

REPORT TO:		Council	
DATE:		16 July 2026	
PORTFOLIO:		Councillor Munsif Dad BEM JP - Leader of the Council	
REPORT AUTHOR:		Chief Planning and Transportation Officer	
TITLE OF REPORT:		Scoping Consultation for the new Hyndburn Local Plan	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:			
	No	If yes, date of publication:	

1.0 Purpose of Report

1.1 This report outlines the initial stages of the new plan-making system and seeks approval of the Scoping Consultation Document to enable early engagement with stakeholders on the preparation of a new Local Plan. This consultation must be undertaken before progressing through Gateway 1 of the new plan-making process, as required by the Town and Country Planning (Local Planning) (England) Regulations 2026 ("the Regulations") and supporting national guidance.

2.0 Recommendations

2.1 That Council, having considered the report, approves the Scoping Consultation Document attached at Appendix 1 for public consultation subject to any necessary minor amendments by the Chief Planning and Transportation Officer.

3.0 Reasons for Recommendations and Background

3.1 The Government has introduced significant reforms to the planning system through the Levelling-up and Regeneration Act 2023, supported by new plan-making regulations that came into force in March 2026.

3.2 These reforms are intended to support the Government's commitment to increasing housing delivery and ensuring that Local Plans are prepared and adopted more quickly.

- 3.3 The Regulations introduce a more structured approach to plan-making, including mandatory stages and statutory timescales that local planning authorities must follow. Authorities are required to prepare a single Local Plan and should adopt it within 30 months. The process includes three formal gateway stages that must be completed before a Local Plan can be submitted for independent examination.
- 3.4 Although the Council has progressed the emerging Hyndburn Local Plan 2040 to the adoption stage (which is the subject of a separate report recommending its adoption), it is still required to commence preparation of a new Local Plan under the new plan-making system.
- 3.5 The Regulations introduce statutory "backstop" dates for authorities falling within the transitional arrangements. Authorities meeting the relevant criteria are required to commence preparation of a new Local Plan under the new system no later than 30 June 2026.
- 3.6 Regulation 91 (Transitional Provisions), paragraph 3(a)–(d), applies where local planning authorities:
- (a) submitted a development plan document for examination before 12 March 2025;
 - (b) had not adopted or approved that document by 12 March 2025;
 - (c) submitted a plan containing a housing requirement figure representing less than 80% of local housing need, calculated using the standard method published by the Secretary of State on 12 December 2024; and
 - (d) submitted a development plan document which did not relate to an area covered by an operative Spatial Development Strategy.
- 3.7 The Council submitted the emerging Local Plan 2040 for examination before 12 March 2025, and the housing requirement contained within that plan is below 80% of the Borough's local housing need calculated using the Government's standard method.
- 3.8 The Council therefore falls within the transitional arrangements and, together with 38 other local planning authorities nationally, was legally required to publish a Notice of Intention to Commence Plan-Making by 30 June 2026. The Council complied with this requirement by publishing its Notice of Intention (Appendix 2) and Local Plan Timetable (Appendix 3) on 30 June 2026.

Scoping Consultation and Gateway 1

- 3.9 The mandatory 30-month timetable for preparing a Local Plan commences when an authority progresses through Gateway 1, which is a self-assessment stage in the new plan-making process. There must be a minimum period of four months between publication of the Notice of Intention to Commence Plan-Making and progression through Gateway 1.
- 3.10 Under Regulation 91, the Council must complete and publish its Gateway 1 self-assessment by 31 October 2026.
- 3.11 Before progressing through Gateway 1, the Council must undertake a Scoping Consultation. The content of this consultation is prescribed by the Regulations and is intended to secure early engagement on the scope and content of the new Local Plan, together with how future engagement should be undertaken throughout its preparation.
- 3.12 The Scoping Consultation will help inform the development of the Local Plan's vision, objectives and engagement strategy. It will also inform preparation of the Project Initiation Document, a project management document required to support delivery of the Local Plan and which must be completed before Gateway 1.
- 3.13 As the Council has recently had a vision and objectives tested through the examination of the emerging Hyndburn Local Plan 2040, these provide an appropriate starting point for the Scoping Consultation. The Scoping Consultation Document therefore includes the existing vision and objectives contained in the Local Plan 2040 and invites stakeholders to comment on whether they remain appropriate for the Borough and whether any amendments should be made.
- 3.14 Figure 1 below illustrates the process from publication of the Notice of Intention to Commence Plan-Making through to completion of Gateway 1.



Figure 1: Notice of Intention to Commence Plan-Making through to Gateway 1

- 3.15 The Regulations require the Council to invite comments on the Scoping Consultation from "general consultation bodies". These include bodies representing the interests of persons within the Local Plan area who share a protected characteristic under the

Equality Act 2010, voluntary organisations, and bodies representing persons carrying out business activities within the Borough.

- 3.16 In addition to engagement with general consultation bodies, the Council must also invite comments from "specific consultation bodies" prescribed by the Regulations. These comprise organisations with statutory responsibilities or interests in plan-making and include consultees such as the Environment Agency, the Highway Authority, Natural England and other prescribed organisations.
- 3.17 To progress through Gateway 1, the Council must demonstrate that appropriate governance, project management, financial and resourcing arrangements are in place. In addition to undertaking the Scoping Consultation, this includes:
- Establishing governance arrangements for Local Plan preparation;
 - Preparing a Project Initiation Document;
 - Establishing an appropriate budget and resource framework for delivery of the Local Plan;
 - Preparing and maintaining a risk register;
 - Maintaining an up-to-date Local Plan Timetable; and
 - Preparing documentation using Government-prescribed templates where required.

Additional Changes to the Plan-Making System

- 3.18 Other principal changes introduced through the reforms to plan-making include:
- Promotion of a digital-first approach to plan production, including greater use of digital mapping, online consultation methods and more accessible documents.
 - Removal of the Duty to Co-operate, although national policy expectations around effective cross-boundary engagement remain.
 - Increased reliance on national planning policies for decision-making, reducing the need for Local Plans to repeat national policy requirements.
 - Introduction of Spatial Development Strategies at a sub-regional level, which in Lancashire will be prepared through the Lancashire Combined County Authority.
- 3.19 In addition to the changes to the plan-making system, Government intends to publish a revised National Planning Policy Framework (NPPF) during Summer 2026. These reforms represent the most significant changes to national planning policy since introduction of the NPPF in 2012.

3.20 Once published, national policy will have greater weight in decision-making. Consequently, Local Plans are expected to become shorter documents focused primarily on local priorities and spatial matters.

3.21 New Local Plans should therefore focus on:

- A vision;
- Strategic objectives;
- A spatial strategy for sustainable growth over a 15–20 year period;
- Site allocations;
- Locally specific policies that do not duplicate national policy; and
- A digital policies map.

New plan-making requirements and its relationship with Local Government Reorganisation

3.22 As set out in the proposed Local Plan Timetable (Appendix 3), the new Local Plan is not anticipated to be submitted for examination before 1 April 2028. This broadly coincides with the proposed implementation date for the new unitary authorities across Lancashire as part of Local Government Reorganisation (LGR).

3.23 This creates a position whereby Hyndburn Borough Council will undertake the early stages of preparing the new Local Plan, whilst the later stages of the process, including examination and adoption, are likely to be the responsibility of the successor authority covering the Hyndburn area.

3.24 Whilst there can be no guarantee that a successor authority would continue to progress the new Local Plan, the Council remains under a statutory obligation to commence plan-making by 30 June 2026 and complete Gateway 1 by 31 October 2026. The Government has indicated that further guidance on the interaction between plan-making and Local Government Reorganisation is expected shortly.

3.25 Failure to progress to Gateway 1 could result in Government intervention through the exercise of statutory powers requiring the Council to undertake the mandatory plan-making activities.

3.26 Given the context of Local Government Reorganisation, it is considered prudent that early plan-making activity reflects the changing strategic landscape. The Scoping Consultation therefore includes a question seeking views on the cross-boundary issues that consultees consider should be addressed through the new Local Plan. During the period between June and October 2026, the Council expects to have greater certainty regarding the authorities with which it will form a new unitary authority under LGR. This

information could help inform the emerging strategic approach under the new authority and contribute to the development of a shared vision and objectives.

- 3.27 It is also considered prudent for the Council to engage with the Lancashire Combined County Authority, which is responsible for preparing the sub-regional Spatial Development Strategy (SDS), to help ensure that, where appropriate, the emerging vision and strategic objectives for the new Local Plan align with the wider sub-regional strategy.
- 3.28 The Council should also seek to work collaboratively, where appropriate, with the local authorities that may form part of the new unitary authority under LGR. Initially, this could include establishing a joint officer working group to share information on Local Plan progress, evidence requirements and emerging issues. Over time, there may be opportunities to commission evidence jointly, share technical work and develop common evidence where appropriate, helping to reduce duplication, make efficient use of resources and support a consistent strategic approach across the successor authority area.
- 3.29 Progression through Gateway 1 can be accommodated from existing Planning Policy budgets. Future stages of Local Plan preparation, including evidence commissioning and consultation, will require additional resources which will be considered through the Council's budget-setting process.

4.0 Alternative Options considered and Reasons for Rejection

- 4.1 The principal alternative available to the Council would be to take no further action and not commence preparation of the new Local Plan. However, this option is not recommended as the Regulations require the Council to progress through Gateway 1 by 31 October 2026. Completion of the Scoping Consultation is a mandatory requirement of that process and, without it, the Council would be unable to satisfy the Gateway 1 requirements and would place the Council at risk of failing to comply with its statutory obligations.
- 4.2 The do-nothing option could be considered in light of the uncertainty arising from Local Government Reorganisation (LGR). The Hyndburn area is expected to form part of a new unitary authority, and responsibility for preparing the Local Plan will ultimately transfer to the successor authority. Work required before Gateway 1 includes undertaking the Scoping Consultation, developing an engagement strategy and commencing the evidence base required to support the new Local Plan. This work will require officer time and financial resources, some of which may ultimately prove to be abortive if the successor authority decides to pursue a different approach to plan-making.

4.3 Notwithstanding the uncertainty associated with LGR, the Council remains subject to the statutory requirements of the Regulations. Whilst the Regulations provide for the withdrawal of a Local Plan in certain circumstances, they also confer powers on the Secretary of State to intervene where a local planning authority fails to fulfil its plan-making responsibilities. The Government has made clear its expectation that authorities continue to progress Local Plans under the new system. Consequently, pursuing the do-nothing option would expose the Council to a significant risk of Government intervention, including the exercise of statutory powers directing the Council to undertake the mandatory work required to progress through Gateway 1.

5.0 Implications

<p>Financial implications (including any future financial commitments for the Council)</p>	<p>There are financial implications to creating a new Local Plan.</p> <p>The cost of a Scoping Consultation will be minimal (excluding staff time and capacity).</p> <p>However, much of the Local Plan evidence base is out of date and moving forward the Council is going to have to consider the overall cost implications of creating a new Local Plan and bringing that evidence base up to date.</p>
<p>Legal and human rights implications</p>	<p>Part of the specific legal requirements for a Scoping Consultation are that specific bodies are consulted that relate to the protected characteristics of the Equality Act. Detailed assessment is provided within the Customer First Analysis and is appended to this paper at Appendix 4.</p>
<p>Assessment of risk</p>	<p>The details concerning risk are set out in this paper at Section 4.</p>
<p>Equality and diversity implications <i>A <u>Customer First Analysis</u> should be completed in relation to policy decisions and should be attached as an appendix to the report.</i></p>	<p>The Customer First Analysis is appended to Appendix 4 of this report.</p>

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

Appendix 1 - Scoping Consultation Document

Appendix 2 - [Notice of Intention](#)

Appendix 3 – [Local Plan Timetable](#)

Appendix 4 - The Customer First Analysis

8.0 Freedom of Information

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