quickly as possible in parallel with undertaking the negotiations and has ensured that the Order is made correctly. Further information is set out throughout this Statement.
- 6.26 At paragraph 19.1 (g), the CPO Guidance states:
- (g) consider providing a 'not before' date, confirming that acquisition will not take place before a certain time*
- 6.27 The Council has provided this information through its Frequently Asked Questions document which sets out information on both the Scheme and the Order process, as well as through letters and emails to third parties, through information on the Council's website and through in person negotiation meetings. The 'not before' date is August 2026.
- 6.28 At paragraph 19.1(h), the CPO Guidance states:
- (h) where appropriate, give consideration to agreeing to fund owners' or occupiers' reasonable costs of negotiation or other costs and expenses likely to be incurred in advance of the process of acquisition. For example, professional fees for the undertaking of surveys or reports to assist in understanding the impact of the exercise of compulsory purchase powers included in a compulsory purchase order on particular land*
- 6.29 The Council has offered this to all landowners and four landowners have so far appointed a surveyor and the Council is reimbursing their reasonable fees.
- 6.30 At paragraph 19.1 (i), the CPO Guidance states:
- (i) consider offering to alleviate concerns about future compensation entitlement by entering into agreements about the minimum level of compensation which would be payable if the acquisition goes ahead (not excluding the claimant's future right to refer the matter to the Upper Tribunal (Lands Chamber)*
- 6.31 The Council has offered this through option agreements and through its offer letters to acquire the various parcels of land.
- 6.32 At paragraph 19.1 (j), the CPO Guidance states:
- (j) consider agreeing to fund owners' and occupiers' reasonable costs and expenses anticipated to be incurred by those owners and occupiers before an alternative property is acquired and the costs/expenses incurred. For example, professional fees for the undertaking of surveys or reports to assist in understanding the impact on the owner or occupier of the exercise of compulsory purchase powers*
- 6.33 As set out above, the Council understands that there is one occupier at plot 11 of the Order Land. The Council will consider funding reasonable costs and expenses if the occupier needs to move her stables and horses elsewhere.

#### **Conclusion in respect of efforts to acquire**

- 6.34 The Council has complied with the CPO Guidance in respect of negotiations and will continue to seek to acquire property interests by agreement alongside the Order, ensuring it continues to comply with the CPO Guidance.

## 7. Purpose and justification for the use of compulsory purchase powers

- 7.1 On 18 March 2026 the Council resolved to make the CPO for the Scheme. On [DATE], the CPO was made by the Council in accordance with such authorisation.
- 7.2 Section 226(1)(a) of the 1990 Act permits a local planning authority 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.
- 7.3 Section 226(1)(a) is subject to Section 226(1A) which sets out the "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.
- 7.4 Section 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.
- 7.5 The Council believes that the Scheme meets all of the wellbeing objectives. The Council has taken into account the CPO Guidance on the use of its compulsory purchase powers in making the Order. The Council is using its powers under section 226(1)(a) and 226(3)(a) because achieving the voluntary transfer of the ownership of 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, within a reasonable timescale and thereby deliver the significant associated economic, social and environmental benefits.
- 7.6 Although the Scheme itself is a highways scheme, the Council considers that the use of the regeneration compulsory acquisition power (section 226(1)), as opposed to powers under the Highways Act 1980, is appropriate. The Order will facilitate the carrying out of development on the Order Land and will deliver the residential relief road required as part of HGV. In turn the delivery of the Scheme is likely to contribute to the positive wellbeing of the area as it will unlock and it a vital component of HGV.
- 7.7 The Council has had regard to the paragraph 166.1 of section 7 of the Guidance which states *"Where an authority has a choice between the use of housing or planning compulsory purchase powers...the Secretary of State will not refuse to confirm the CPO solely on the grounds that it could have been made under another power."*
- 7.8 Paragraphs 97, 98 and 99 of the CPO Guidance make it clear that, although the powers under Section 226 should not be used in place of other more appropriate powers of acquisition, 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 "to assemble land for regeneration" and where it will facilitate redevelopment or improvement 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), the Council considers that the powers under Section 226(1)(a) and Section 226(3)(a) of the 1990 Act are the most appropriate in these circumstances.
- 7.9 The section below summarises the Council's purpose and justification for the use of compulsory purchase powers to facilitate the carrying out of development for the Scheme, referencing other sections of this Statement where appropriate. Relevant sections of the CPO Guidance are referenced to demonstrate how the Council has complied with the CPO Guidance.

### **Compelling case in the public interest**

- 7.10 The purpose of seeking to acquire the land and rights compulsorily is, inter alia, to enable the Scheme to go ahead and ultimately to deliver the significant social, economic and environmental benefits associated

with the delivery of HGV. Compulsorily acquiring the Order Land would, in the opinion of the Council, meet its housing, planning and policy objectives and do so within a reasonable timescale.

- 7.11 Compulsory purchase is essential to enable the Scheme to take place and for the Council to achieve its policy objectives. The Order Land is in multiple, third party ownership including some unknown ownership. The Council needs to ensure that it secures unencumbered freehold title to the Order Land, free of third party interests, subject to payment of compensation to any valid claimant. This is necessary to mitigate the risk that the Scheme could be delayed or not be delivered at all.
- 7.12 The Council understands and acknowledges that the compulsory purchase of land should be a measure of last resort where negotiations have been unsuccessful and that there should also be a compelling case in the public interest that justifies interfering with the rights of those with an interest in the land. Details as to the negotiations that have been undertaken can be found in section 6 of this Statement.
- 7.13 The Council considers that there is a compelling case in the public interest for the making of the Order. The Council has a clear vision and plan for the use of the Order Land and the principle of the Scheme is supported by planning policy at both a national and local level as explored further in Section 4 of this Statement.
- 7.14 Paragraph 15 of the CPO Guidance requires acquiring authorities to be able to show that the Scheme is unlikely to be blocked by any physical or legal impediments to implementation. Paragraph 15.1 references the programming of any infrastructure accommodation works and the need for any planning permission or other consent or license. Paragraph 15.2 sets out that where planning permission is required for the scheme and permission has yet to be granted, the acquiring authority should demonstrate that there are no obvious reasons why it might be withheld.
- 7.15 As set out in section 4 of this Statement, a full planning application has been submitted to the Local Planning Authority. The intention is that this will be considered by the Council's Planning Committee for determination in March 2026. Given the clear policy support for the Scheme, (detail of which is set out in Section 4 of this Statement), the Council anticipates planning permission to be granted and sees no reasons why this would be withheld.
- 7.16 In order to the implement the Planning Application and deliver the Scheme there are a number of works to be carried out to the existing highway network. These are as follows:
- Amendments to the existing A697 Burnley Road/A56 Accrington Bypass western roundabout to create an additional arm at the southern end of the Scheme, which will be delivered via a section 278 Agreement with LCC. A financial contribution to National Highways may also need to be secured via a section 274 Agreement for any works affecting the A56 slip road.
  - A new junction on Altham Lane at the northern end of the Scheme which will be delivered via a section 278 Agreement with LCC.
- 7.17 A new priority junction (crossroads) where the existing Burnley Lane crosses the Scheme, which will again be delivered via a section 278 Agreement. All necessary highway Agreements will be secured in the usual way.

### **Stopping Up Order**

- 7.18 In order to facilitate the Scheme, the Council has applied for a stopping up order pursuant to section 247 of the 1990 Act for the stopping up of part of Burnley Lane.
- 7.19 Section 247 states that *"The Secretary of State may by order authorise the stopping up or diversion of any highway...if he is satisfied that it is necessary to do so in order to enable development to be carried out: (a) in accordance with planning permission granted under Part III..."*.
- 7.20 The Secretary of State for Transport has written to the Council confirming that she proposes to make the stopping up order in the form applied for. Notices of the Secretary of State's intention to make the stopping up order have been erected in locations within the vicinity of the stopping up and the objection period will close on 3 April 2026.

- 7.21 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'.
- 7.22 In the event that there are objections to the Order and the stopping up order, a request will be made for a conjoined Inquiry, such that the Order and the stopping up order can be considered together, should Inquiries be necessary. Given the anticipated programme for the making of the stopping up order and the absence of any substantial reasons why such an order should not be made, it is not considered an impediment to the Scheme proceeding.

### **Diversion Order**

- 7.23 The Scheme also necessitates the diversion of footpath number is FP1101004 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.
- 7.24 Section 257 of the Town and Country Planning Act 1990 allows a local planning authority to authorise the stopping up or diversion of footpaths, bridleways, or restricted byways if it is deemed necessary to enable development to proceed. This development must be in accordance with a planning permission granted under Part III of the Act.
- 7.25 It is anticipated that the diversion up order will be progressed swiftly following the grant of planning permission for the Planning Application.
- 7.26 Adopting the same approach as detailed in respect of objections to the stopping up order, if there are objections to the Order, the stopping up order and/or the diversion order, a request will be made for a conjoined Inquiry, such that the Order, the stopping up and/or the diversion order can be considered together, should Inquiries be necessary. Given the anticipated programme for the making of the diversion order and the absence of any substantial reasons why such an order should not be made, it is not considered an impediment to the Scheme proceeding.

### **Traffic Regulation Order (TRO)**

- 7.27 In addition, there is likely to a need for a TRO(s) to support any change in speed limits required. Any necessary temporary orders will be sought in advance of construction commencing and any permanent orders will be sought at the appropriate time, in the usual way.
- 7.28 It is not considered that there are any planning or other impediments to the implementation of the Scheme, and that planning permission is likely to be granted. The Council considers that the Scheme will make a significant contribution to the promotion and achievement of the economic, social and environmental wellbeing of the area.
- 7.29 Single ownership and control of the Order Land is required to enable the Scheme to proceed. The Council is satisfied that it has made reasonable attempts to acquire outstanding interests by private agreement. The Council has attempted, and will continue to attempt, to purchase the outstanding interests by private agreement. However, due to the existence of the third-party interests as identified in the Schedule to the Order, the Council considers it unlikely that it will be able to acquire all the interests by agreement within a reasonable time frame. The exercise of compulsory purchase powers will enable the Scheme to go ahead by providing certainty in respect of site assembly and will enable the Council to achieve its policy objectives in a timely manner.
- 7.30 The Council has given very careful consideration to the reasons why it is necessary to include each parcel of land as shown on the Order Map. If the Order is confirmed the Council will be able to make a General Vesting Declaration which will give the Council absolute unencumbered freehold title to the Order Land enabling the Council to undertake the Scheme.
- 7.31 The overarching consideration of the Secretary of State/Inspector in deciding whether an Order should be confirmed, and which is of equal relevance to the Council in reaching its decision to make the Order, is set

out in paragraph 109 of the CPO Guidance which identifies the following issues to be considered, each of which is addressed below:-

- whether the purpose for which the Order Land is being acquired fits in with the adopted Local Plan for the area;
- the extent to which the Scheme will contribute to the achievement of the promotion and/or improvement of the economic, and/or social, and/or environmental wellbeing of the area;
- whether the purposes for which the proposed Order Land is to be acquired could reasonably be achieved by any other means within a reasonable timeframe. This may include considering the appropriateness of any alternative proposals and the suitability of any alternative locations;
- the potential financial viability of the Scheme to reassure the Secretary of State that there is a reasonable prospect that the Scheme will proceed. This includes providing a general indication of funding intentions and any commitment from third parties and details of the timing of the available funding.

**Whether the purpose for which the Order Land is being acquired fits in with the adopted planning framework for the area.**

7.32 Paragraph 107 of the CPO Guidance requires any programme of land assembly to be set within a clear strategic framework. Paragraph 109.1, first bullet points refers to the need to consider whether the purpose for which the land is being acquired fits in with the development plan.

7.33 The Scheme is set within a clear strategic planning framework and fits in with both the adopted and emerging development plan. The Scheme will deliver a relief road which is required infrastructure for the HGV. Both the Scheme and the wider HGV are supported by the Council's adopted and emerging local policies including the adopted Core Strategy and the draft Local Plan which has nearly finished going through the Examination in Public Process. The Framework Masterplan is also a material consideration in the planning determination process and provides more detailed support and guidance on the delivery of the Scheme and HGV. In particular draft Policy SP2 of the draft Local Plan identifies the Site as part of the wider HGV allocation and identifies the need for the relief road to unlock the first phase of much-needed housing as well as providing sustainable transport options. National policy through the NPPF also strongly supports the delivery of new homes and sustainable transport.

7.34 Section 4 of this Statement provides further information.

**The extent to which the Scheme would contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area.**

7.35 The Council is satisfied that the Scheme represents a significant investment in the area, the benefits of which will be considerable to the economic, social and environmental wellbeing of the Borough. Paragraph 106.2 of the CPO Guidance is clear that *"the benefit to be derived from exercising the [wellbeing] power is not restricted to the area subject to the compulsory purchase order, as the concept is applied to the wellbeing of the whole (or any part) of the acquiring authority's area."* As such, the Council and Secretary of State are required to consider the benefit to the local area and the Borough when assessing whether, and to what extent, the Scheme is likely to achieve the promotion of the economic, social or environmental wellbeing of the area.

7.36 The Council has a clear intention for how it intends to use the land included within the Order and has considered fully the need to include each parcel of land shown on the CPO Map and the CPO Schedule. This is summarised at section 3 of this Statement. The Council is satisfied that the CPO is required for the purposes of site assembly to facilitate delivery of the Scheme. The use of compulsory purchase powers is necessary to facilitate the Scheme, and that the delivery of the Scheme will result in improvements to the social, environmental and economic wellbeing of the area. Further detail on the wellbeing benefits is set out in the section below.

**Economic**

- Key to facilitating the wider delivery of HGV which will include circa 1,800 new homes as well as new local amenities and infrastructure improvements.
- Provide direct access via new junctions to 350-400 new homes.
- The construction of a new road which will result in temporary construction jobs which will be available for the local jobs market.
- Provide extra network capacity to support development at Altham Business Park, a significant employment area to the north of Huncoat which forms part of the East Lancashire M65 Growth Corridor.

## **Social**

The Scheme will:

- Promote sustainable transport options including bus stops and creating a pedestrian-friendly environment and encouraging physical activity.
- 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 the planting of trees, incorporation of swales and bioretention verges, enhancing the look and the biodiversity of the area.
- The green infrastructure and public realm will help create a gateway to HGV.
- Incorporate amendments to existing junctions and provide new junctions. This will help to reduce pollution resulting from cars idling along traffic queues that develop at times of peak flow.

## **Environmental**

The Scheme will provide for:

- the planting of trees, incorporation of swales and bioretention verges, enhancing the look and the biodiversity of the area.
- the creation of green infrastructure and public realm will help create a gateway to HGV.
- the creation of a new cycle way and well-lit paths, encouraging sustainable travel.

7.37 Beyond the direct benefits that the Scheme will unlock, delivery of the Scheme will also assist in bringing forward HGV and the following key benefits:

- The delivery of c. 1800 new homes with c. £461 million of inward investment into the area including the collection of Council tax payments.
- The construction of 1800 new homes and the associated temporary construction jobs available for the local jobs market.
- A new population of c. 4000 people who will bring economic benefits into the area through work and day to day spend.
- The creation of a new village centre at HGV which includes a requirement to deliver a 450 sqm commercial space that could be used for a food store and supporting community uses such as a café, gym or co-working space. This is located on Hyndburn Council owned land and is envisaged to be delivered by a commercial operator.
- The expansion of the existing Huncoat Junior School to a 1.5FE extension which will result permanent job creation.

**The Potential financial viability of the Scheme, general funding intentions and the timing of available funding and that there is a reasonable prospect of the Scheme going ahead,**

- 7.38 The Council will deliver the Scheme, retaining control and negating the need to bring a developer partner on board. It has appointed a preferred contractor already. The Council has analysed the viability of the Scheme, secured a significant level of Government funding and will also be contributing a significant amount of funding to the scheme to enable the delivery. Further detail on the delivery and funding of the Scheme is set out within Section 5 of this Statement of Reasons. The Council is committed to delivering the Scheme given its importance and the benefits it will realise.

**Whether the purposes for which the Order Land is to be acquired could reasonably be achieved by any other means within a reasonable timeframe.**

- 7.39 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. The Council therefore needs to make the Order to ensure that the significant benefits of the Scheme 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 Order Land, the Order is required to achieve vacant possession of the land where necessary.
- 7.40 Given the extent and nature of Scheme, it is not possible for individual owners to achieve it (or parts of it). The Council has been negotiating with the holders of all necessary third party interests for their acquisition by agreement but has been unable to reach an agreement within the required timeframe. Details of the negotiations to date are set out in section 6 of this Statement.
- 7.41 There are two objections to the Planning Application for the Scheme which are relevant to the Order in that the landowners ask that elements of the Scheme be amended to reduce impact on their land. These are summarised in section 6 of this Statement and have also been addressed through the planning application process.
- 7.42 The Council has therefore made the Order to ensure that the significant benefits of the Scheme can be brought forward in a reasonable timescale. Whilst the Council's approach is to negotiate all interests wherever possible, given the fragmented nature of the Order Land, confirmation of the Order is required in order to use compulsory purchase powers where necessary.

**Conclusion**

- 7.43 The Council believes that there is a compelling case in the public interest and that it is sufficient and proportionate to justify the making and conformation of the Order. Confirmation of the Order will ensure that the Scheme can be delivered and that in turn the Scheme can facilitate HGV and the benefits that HGV will bring to the area. Without the use of the Order, it is unlikely that the Scheme will be capable of delivery and in turn, HGV and thus risks being in breach of the Grant Agreement with Homes England and the subsequent loss of £29,897,722 Government investment in addition to the private investment that would result if the Order is approved and the Scheme goes ahead. For the reasons explained above, the Council therefore considers there to be a compelling case in the public interest to proceed with the Order.

## 8. Human rights

8.1 The Human Rights Act 1998 (“the Act”) incorporated into the UK domestic law the European Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”). Section 6 of the Act makes it unlawful for a public authority to act in a manner which is incompatible with a Convention right.

8.2 The Convention rights engaged in the context of a compulsory purchase order are Article 1 of the First Protocol of the Convention and Article 8 of the Convention.

8.3 Article 1 of the First Protocol of the Convention states:

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interests and subject to the conditions provided for by law and by the general principles of international law...”

8.4 Article 6: this entitles those affected by the powers sought in a CPO to a fair and public hearing by an independent and impartial tribunal, of any relevant objections such persons may have to the granting of those powers. This includes property rights and can include opportunities to be heard in the CPO decision-making process, such as a public local inquiry.

8.5 Article 8 of the Convention provides:

*“(1) Everyone has the right to respect for his private and family life, his home and his correspondence.*

*“(2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interest of ...the economic wellbeing of the country...”*

### **Duty of Decision Maker**

8.6 The Secretary of State, as the decision maker in relation to the Order, is under a duty to consider whether the exercise of compulsory purchase powers would interfere with the rights protected by the Convention and if so, whether such interference is proportionate, justified and lawful.

### **Potential Infringement of Convention Rights**

8.7 The Order has the potential to infringe the Convention Rights of persons who hold interests in the CPO Land and who are affected by the stopping up of private means of access pursuant to the SRO. Under Article 1 of the First Protocol and under Article 8, such an infringement is authorised by law provided that:

- The statutory procedures for making the Orders are followed and there is a compelling case in the public interest for the making and confirmation of the CPO; and
- The interference with the Convention right is proportionate to the legitimate aim served.

### **Compliance with the Convention and the Human Rights Act**

8.8 The Council considers that there would be a significant public benefit arising from the confirmation of the Order, the need for which is set out in Section 2 of this Statement. For the reasons set out in Section 7 of this Statement (Justification for the Compulsory Purchase Order), these substantial benefits may only be realised if the Order is confirmed.

8.9 In relation to Article 6 of the Convention, which confers the right to a fair trial and public hearing by an independent and impartial tribunal, the Council notes that the procedures under the Highways Act 1980 and the Acquisition of Land Act 1981 are compliant with the Human Rights Act 1998 and in so far as the procedures under these Acts are properly observed by the Council, its duties under the Human Rights Act 1998 are discharged.

- 8.10 In the context of compliance with Article 6 of the Convention, the Council observes that those persons potentially affected by the Order have had the opportunity to make representations to the Council as part of the consultation process on the Scheme, as well as through the formal planning application process – see section 4 of this Statement.
- 8.11 Furthermore, should a public inquiry be held, every remaining objector and any other person who has sent a proof of evidence/outline statement or statement of case shall be entitled to appear at the inquiry and make representations orally. The Inspector may also permit any other person to appear and make representations at the inquiry (and such permission shall not be unreasonably withheld).
- 8.12 Should the Order be confirmed, any person aggrieved by the Order may challenge it in the High Court if they consider that the grounds for doing so are made out pursuant to Section 23 of the Acquisition of Land Act 1981.
- 8.13 The Council has taken into account the impact of the Order on the Convention rights of those whose interests will be affected by the Order. In making the Order, the Council has considered the potential beneficiaries of rights overridden by the exercise of the compulsory purchase powers that would be capable of making claims under Section 10 of the Compulsory Purchase Act 1965. In relation to matters of compensation for land to be acquired, affected persons have the right to apply to the Upper Tribunal (Lands Chamber), which is an independent judicial body, to determine the compensation payable.
- 8.14 The Council confirms that, in considering the potential exercise of compulsory purchase powers, it has also had regard to Article 8 of the Convention and Article 1 of the First Protocol to the Convention. The Council understands that in determining whether interference with these Convention Rights is proportionate, a fair balance must be struck between the public benefit sought and the interference with affected private rights
- 8.15 In view of the compelling justification for making the Order, the Council considers that the exercise of compulsory purchase powers in this case is justified because it is in the public interest, authorised by law and necessary and proportionate in order to achieve the Council's objectives. The Council does not consider that any single affected interest is of such importance as to outweigh the important public benefits which the Scheme is forecast to deliver, in the event that the Order is confirmed by the Secretary of State/Inspector and implemented by the Council. Furthermore, the Council does not consider that the cumulative private loss (arising on a scheme-wide basis) would be of such magnitude or severity as to outweigh the importance of the public benefits which the Scheme would deliver.
- 8.16 The Council has carried out extensive consultation on the Scheme as part of the planning application process as well as engagement and negotiations throughout the Order process. The Council continues to discuss the impacts of the Scheme with the persons affected by those impacts, with the dual aim of:
- minimising as far as reasonably possible the loss suffered by those persons; and
  - ensuring that any loss suffered is properly and fairly compensated.
- 8.17 As confirmed in section 5 of this Statement, the Council has the resources to pay such compensation.
- 8.18 Negotiations to acquire all interests in third party ownership are also underway and will continue alongside the Order process. Further information is set out in section 6 of this Statement. If the Secretary of State/Inspector confirms the Order, the compulsory acquisition of the interests in the Order Schedule will only be necessary if these interests have not already been acquired by agreement within the timescales required to achieve vacant possession by June 2027.
- 8.19 For the reasons set out above, the Council is of the view that, on balance, the significant public benefits to which the Scheme would give rise would outweigh the negative effects upon, and the private losses of those persons who own land or have an interest in land which is required for the Scheme.
- 8.20 The Council also notes that such private losses would be mitigated by the fact that landowners, and those with the benefit of interests in land affected by the implementation of the CPO, would be entitled to compensation payable in accordance with the statutory Compensation Code.
- 8.21 Overall, the Council is of the view that there is a compelling case in the public interest for the Order and that the benefits of the Scheme and its positive impact on social, environmental and economic wellbeing

outweigh the necessary interference with the private rights and interest that exist in the Order Land. The Council believes that it has reached a fair and proportionate balance between the interests of those whose Convention rights will be affected and the wider public interest.

## 9. Public sector equality duty

- 9.1 The Council is aware of the Public Sector Equality Duty (“PSED”) set out in section 149 of the Equality Act 2010.
- 9.2 Section 149 states that a public authority must, in the exercise of its functions, have due regard to the need to:
- 9.2.1. eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by or under the Equality Act 2010;
  - 9.2.2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - 9.2.3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.3 The relevant protected characteristics for the purposes of the PSED are listed in section 149(7) of the Equality Act 2010 and are:
- 9.3.1. age;
  - 9.3.2. disability;
  - 9.3.3. gender reassignment;
  - 9.3.4. pregnancy and maternity;
  - 9.3.5. race;
  - 9.3.6. religion or belief;
  - 9.3.7. sex;
  - 9.3.8. sexual orientation.
- 9.4 The Equality Act 2010 explains that having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves:
- 9.4.1. removing or minimising disadvantages suffered by people due to their protected characteristics;
  - 9.4.2. taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and
  - 9.4.3. encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
- 9.5 During the development of the Scheme and the preparation of the Order, the Council has had regard to the PSED and, having regard to its statutory duties under the Equality Act 2010, has carried out an Equalities Impact Assessment (“EqIA”), (CD14.29).
- 9.6 The EqIA is an ongoing process. Stage 1 comprised a screening exercise which sought to establish whether the impacts of the Scheme on persons with protected characteristics would give rise to the need for any new or amended Council policies or practices. The desktop screening exercise was based on:
- 9.6.1. Relevant legislation, policy and guidance;
  - 9.6.2. The land and interests directly affected by the Order;

- 9.6.3. Publicly available and/or Council-owned datasets on the local population living in the wider Scheme and HGV areas and who may be indirectly affected by the Order; and
- 9.6.4. Supporting documents and assessment work for Huncoat Garden Village Masterplan and the Scheme planning application, including the Environmental Impact Assessment Statement of Community Involvement.
- 9.7 Stage 2 of the EqIA assessed the level of impact of the Scheme on protected characteristic groups, in the context of the PSED objectives to which the Council must have regard in carrying out its statutory functions (as detailed in paragraph 9.3). The Stage 2 EqIA identified that the Scheme would, during its construction and operational phases, have the potential for impacts on the majority of protected characteristics groups however, these impacts could be mitigated through a range of measures, details of which are provided in Section 6 of the EqIA.
- 9.8 In formulating and promoting the Order, the Council has had full regard to its statutory duties and obligations under the Equality Act 2010 and in particular, to its obligations in sections 149 and 150 of the 2010 Act, in taking into account the differential impact the Order will have on persons with protected characteristics. Whilst it is recognised that the Scheme will have impacts on a range of land and property interests it was found that any impacts it might have on protected characteristics groups could be addressed through mitigation and monitoring.
- 9.9 The impact of the Scheme will continue to be monitored and reviewed throughout the promotion and implementation of the Order to ensure that any impact can be considered and mitigated as necessary.

## 10. Special considerations

### **Protected Assets**

- 10.1 There are no known listed buildings, other buildings which may be of a quality to be listed, buildings subject to building preservation notices, buildings within a conservation area, scheduled monuments, registered parks/gardens or historic battlefields within the Order Land.

### **Special Kinds of Land**

- 10.2 There are no plots of land in the Order which are held by the National Trust or which form part of a common, open space or fuel or field garden allotment.

### **Crown Land**

- 10.3 There is no Crown owned land or assets within the Order.

### **Statutory Undertakers and Statutory Bodies and public bodies**

- 10.4 There is land included within the Order held by National Highways Limited and Lancashire County Council (as highways authority). Section 6 of this Statement sets out the position in respect of negotiations with these public bodies.
- 10.5 There is no land included within the Order by any other statutory undertaking.

### **Caution in respect of mines and minerals**

- 10.6 A large part of the Order Land is subject to a caution against first registration in respect of mines and minerals beneath the surface. This is identified in the Order Schedule and the negotiations in respect of acquisition are summarised at section 6 of this Statement. There is no active working of mines and minerals across the Order Land.

### **Necessity for the compulsory acquisition of mines and minerals interests**

#### Extent of Encroachment and Engineering Requirements

- 10.7 Detailed engineering assessments and design reviews indicate that, given the depth and nature of the works, it is highly likely that the Scheme will encroach upon the minerals layer at various locations along the alignment. It is known that the proposed Scheme connecting to Altham Lane drops in elevation, resulting in the drainage sitting at a level that requires the basin 3 attenuation to be at a depth of 2.5m to allow for a positive connection.
- 10.8 The specific depth and extent of encroachment may vary, but in all cases, acquisition is considered proportionate and necessary to deliver the Scheme and manage associated risks.

#### Prevention of Future Third-Party Interference

- 10.9 Retaining separate ownership of the mines and minerals would risk third parties exercising rights to work or extract minerals, which could endanger the structural integrity of the road and associated infrastructure. Acquisition of mines and minerals rights will preclude such activities, thereby safeguarding the long-term stability and safe operation of the road.

#### Legal and Maintenance Considerations

- 10.10 The acquisition of the mines and minerals interests is necessary to ensure the Council has sufficient rights to carry out all required works without legal impediment and to facilitate ongoing maintenance and future works, which may necessitate further encroachment into the minerals layer.

10.11 The Council can therefore confirm that the mining code under Parts 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981 is not incorporated.

Conclusion

10.12 In summary, the inclusion of mines and minerals within the Order Land is a necessary and proportionate measure to:

- 10.12.1. enable the construction, operation, and maintenance of the Scheme;
- 10.12.2. prevent conflicting third-party rights; and
- 10.12.3. secure the long-term integrity of the transport infrastructure.

## 11. Conclusion

- 11.1 The Council has set out in this Statement of Reasons why it is using its compulsory purchase powers under section 226 of the Town and Country Planning 1990 to deliver the Huncoat Lane relief road, which in turn will facilitate the delivery of the Huncoat Garden Community.
- 11.2 Section 2 of the Statement sets out detail on the Scheme which is a circa 1.1km residential relief road including a footway on both sides and a segregated cycleway on the left side of the road. The Scheme will provide a much needed residential relief road which will facilitate the wider Huncoat Garden Village. Section 2 also explains the need for the Scheme and the need for and objectives of the HGV which will include the delivery of circa 1,800 new homes as well as supporting infrastructure. The Scheme itself will deliver the residential relief road and will provide direct access via new junctions for up to circa 590 new dwellings.
- 11.3 Section 3 provides a description of the Order Land and surrounding area, summarising the ownership of the Order Land and the need to include each parcel of land in the Order in order to deliver the Scheme.
- 11.4 Section 4 of the Statement sets out the planning framework for the Scheme and sets out the current planning status of the Order Land including a description of the Planning Application.
- 11.5 Section 5 provides information on how the Council intends to deliver and fund the Scheme. It sets out information on funding sources and the timing of these including the circa £29.90 million grant from Homes England's Brownfield Infrastructure Land Fund which will need to be spent by 31<sup>st</sup> March 2029. Information is also provided on the work carried out to date to progress the Scheme which includes the preparation of the Framework Masterplan, procured Eric Wright Group Ltd as the preferred contractor, entering into the BIL Funding Agreement with Homes England, and working with the various landowners to ensure HGV is delivered in a timely manner, delivering the aspirations of the Masterplan Framework and the adopted and emerging planning policies for HGV.
- 11.6 Section 6 summarises the Council approach to carrying out negotiations to acquire third party land and the position in relation to these negotiations. It provides a summary of how the Council has complied with the CPO Guidance in respect of negotiations. Negotiations will continue alongside the Order process.
- 11.7 Section 7 of the Statement summarises the enabling powers under which the Order is made and brings together how the CPO Guidance has been followed, and that it is appropriate and proportional for the Council to use section 226 of the 1990 Act to compulsorily acquire the required third party property interests to allow the Scheme to proceed. It summarised the compelling case in the public interest and that compulsory purchase is essential to enable the Scheme to take place and for the Council to achieve its policy objectives. The purpose for which the Order Land is being acquired fits in with both the adopted and the emerging planning framework for the area. The Scheme and the wider HGV will deliver improvements to the economic, social and environmental wellbeing of the area. Council will deliver the Scheme through an appointed contractor and has secured funding to deliver the Scheme in order to ensure that the wellbeing benefits of HGV can be realised. There are no reasonable alternatives to the Scheme which could be delivered to realise the benefits of the Scheme and crucially deliver HGV. Section 7 also provides information on associated orders and consents which are required and which the Council expects to be secured alongside the making of this Order.
- 11.8 Section 8 of the Statement considers the impact of the Scheme on the Convention rights of those affected by the Order. The Council is of the view that there is a compelling case in the public interest for the Order and that the benefits of the Scheme and its positive impact on social, environmental and economic wellbeing outweigh the necessary interference with the private rights and interest that exist in the Order Land. The Council believes that it has reached a fair and proportionate balance between the interests of those whose Convention rights will be affected and the wider public interest.
- 11.9 At section 9 of the Statement, the Council sets out how it has considered the impact of the Scheme on any group with a protected characteristic under the Equality Act 2010. The EqIA has identified that the Scheme would, during its construction and operational phases, have the potential for impacts on the majority of protected characteristics groups however, these impacts could be mitigated through a range of measures, details of which are provided in Section 6 of the EqIA, (CD14.29).
- 11.10 Section 10 provides information on any special considerations under a CPO.

- 11.11 Overall, the Council is of the view that the Order meets the requirements of legislation and that it has followed the requirements of the CPO Guidance in making the Order. There is a compelling case in the public interest for making the Order and the benefits of the Scheme and its positive impact on social, economic and environmental wellbeing by providing a new residential relief road and assisting in enabling the wider HGV outweigh the necessary interference with the private rights and interests that exist in the Order. The Council kindly requests that the Secretary of State/Inspector confirm the Order to allow the Scheme to proceed.

## 12. Other information of interest to persons affected by the Order

- 12.1 Parties affected by the Order with wish to discuss matters with a representative of the Council and to discuss the purchase of their interest, please contact:

Mark Hoyle  
Head of Regeneration and Housing  
Hyndburn Borough Council  
Email: [mark.hoyle@hyndburnbc.gov.uk](mailto:mark.hoyle@hyndburnbc.gov.uk)  
Phone: 01254 380 662 or 0777 625 7370

- 12.2 Alternatively contact the Council's advisors Avison Young on the details below:

Charles Trustram Eve  
Director  
Avison Young  
Email: [Charles.trustrameve@avisonyoung.com](mailto:Charles.trustrameve@avisonyoung.com)  
Phone: 07900 405 568

- 12.3 Further information on the Scheme and the Order including a Frequently Asked Questions document is available on the Council's website at:

<https://www.hyndburnbc.gov.uk/huncoat-garden-village/>

- 12.4 The Royal Institution of Chartered Surveyors (RICS) operates a RICS consumer hotline which provides initial free advice for those parties affected by a compulsory purchase. Those parties wishing to make use of this service should contact the RICS on 024 7686 8555 or visit the RICS website at [www.rics.org](http://www.rics.org)

## 13. Inspection of the Order and Order documents

- 13.1 Copies of the Order, Schedule, Order Map and this Statement can be inspected during the following times at the locations listed below.

LOCATION	OPENING HOURS
Hyndburn Borough Council Scaitcliffe House Ormerod St Accrington BB5 0PF	Monday – Friday 8.45am – 5pm  Closed for Easter on Friday 3 <sup>rd</sup> April and Monday 6 <sup>th</sup> April 2026

- 13.2 Documents relating to the Order can also be downloaded from the website below:

<https://www.hyndburnbc.gov.uk/huncoat-garden-village/>

- 13.3 If you would like copies of any of the documents relating to the Order please contact:

Mark Hoyle  
Head of Regeneration and Housing  
Hyndburn Borough Council  
Email: [mark.hoyle@hyndburnbc.gov.uk](mailto:mark.hoyle@hyndburnbc.gov.uk)  
Phone: 01254 380 662 or 0777 625 7370

## 14. Documents to be referred to in the event of an inquiry

14.1 The Council reserves the right to supplement the list below as required.

### **Decisions made by the acquiring authority:**

14.2 Report to Cabinet dated 20 October 2021 and Minutes (Adoption of HGV Masterplan Framework)

14.3 Huncoat Full Business Case October 2023 (Approval of Procurement Strategy)

14.4 Report to Cabinet 30 October 2024 and Minutes (Acceptance of Homes England Grant Funding Agreement)

14.5 Report to Cabinet 18 June 2025 and Minutes (In Principle Approval of CPO and Authority to Enter into Pre-Construction Services Agreement with Preferred Contractor)

14.6 Report to Cabinet 18 March 2026 (Resolution to Make the Order)

### **Planning policy documents:**

14.7 National Planning Policy Framework

14.8 Hyndburn Adopted Local Plan 2012

14.9 Development Management DPD (2018)

14.10 1996 Local Plan (Saved Policies)

14.11 Accrington Area Action Plan (2012)

14.12 Joint Lancashire Minerals and Waste Planning Documents

14.13 Lancashire County Council's Highways and Transport Strategy (2023–2025)

14.14 Local Transport Plan (Consultation Version) 2025-2045

14.15 Lancashire Combined County Authority's (LCCA) Lancashire Growth Plan 2025–2035)

14.16 Hyndburn Draft Local Plan Regulation 22 dated 2025

14.17 Proposed Main Modifications to the Hyndburn Local Plan (March 2026)

14.18 HGV Design Code

### **Planning Application Documents**

14.19 Planning Application Covering Letter (March 2025)

14.20 Planning Statement (March 2025)

14.21 Design and Access Statement (January 2025)

14.22 Statement of Community Involvement (March 2024)

14.23 Transport Assessment (March 2024)

14.24 Environmental Statement and Appendices (May 2024)

14.25 Environmental Statement Addendum (March 2025)

**Other Documents:**

- 14.26 Guidance on Compulsory purchase process January 2025
- 14.27 Circular 2/97 'Notes on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes and Car Parks for which the Secretary of State for Transport is the Confirming Authority'
- 14.28 Equality Impact Assessment



