

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:		Adoption of the Hyndburn 2040: Local Plan (Strategic Policies and Site Allocations)	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	Yes	If yes, date of publication:	

1.0 Purpose of Report

- 1.1 The Hyndburn 2040: Local Plan (Strategic Policies and Site Allocations) (“Local Plan 2040”) was submitted to the Planning Inspectorate in March 2025 for independent examination. Following completion of the examination, the Government-appointed Planning Inspector issued her Final Report, concluding that the Local Plan is sound, subject to the incorporation of the recommended Main Modifications.
- 1.2 The purpose of this report is to seek Council approval to adopt the Local Plan 2040, incorporating the Main Modifications recommended by the Planning Inspector. The report also seeks approval to undertake the statutory actions associated with adoption, including:
- Publication of the adopted Local Plan 2040 and Sustainability Appraisal
 - Publication of an Adoption Statement
 - Making the adopted Local Plan 2040 available for inspection
 - Sending copies of the Adoption Statement to all relevant consultees, interested parties and the Secretary of State
- 1.3 The Planning Inspector's Final Report is attached at Appendix 1, with the recommended Main Modifications attached at Appendix 2.

2.0 Recommendations

- 2.1 It is recommended that Council:

- a) Notes the findings of the Planning Inspector's Final Report on the Examination of the Hyndburn Local Plan 2040, attached at Appendix 1.
- b) Adopts the Hyndburn Local Plan 2040, together with the Policies Map, incorporating the Main Modifications set out in the Planning Inspector's Final Report dated 6 July 2026 and reproduced at Appendix 2.
- c) Notes that, upon adoption of the Local Plan 2040, all policies contained within the Hyndburn Core Strategy (2012) and the Saved Policies of the Hyndburn Local Plan (1996) will be superseded. The Development Plan for the Borough will thereafter comprise:
 - the Hyndburn Local Plan 2040;
 - the Development Management Development Plan Document (2018);
 - the Accrington Area Action Plan (2012); and
 - the Lancashire Minerals and Waste Local Plan.

3.0 Reasons for Recommendations and Background

- 3.1 Preparation of the Hyndburn Local Plan 2040 commenced in 2017. The Plan (Strategic Policies and Site Allocations) establishes the Borough's strategic vision, objectives and spatial strategy, together with the planning policies that will guide future development. It provides the framework for ensuring that development is delivered in accordance with the principles of the National Planning Policy Framework (NPPF).
- 3.2 The Plan covers the period 2021 to 2040 and identifies the locations required to accommodate future growth. It makes provision for 3,686 dwellings (equating to 194 dwellings per annum) and approximately 70 hectares of employment land to meet the Borough's identified development needs.
- 3.3 The Local Plan has been prepared following extensive public consultation undertaken between 2018 and 2024. Following approval by Council, the Plan was submitted to the Secretary of State for independent examination in March 2025.
- 3.4 The examination was conducted by an independent Planning Inspector appointed by the Secretary of State. Hearing sessions took place at Scaitcliffe House, Accrington, on the following dates:
 - Tuesday, Wednesday, and Thursday 16-18 September 2025
 - Tuesday, Wednesday, and Thursday 23-25 September 2025
- 3.5 In accordance with the Inspector's direction, the Council consulted on the proposed Main Modifications between 6 March and 1 May 2026. Main Modifications are changes that are necessary to ensure that the Local Plan is legally compliant and sound in light of matters identified during the examination process. A total of 19 representations were

received during the consultation period and were subsequently submitted to the Inspector for consideration before the examination was concluded.

3.4 The Local Plan 2040 sets out the following Vision for the Borough

“In 2040 Hyndburn will be a vibrant, distinctive, and prosperous area of Pennine Lancashire. It will be recognised for the collective quality and attractiveness of its market towns, its diverse communities, its landscape setting, environmental credentials, including a high quality built and historic environment, a healthy natural environment and its response to climate change, and the special qualities of Huncoat Garden Village.

A good choice of homes, skilled local jobs, and efficient infrastructure and service provision has ensured that Hyndburn has grown in a sustainable way, with healthier residents, safer communities, a natural environment that is protected and enhanced and is seen as a great place to settle.”

3.5 The Local Plan makes provision for the delivery of 3,686 homes over the Plan period together with approximately 70 hectares of employment land to meet the Borough's identified needs.

3.6 The overall extent of the Green Belt will be maintained. However, to deliver the Local Plan strategy, a number of locally significant amendments to the Green Belt boundary are proposed at the following locations:

- strategic residential development at Huncoat Garden Village;
- residential development at Cut Lane, Rishton
- strategic employment development at Altham Business Park;
- strategic employment development at land north of J6 at Whitebirk;
- minor boundary discrepancies where they arise; and
- safeguarded land at Huncoat for longer term development needs beyond the current plan period.

3.7 The Planning Inspector's recommended Main Modifications can be summarised as follows:

- amendments to Policy SP2 (Huncoat Garden Village) to address the impact of development on the strategic road network and ensure sustainable development;
- the removal of three proposed Green Belt designations where exceptional circumstances had not been demonstrated;
- deletion of Housing Allocation H4 (Land at Hopwood Street) owing to concerns regarding deliverability and the absence of a realistic prospect of development within the Plan period;

- revisions to Policy SP9 to clarify the approach to the redevelopment of playing fields, sports facilities and recreational land in accordance with national planning policy;
- amendments to Policy SP10 to reflect development viability when securing affordable housing on brownfield sites;
- amendments to Policy SP12 to clarify the provision required for Gypsy and Traveller accommodation over the Plan period;
- amendments to Policy SP14 to clarify the application of Biodiversity Net Gain requirements and the mitigation hierarchy;
- amendments to a number of area-based and site allocation policies to ensure consistency with national policy relating to the conservation and enhancement of the historic environment;
- revisions to the development requirements for a number of allocated sites to ensure sustainable development;
- inclusion of a Monitoring Framework at Appendix E;
- additional explanatory text and a key for the flood risk maps contained within Appendix D; and
- a number of further modifications to ensure that the Plan is positively prepared, justified, effective and consistent with national planning policy.

3.8 The Planning Inspector's Report is not legally binding and the Council is not obliged to accept every recommendation. However, any decision to depart from the Inspector's recommended Main Modifications would carry significant risk. Policies adopted without the recommended Main Modifications would be vulnerable to challenge through the planning appeal process and could also expose the Council to an application for Judicial Review. In such circumstances, the Council would be unlikely to be able to robustly defend its position. It is therefore recommended that the Local Plan 2040 is adopted in accordance with the Inspector's Report and incorporates all of the recommended Main Modifications.

3.9 A Schedule of Minor Modifications prepared by the Council is attached at Appendix 3. These modifications comprise factual updates, corrections, typographical amendments and other minor changes to the supporting text. They do not alter the policy content of the Plan and are consistent with the Main Modifications recommended by the Planning Inspector.

3.10 Should Council decide to adopt the Local Plan 2040, the adoption will be effective from the date the decision is made, the date of this Council meeting. From that date the Local Plan 2040 will immediately form part of the Development Plan, replacing the Hyndburn Core Strategy 2012. It will become the main document against which planning applications will be assessed, alongside the Development Management Development Plan Document adopted in 2018, the Accrington Area Action Plan adopted in 2012, and the Lancashire Minerals and Waste Local Plan.

- 3.11 Following adoption, the Council will undertake the statutory requirements prescribed by the Town and Country Planning (Local Planning) (England) Regulations 2012. These actions include:
- publishing the adopted Local Plan 2040, Policies Map, Sustainability Appraisal, Adoption Statement and the Planning Inspector's Report;
 - making the adopted documents available for public inspection;
 - notifying all statutory consultees, representors and the Secretary of State of the adoption; and
 - issuing a press release and public notice to ensure that the adoption of the Local Plan is appropriately publicised.
- 3.12 Following adoption of the Local Plan 2040, there is a statutory six-week period during which an application may be made to the High Court for Judicial Review.
- 3.13 Any challenge is limited to whether the Local Plan 2040 is within the Council's powers under the Planning and Compulsory Purchase Act 2004 or whether the relevant procedural requirements have not been complied with.
- 3.14 Throughout the preparation and examination of the Local Plan 2040, the Council has sought to ensure full compliance with all statutory and procedural requirements. In addition, the Plan has been independently examined by a Planning Inspector appointed by the Secretary of State, who has concluded that the Plan is sound, subject to the incorporation of the recommended Main Modifications.
- 3.15 Whilst every reasonable step has been taken to minimise the risk of legal challenge, the possibility of a Judicial Review cannot be entirely eliminated and therefore remains a residual risk.

4.0 Alternative Options considered and Reasons for Rejection

- 4.1 The Council could choose not to adopt the Local Plan 2040. However, this option is not recommended as it would significantly weaken the Council's ability to plan positively for future growth and development across the Borough.
- 4.2 Without an up-to-date Local Plan, the Council would be less able to demonstrate that sufficient land has been identified to meet its housing and employment needs. This would increase the likelihood of speculative planning applications and reduce the Council's ability to direct development to the most sustainable locations. It would also increase the risk of planning decisions being made on the basis of national policy rather than locally determined planning policies.
- 4.3 The Council could choose to adopt the Local Plan 2040 without incorporating the Main Modifications recommended by the Planning Inspector. This option is also not recommended.

- 4.4 The Inspector has concluded that the Local Plan is sound only subject to the incorporation of the recommended Main Modifications. Adopting the Plan without those modifications would leave affected policies vulnerable to challenge through the planning appeal process and could expose the Council to an application for Judicial Review.
- 4.5 Such an approach would create significant uncertainty regarding the effectiveness and weight that could be afforded to the Local Plan.
- 4.6 For these reasons, it is recommended that the Council adopts the Local Plan 2040 together with the Main Modifications recommended in the Inspector's Final Report.

5.0 Implications

<p>Financial implications (including any future financial commitments for the Council)</p>	<p>There is a low risk that the Local Plan could be challenged through the judicial review process and if this was the case then the Council would have to determine how it was going to proceed both in officer time and financially.</p>
<p>Legal and human rights implications</p>	<p>There are legal implications of not adopting the Local Plan or of adopting it without the Inspectors recommended modifications – this could leave the Council open to challenge both at appeal and through the Judicial Review process.</p> <p>Adopting the Local Plan as recommended by the Inspector mitigates this risk.</p>
<p>Assessment of risk</p>	<p>The details concerning risk are set out above in this paper.</p>
<p>Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</i></p> <p><i>In lieu of the Customer First Analysis the Integrated Impact Assessment is available on the Councils website www.hyndburnbc.gov.uk/hyndburn-local-plan-2040-submission/</i></p>	<p>The Local Plan has been through an examination in public and the Council produced an Integrated Impact Assessment of Hyndburn 2037: The Local Plan Regulation 19 Consultation (Pre-Submission) document in November 2023.</p> <p>This is available on the Council's website examination document number HBC2.010a. This document was consulted on and the Inspector has not found any issues in terms of the soundness of the Local Plan in</p>

	connection with the equality duty of the Council.
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**7.0 Local Government (Access to Information) Act 1985:
List of Background Papers**

Report to Council – 16 January 2025 – [Submission of Local Plan for Examination](#)
Report to Council – 15 January 2026 - [Local Plan – Main Modifications Consultation](#)
Appendix 1 - Planning Inspector's Final Report
Appendix 2 - Main Modifications
Appendix 3 - Schedule of Minor Modifications
Appendix 4 – Local Plan 2040 (draft)

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.