



# Planning Inspectorate

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## **Report to Hyndburn Borough Council**

**by Helen Hockenhull BA(Hons) B.PI MRTPI**

an Inspector appointed by the Secretary of State

Date: 06 July 2026

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Planning and Compulsory Purchase Act 2004 (as amended and applied by the Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026)

## **Report on the Examination of the Hyndburn 2040: Local Plan (Strategic Policies and Site Allocations)**

The Plan was submitted for examination on 10 March 2025

The examination hearing was held between 16 and 25 September 2025

File Ref: PINS/R2330/429/8

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## Abbreviations used in this report

BNG	Biodiversity Net Gain
DM DPD	Development Management Development Plan Document
DtC	Duty to Cooperate
ELS	Employment Land Study
The Framework	The National Planning Policy Framework
GBA	Green Belt Assessment
GTAA	Gypsy and Traveller Accommodation Assessment
HENA	Housing and Economic Needs Assessment
HER	Historic Environment Report
HGV	Huncoat Garden Village
HRA	Habitats Regulation Assessment
IIA	Integrated Impact Assessment
LDS	Local Development Scheme
MM	Main Modification
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SHLAA	Strategic Housing Land Availability Assessment

## Non-Technical Summary

This report concludes that the Hyndburn 2040: Local Plan (Strategic Policies and Site Allocations) provides an appropriate basis for the planning of the Borough, provided that a number of main modifications [MMs] are made to it. Hyndburn Borough Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared schedules of the proposed modifications and, where necessary, carried out sustainability appraisal (SA) and habitats regulations assessment (HRA) of them. The MMs were subject to public consultation over an eight-week period. In some cases, I have amended their detailed wording and/or added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering the SA and HRA and all the representations made in response to consultation on them.

The MMs can be summarised as follows:

- Changes to the requirements of Policy SP2 Huncoat Garden Village (HGV) to address the impacts of the development on the strategic road network and achieve sustainable development.
- Revisions to Policy SP9 to set out the approach to the consideration of the loss of playing fields, sports and recreation facilities through redevelopment ensuring consistency with national planning policy.
- Amendments to Policy SP10 to take account of viability in the provision of affordable housing on brownfield sites.
- Changes to Policy SP12 to clarify the requirements for Gypsy and Traveller accommodation over the Plan period.
- Changes to Policy SP14 to clarify the requirements for Biodiversity Net Gain (BNG) and the mitigation hierarchy.
- Amendments to a number of Local Plan Area and site allocations policies to ensure consistency with national planning policy for the conservation and enhancement of the historic environment.
- Amendments to the development requirements to a number of site allocations to achieve sustainable development.
- Inclusion of a Monitoring Framework at Appendix E.
- Addition of explanatory text and key to the Flood Risk maps in Appendix D to provide greater clarity.
- A number of other modifications to ensure that the Plan is positively prepared, justified, effective and consistent with national policy.

## Introduction

1. This report contains my assessment of the Hyndburn 2040: Local Plan (Strategic Policies and Site Allocations) ( the Plan) in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended) and as applied by Regulation 4 and paragraph 2 schedule 1 of the Levelling-up and Regeneration Act 2023 (Commencement No.11 and Saving and Transitional Provisions) Regulations 2026. It considers whether the Plan is compliant with the relevant legal requirements (including in terms of the Town and Country Planning (Local Planning) (England) Regulations 2012, also as applied by Regulation 4 and paragraph 2 schedule 1 of the Levelling-up and Regeneration Act 2023 (Commencement No.11 and Saving and Transitional Provisions) Regulations 2026) and whether it is sound.
2. Annex 1 of the National Planning Policy Framework (the Framework) 2024 sets out transitional arrangements, in accordance with which I have examined the Plan under the Framework, September 2023. Therefore, unless stated otherwise, references in this report are to the Framework of September 2023. Paragraph 35 of the Framework advises that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy. References in [square brackets] refer to documents in the Examination library.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound and legally compliant Plan. The Hyndburn 2040: Local Plan (Strategic Policies and Site Allocations) submitted in March 2025 is the basis for my examination. It is the same document as was published for consultation between 12 February and 25 March 2024.

## Main Modifications

4. In accordance with section 20(7C) of the 2004 Act, the Council requested that I should recommend any MMs necessary to rectify matters that make the Plan unsound and/or not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
5. Following the examination hearings, the Council prepared a schedule of proposed MMs and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MM schedule was subject to public consultation for eight weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light, I have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency

or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal (SA)/habitats regulations assessment (HRA) that has been undertaken. Where necessary I have highlighted these amendments in the report.

## **Policies Map**

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as Local Plan Policies Map Reg 22 (2025) as set out in HBC1.002.
7. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend MMs to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. For example, the deletion of the allocation at Clayton Triangle (H10). In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective. These include minor changes to the Green Belt boundary to rectify minor discrepancies following digitalisation and the deletion of proposed additions to the Green Belt; specifically land north of Blackburn Road, Oswaldtwistle; John Street and Tinker Brook Allotments; and land south of Moorfield Industrial Estate.
8. These further changes to the policies map were published for consultation alongside the MMs, in the Local Plan Modification Proposals Map.
9. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the Local Plan Policies Map Reg 22 (2025) and the further changes published alongside the MMs.

## **Context of the Plan**

10. The Borough of Hyndburn is located in East Lancashire. It lies at the heart of 'Pennine' Lancashire, close to the borders of Yorkshire and Greater Manchester. It lies in the foothills and valleys on the western edge of the Pennine Hills and directly borders Blackburn with Darwen to the west, Burnley to the north east, Ribble Valley to the north and Rossendale to the south east. The Borough covers an area of approximately 73 square miles. Accrington is

the main settlement which includes the townships of Baxenden, Clayton le Moors, Church, Huncoat and Oswaldtwistle with smaller towns of Rishton and Great Harwood. The Borough has smaller rural settlements such as Belthorn and Altham and large areas of open countryside, with around 54% of the Borough comprising Green Belt.

11. Hyndburn is well connected with the M65 motorway running east-west through the Borough. Direct rail services run to Preston, Leeds/Bradford and Manchester.
12. The Borough has a resident population of around 82,000. The overall population has been in decline since 2001 due to net out migration. Whilst this trend shows signs of slowing, demographic forecasts predict further decline over the Plan period, with a significant rise in the proportion of elderly persons and fewer working age residents.
13. The Hyndburn 2040: Local Plan (Strategic Policies and Site Allocations) is proposed to replace the 2012 Core Strategy. The Local Plan does not include any development management policies as these are provided in the Development Management Development Plan Document (DM DPD) adopted in 2018. The development plan also includes the Accrington Area Action Plan adopted in 2012.

## **Public Sector Equality Duty**

14. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. Amongst other things, this sets out the need to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not.
15. The Plan contains specific policies to provide for Gypsies and Travellers, the provision of accommodation for older people and those with disabilities, sustainable design and community and leisure facilities. These policies should directly benefit people with protected characteristics.
16. The Council prepared an Equality Impact Assessment for the Plan as part of the Integrated Impact Assessment (IIA) [HBC 2.10a]. There is no persuasive evidence to show that the Plan would bear disproportionately or negatively on those with protected characteristics. The opportunity to foster greater equality and positive impacts for protected groups has been sought and incorporated within policies where appropriate.

## **Assessment of Legal Compliance**

### **Local Development Scheme**

17. Section 19(1) of the 2004 Act requires development plan documents to be prepared in accordance with the Local Development Scheme (LDS). The Local Plan preparation commenced with the scoping of Issues and Options in 2018 followed by Regulation 18 consultation in February-April 2019. A consultation on a specific Gypsy and Traveller policy and site options took place between December 2019 and January 2020. Consultation on the submission version Local Plan under Regulation 19 was undertaken from November 2022 to January 2023. It was decided to run a second Regulation 19 consultation between February and March 2024 due to deficiencies in the first consultation exercise and to take the opportunity to incorporate minor changes to the Plan to take account of comments made by statutory consultees.
  
18. Evidently there has been some slippage in the timetable for the review of the Plan due to staffing and resources, the need to undertake additional consultation on Gypsy and Traveller sites and a second Regulation 19 consultation. The Council's LDS was revised accordingly in 2025 at the time of the Plans submission for examination. The adoption of the Plan is now in line with the expectations of the current LDS.

### **Consultation**

19. Development plans must be prepared in accordance with the statutory requirements for consultation, which are set out in the 2004 Act and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations).
  
20. The Council's Regulation 22 Consultation Statement confirms that at each stage, public consultation on the Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement (SCI) (SD9). This involved direct mailing to those on the consultation database, in person events, newspaper articles and all consultation material being available online. The Council advised at the hearing that at the first Regulation 19 stage there were problems with some on the database not being directly consulted and an updated SA not being publicly available. This was rectified in a second Regulation 19 consultation which included a social media and publicity campaign to raise awareness of the Local Plan consultation including posts on the Council's Twitter (now X) and Facebook accounts, with each post receiving over a thousand hits.

21. An online response form was available on the Consultation webpage, which could be completed and directly submitted online or downloaded and sent via email. Comments not on the official form were also accepted via email or letter. A brief guidance note on how to respond, including the importance of commenting on the soundness of the Plan, was included on the response form. I am aware that some respondents found the online system difficult to use, however other forms of response were accepted by the Council. In order to be in accordance with the SCI and the Regulations, it is not a requirement to individually notify residents living close to the proposed site allocations.
22. During the first Regulation 19 consultation, a total of 252 individual representations were received from 133 separate respondents. For the second Regulation 19 consultation, 146 representations were made from 65 separate respondents - 122 of whom had also commented at Regulation 19(1) stage.
23. Given the above, I am satisfied that the consultation on the Plan and the MMs was carried out in compliance with the Council's SCI and met the consultation requirements of the Regulations.

## **Sustainability Appraisal**

24. The Council carried out an IIA [HBC2.010a] which combined the SA, with Strategic Environmental Assessment, Equality Impact Assessment and Health Impact Assessment. A report of the findings was published along with the plan and other submission documents under Regulation 19. The appraisal was updated during the examination to consider the MMs.
25. The IIA assessed the Plan against a range of economic, social and environmental objectives. The appraisal was used to inform plan-making and the preferred strategy at each stage of the Plan preparation. The IIA considered reasonable alternatives for both housing and employment growth. Four housing growth options and three employment growth options were assessed. The Council has selected a high employment growth option and a medium housing growth option. These options were preferred because whilst they would require the allocation of land outside the existing urban boundary including within the Green Belt, they would allow net migration into the Borough and an opportunity to tackle the imbalance in the housing stock. They would also provide growth to ensure job creation and economic prosperity. The IIA sets out that neither of the options results in negative effects and they are both appropriate and justified. The IIA also assessed the proposed site allocations and policies in the plan against the IIA objectives and where necessary made recommendations for strengthening the Plan's policies.

26. Overall, I am satisfied that the Council's SA work is fit for purpose and provides a sufficiently robust assessment based on proportionate evidence meeting the legal requirements.

## **Habitats Regulation Assessment**

27. In line with the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitat Regulations), a Habitats Regulation Screening Report (SD5) accompanies the Hyndburn 2040 Local Plan [HBC2.004]. The Assessment identified seven relevant European Sites, including Special Areas of Conservation, Special Protection Areas and Ramsar Sites, which could potentially be affected by the Plan.
28. The Report concludes that there are no likely significant effects on European Sites resulting from the proposals of the Local Plan and that an Appropriate Assessment is therefore not required.
29. The Report contained a number of deficiencies, in that it did not sufficiently consider in combination effects, and it was unclear whether the potential impact of aerial pollutants from road traffic emissions on the proposed allocations had been screened out. An Addendum Report was produced at MM consultation stage to address these matters and also to consider the proposed MMs. This confirms that there are no likely significant effects on European sites resulting from the proposals of the Plan or in combination with other plans and projects. It also demonstrates that the Plan will not impact on European sites through airborne pollutants or through water pollution.
30. Given the above, I conclude that the potential likely significant effects of proposals in the Plan have been appropriately considered through the HRA and that the Plan is legally compliant with respect to the Habitat Regulations.

## **Other Legal Requirements**

31. Sections 19(1B) and 19(1C) of the 2004 Act require development plans, taken as a whole, to include policies to address the strategic priorities for the development and use of land in the local planning authority's area. The Local Plan sets out five strategic objectives which will assist in the delivery of the Plan Vision. These relate to supporting the local economy, the provision of a greater choice and quality of housing, sustaining the health and wellbeing of Hyndburn residents, conserving and enhancing the urban and rural environment and providing easy access for all to good quality services and facilities.
32. The strategic policies of the Plan, Policies SP1-31, provide the policy framework to achieve these objectives. They ensure that new housing and employment

growth are supported by appropriate infrastructure and environmental improvements. I am satisfied that the Plan meets the statutory requirement to include policies addressing the strategic priorities of the Borough.

33. Section 19(1A) of the 2004 Act requires that development plan documents must, taken as a whole, include policies designed to ensure that the development and use of land in the Local Planning Authority's area contribute to the mitigation of, and adaptation to, climate change. Policies SP13-17 achieve this in the Plan. They relate to sustainable development and climate change, green infrastructure, renewable energy and biodiversity.
34. I therefore conclude that the Plan, taken as a whole, includes policies designed to secure that the development and use of land in Hyndburn contributes to the mitigation of, and adaptation to, climate change.

## **Conclusion on Legal Compliance**

35. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

## **Assessment of Soundness**

### **Main Issues**

36. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified 13 main issues upon which the soundness of this Plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

### **Issue 1 – Whether the Council has maintained effective cooperation in the preparation of the Plan.**

37. At the start of the examination, Section 20(5)(c) of the 2004 Act required that I consider whether the Council complied with any duty imposed on it by Section 33A in respect of the Plan's preparation, that is the Duty to Cooperate (DtC). However, during the consultation on the MMs the legal compliance test with regard to the DtC was formally revoked. Notwithstanding, the change in the legal context, the Framework makes clear that maintaining effective cooperation remains a test of soundness.
38. I have had regard to the contents of the Council's Statement of Compliance with the DtC [HBC10.001] as it outlines the cooperation that took place in the

preparation of the Plan with neighbouring authorities and other bodies. This demonstrates the Council's ongoing liaison with relevant bodies on the preparation of key evidence and working collaboratively with infrastructure providers on infrastructure planning. A number of Statements of Common Ground have been prepared including with Blackburn with Darwen, Rossendale and Ribble Valley Borough Councils and also the South Pennine Authorities.

39. The Council has cooperated with Blackburn with Darwen Council in the joint Housing Market Area and Functional Economic Market area and has produced joint evidence, including the Employment Land Study (ELS)[HBC3.001a] and the Gypsy and Traveller Accommodation Assessment (GTAA) [HBC5.002].
40. The Council does not require other authorities to assist them with their development needs and no requests from adjoining Councils to meet their housing or employment needs have been received.

## Conclusion

41. Overall, I am satisfied that the Plan is predicated on effective cooperation.

## **Issue 2 – Is the Plan's overall vision and spatial development strategy positively prepared, justified, effective and consistent with national policy in enabling the delivery of sustainable development?**

### **Vision and Strategic Objectives**

42. The Vision for Hyndburn is that it will be a vibrant, distinctive and prosperous area of Pennine Lancashire by 2040. It will be recognised for the collective quality and attractiveness of its market towns, diverse communities, landscape setting, environmental credentials, including a healthy natural environment, its response to climate change, and the special qualities of Huncoat Garden Village. The Vision is to be delivered through the implementation of five strategic objectives. As drafted the Vision and the strategic objectives do not adequately recognise Hyndburn's historic environment. For effectiveness, **MM02** and **MM03** add additional text to rectify this.

### **Spatial Development Strategy- Policy SP1**

43. The IIA considered five spatial options to guide the distribution and location of growth in Hyndburn. These included maintaining the Core Strategy approach to growth, a Garden Village led growth based on Huncoat, a Transport Corridor led growth focussing development on the M65 corridor, market focus growth and a land availability led growth. The Council chose to combine the benefits of each growth option to form a new Spatial Development Strategy for the Borough.

44. Essentially this focusses growth on Accrington as the principal town with proportionate growth in the smaller towns and settlements, together with a higher level of growth at Huncoat as part of a Garden Village proposal. Strategic employment is concentrated around the M65 corridor with the expansion of existing strategic employment sites. The development strategy also takes account of the availability, suitability and achievability of potential development sites.
45. Policy SP1 maintains the existing settlement pattern and hierarchy. Whilst the Plan tries to achieve proportionate growth to the size of individual settlements there are some discrepancies. For example, Clayton le Moors, a top tier settlement has been identified for less housing than settlements lower down the hierarchy as a result of various environmental and infrastructure constraints.
46. In the case of Great Harwood and Oswaldtwistle, similar environmental and infrastructure issues have led to the distribution of a lower level of housing than may have been expected given that Oswaldtwistle forms a township of Accrington, the principal town, and Great Harwood is a Key Town under Policy SP1. Overall, I am satisfied that the development strategy adopted is positively prepared and justified.
47. For effectiveness and to provide a degree of flexibility, **MM04** makes it clear that the 70 hectares of employment land to meet the identified requirement stated in part 4 of Policy SP1 is an approximate figure.

#### **Policy SP25 Development in Rural Areas.**

48. Policy SP25 concerns development in rural areas. The policy wording refers to designated countryside areas; however, this does not reflect the title of the policy and there are no countryside areas designated in the Plan. **MM61** corrects this by changing the text to refer to rural areas for effectiveness. **MM62** deletes part 5 of the policy relating to safeguarded land at Huncoat, for effectiveness, as it duplicates Policy SP2.
49. In order to provide greater clarity to the employment opportunities likely to be acceptable in rural settlements, **MM63** adds a further paragraph to the supporting text for effectiveness.

#### **Conclusion**

50. Subject to the MMs identified above, the Plan's overall vision and spatial development strategy is positively prepared, justified, effective and consistent with national policy in enabling the delivery of sustainable development.

**Issue 3 – Whether the Plan sets out a positively prepared strategy for employment growth and development which is justified, effective and consistent with national policy and whether the employment land requirement in the Plan is soundly based.**

**Economic Growth Strategy**

51. Regional and Local Growth strategies seek to accelerate economic growth and housing development in the Borough and Pennine Lancashire; increasing skills, attracting investment and improving infrastructure. The development of a sustainable and strong economy within Hyndburn is a key requirement for the Borough to address the deprivation and social inclusion issues that prevail. The policies in the Plan set out a clear economic strategy. This includes developing the economy through the development of strategic employment sites, the protection and modernisation of existing sites, safeguarding land at Huncoat and Altham for a Rail Freight Terminal should the Government support a rail freight service on the East Lancashire Rail Line and continuing to develop and improve Hyndburn's town centres. Hyndburn's employment growth strategy takes account of locational requirements and focusses on access to key highway networks and the availability of land. Given the above, I am satisfied that the Plan sets out a clear economic vision which encourages sustainable economic growth in accordance with national planning policy.

**Employment Land Requirement and Supply**

52. The employment land requirement is based on the employment growth scenario set out in the Housing and Economic Needs Assessment (HENA) 2018 [HBC2.003a], updated in 2021 [HBC2.003b]. The HENA used econometric forecasting, based on a combination of baseline growth forecasts from Oxford Economics and the "Economic Growth Scenario" specifically produced for the study, which incorporated local and regional economic strategies together with real-life completions data. This included consideration of economic demand drivers and past trends, as well as taking account of risks which could affect future economic growth. It identified a need for at least 70ha of new employment land over the Plan period.

53. The employment growth scenario represents a more optimistic forecast in relation to jobs growth than the baseline projection. However, as it is based on local knowledge and conditions, underpinned by data on past completion rates, I am satisfied that it represents a realistic and justified approach to forecasting employment land requirements over the Plan period.

54. Employment land supply is set out in the Employment Land Study 2016 (ELS) [HBC3.001a] and the Addendum 2019 [HBC3.001e]. These documents confirm that the Borough has enough industrial land to accommodate demand, however

a number of the sites are constrained or legacy sites which have yet to be developed such as land at Huncoat. With the loss of funding for the required highway infrastructure, the Council made the decision in 2019, that Huncoat would be more appropriate for residential development. The consequence of this loss, around 30ha, was the need to identify additional employment land in the Borough. I am satisfied that there is a need for the Plan to identify additional sites for employment uses to support the economic growth strategy for the Borough to compensate for this loss and in order to be effective.

55. The M65 is recognised in regional and local strategies as being an important economic growth corridor for East Lancashire. The ELS concluded that in order for Hyndburn to capture new investment and support the growth aspirations of its existing businesses, there is a need to consider providing a more readily available supply of unconstrained sites in accessible locations. Most areas of the Borough have a number of poor and inadequate sites, highlighting the current reliance on lower quality sites and premises in less commercially attractive locations.
56. The above factors have led the Council to allocate additional employment land extending existing strategic employment sites at Altham and Clayton le Moors and the provision of additional strategic employment opportunities at Whitebirk in close proximity to the M65. Table 1 in Policy SP4 sets out these allocations and demonstrates that the requirement of around 70ha can be achieved. These allocations require the release of Green Belt land. I discuss the exceptional circumstances that justify this release in Issue 4 below.
57. Evidence on past completions, and market demand from research and consultation with delivery partners, suggests that the anticipated completions and delivery rates are realistic over the Plan period. This is supported by the strong growth seen at Altham Business Park and Frontier Park. This indicates that the economic growth strategy has a realistic prospect of being achieved.
58. The proposal of these additional employment sites in an accessible location would improve the choice for new investment. It would also provide sites of a suitable size capable of providing modern premises for large scale modern employment occupiers. In addition, it would allow for some continued replacement of older obsolete sites and premises with better quality provision.

## **Conclusion**

59. The Plan sets out a positively prepared strategy for employment growth and development, which is justified, effective and consistent with national policy. The employment land requirement in the Plan is also soundly based.

## **Issue 4 – Whether exceptional circumstances exist at a strategic level to justify the release of Green Belt for development. Is the Plan's approach towards the Green Belt effective and consistent with national policy?**

### **Exceptional Circumstances**

60. The Green Belt that stretches across East Lancashire was originally designated in 1979 in the North East Lancashire Structure Plan. In Hyndburn, the Green Belt comprises around 54% of the Borough area and is tightly drawn to the urban boundary which provides limited opportunity for growth.
61. Paragraph 137 of the Framework states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Once established, the Framework in paragraph 139 states that Green Belt boundaries should only be altered in exceptional circumstances through the preparation or review of a Local Plan.
62. The Plan proposes the release of sites in the Green Belt for both residential and employment uses, totalling just over 144 ha, approximately 3.6% of the Hyndburn Green Belt.
63. Paragraph 141 of the Framework states that before concluding that exceptional circumstances exist, it should be demonstrated that all other reasonable options for meeting the identified development needs have been examined fully.
64. The Council has undertaken a comprehensive assessment of potential sites for development within the urban area to understand its capacity to accommodate development needs. Sites were identified through the Strategic Housing Land Availability Assessment [HBC.5.001a] (SHLAA), the ELS [HBC3.001a], the Call for Sites, the brownfield land register, Council owned land and sites with lapsed permissions.
65. The assessment of sites involved a screening process ruling out those unsuitable for a range of factors such as size, location and availability. This produced a shortlist of potential sites for detailed appraisal, testing their suitability; assessing environmental, accessibility, infrastructure and other constraints; as well as availability and achievability. Site selection has also been informed by the SA and the need to locate development in sustainable locations in accordance with the development strategy.
66. The assessment has sought to maximise the use of brownfield land with around a third of sites assessed in this category and around half within the urban

boundary. Underutilised sites have also been assessed such as existing employment sites or land in other uses, to identify if they are being fully and appropriately used, as well as vacant or underused greenfield land outside the Green Belt.

67. The Council has also tried to optimise the density of development by applying a higher density in town centres and locations close to public transport, around 40 dwellings per hectare and a slightly lower density of 30 dwellings per hectare in other locations. In addition, discussions have been held with neighbouring authorities to confirm whether or not they were in a position to assist Hyndburn in meeting its development needs.
68. Given the above, I conclude that the assessment work has been robust, and the Council's approach has been consistent with paragraph 141 of the Framework.
69. The SHLAA and the ELS both demonstrate that there is insufficient land to meet housing and employment needs on non-Green Belt land. In the absence of reasonable alternatives and having regard to the benefits of economic growth for the Borough, I am satisfied that exceptional circumstances exist at the strategic level to justify the release of land from the Green Belt to deliver identified employment and residential needs.
70. Consideration of the Green Belt Assessment (GBA) and exceptional circumstances for the release of individual sites are dealt with in Issues 6, 7 and 9.

### **Other changes to the Green Belt boundary**

#### **Minor discrepancies**

71. Several other changes to the Green Belt boundary are proposed to improve the alignment of digitised data and address inaccuracies with previous mapping at a lower scale. These changes are very minor, and I consider them to be justified. They require consequential revisions to the submitted Policies Map.

#### **Proposed additions to the Green Belt**

72. The Local Plan puts forward three sites for addition to the Green Belt totalling 10.5 ha. The Framework in paragraph 139 sets out five criteria that should be met when defining new areas of Green Belt. At the hearing I required the Council to consider these requirements and put forward further evidence to support their addition.

73. After undertaking this further work, the Council concluded that two of the sites Land to N. of Blackburn Road, Oswaldtwistle (1.5ha); and John Street and Tinker Brook allotments, Oswaldtwistle (6.1ha); failed to meet the criteria and should not be added to the Green Belt [EP4.AP7\_8.9]. Based on this further evidence, I am satisfied that these two additions to the Green Belt are not justified.
74. In regard to the third site, Land at S. of Moorfield Industrial Estate, the Council consider that the addition of this site to the Green Belt would provide a more defensible boundary to the site. However, this reason, would not accord with national policy requirements and is therefore unjustified. Amendments to the submission Policies Map are required to remove these three sites from the Green Belt.

### **Safeguarded land**

75. Policy SP1 of the Local Plan proposes safeguarded land at Huncoat for longer term development needs beyond the Plan period. These comprise two sites; RSPCA and surrounding land; and land bounded by the railway, M65, A56 and Altham Lane, totalling 29 ha.
76. The RSPCA land is located to the west of the proposed Huncoat Garden Village (HGV). Following the development of the Garden Village, the site makes a logical extension to the urban area of Huncoat. It has been assessed in the GBA and found to make a weak contribution to the purposes of the Green Belt. I consider that its release from the Green Belt has the potential to consolidate sustainable growth in this part of the Borough. Exceptional circumstances have been demonstrated and the alteration to the Green Belt boundary is justified.
77. The second site, which once formed railway sidings at Huncoat, is earmarked for a future rail freight terminal. It forms a narrow strip of land between the railway and the proposed Garden Village to the south and the M65 to the north. The Government is considering proposals to extend the East Lancashire Railway Line between Colne and Skipton for both passenger and freight services. This site is one of the few locations along the railway route that could accommodate the rail freight terminal. It is proposed to be released from the Green Belt in this Plan and be safeguarded to future proof the site and ensure permanency of the Green Belt in this location. It has been assessed in the GBA and found to make a weak contribution to the purposes of the Green Belt. Given the above, I consider this change to the Green Belt boundary to be justified to ensure the availability of this site, which would provide support to the economic growth of the Borough. I am satisfied that exceptional circumstances have been demonstrated.

## Conclusion

78. In light of the above, in particular the absence of capacity within the urban area and reasonable alternatives, I consider that exceptional circumstances exist at a strategic level to justify the release of Green Belt for development. Furthermore, the Plan's approach towards the Green Belt is effective and consistent with national policy.

## **Issue 5 – Whether the Plan has been positively prepared and is justified and consistent with national planning policy in relation to the housing requirement and whether the overall housing provision meets the needs of different groups in the community.**

### Housing provision and requirement

79. The minimum housing need figure for Hyndburn calculated using the standard method, is 51 dwellings per annum. Planning Practice Guidance (PPG) for Housing and Economic Needs Assessments, provides that where a strategic policy-making authority can show that an alternative approach identifies a need higher than using the standard method, and that it adequately reflects current and future demographic trends and market signals, the approach can be considered sound as it will have exceeded the minimum starting point.
80. The PPG states that the government is committed to ensuring that more homes are built and supports ambitious authorities who want to plan for growth. The guidance is clear that the standard method is a minimum number and recognises there may be circumstances where planning for a higher need than the standard method may be appropriate. These include growth strategies that are likely to be deliverable, strategic infrastructure improvements, where an authority agrees to take on unmet need for a neighbouring authority or where previous levels of housing delivery have been greater than the minimum need identified by the standard method.
81. In terms of strategic infrastructure, work has commenced to improve junction 5 of the M65 in Blackburn which will have knock on benefits to Hyndburn. Furthermore, junction 8 of the M65 is proposed to be improved to address capacity issues and enable growth at Huncoat.
82. Whilst Hyndburn is not seeking to accommodate unmet housing need from adjoining authorities, the implications of growth strategies in the area are significant. The Pennine Lancashire Housing Strategy 2009-2029 and the Hyndburn Corporate Strategy 2023-2028 aim to deliver an increased number of housing, improving choice and quality. HGV has Housing Zone status, and development here is being supported by Homes England. It benefits from

government funding to support delivery of up to 2000 homes. These strategies support the need for the Council to consider a higher level of housing provision.

83. The Council's HENA updated in 2021 explains the need for housing to support the local economy. Adopting a realistic growth scenario, the document estimates that there will be an increase of around 2019 jobs over the period 2021- 2037 requiring the delivery of around 194 homes per annum to support it.
84. A further relevant factor is that the standard method is based on current population forecasts which for Hyndburn, predict that out migration will continue exacerbated by poor quality housing and poor employment opportunities. The Borough's housing stock is dominated by small low value pre 1919 terraced houses with a lack of private space and poor energy efficiency. This results in the loss of economically active residents and lack of investment in the Borough. An increase in the housing requirement would assist to stem this decline.
85. It is also notable that in the five years 2018-2023, housing delivery has averaged 186 dwellings per annum, well above the standard method calculation of 51 dwellings per annum.
86. Given the above considerations, a housing requirement of 194 homes per annum, higher than the standard method is justified to ensure Hyndburn's economic potential is realised. An increase in the requirement will also deliver additional affordable homes, assist to address the historic under delivery and deliver a greater range of sizes and types of better-quality housing.

### **Affordable Housing**

87. The HENA uses the methodology set out in the PPG to assess affordable housing need in the Borough. Whilst the cost of buying a second-hand home in Hyndburn is relatively affordable, the HENA indicates that there is still a need for affordable homes to rent (social rent or affordable rent) for those residents unable to access the housing market.
88. Policy SP10 part 2 seeks to maximise opportunities for the delivery of affordable homes and expects developments of 10 or more dwellings or with a site area of over 0.5 hectare to provide 20% affordable housing where viable.
89. The Council's Viability Study [HBC2.006] found that residential development on brownfield sites is generally shown to be unviable even without affordable housing. Despite this some brownfield sites are delivering affordable housing though at low levels. The Study therefore recommended that brownfield sites be required to provide 10% affordable housing but that it should be recognised that this may not be achievable on all sites.

90. I consider it to be justified to require affordable housing on brownfield sites where viable, as economic circumstances could change over the Plan period and grant funding may be available on some sites. **MM35** amends the policy for effectiveness to require 20% affordable housing on greenfield sites and 10% on brownfield sites. **MM38** revises the supporting text accordingly.
91. The Viability Study also indicated that schemes delivering housing for older persons were unlikely to be viable in Hyndburn. **MM35a** adds a sentence to the policy to confirm this position and amends the supporting text for effectiveness.
92. Policy SP10 in part 2 states a requirement for 25% of all affordable housing to be First Homes. This is consistent with the September 2023 Framework against which this Plan is being examined. The December 2024 Framework removed this requirement. It is not necessary for soundness to amend the policy so that it reflects up to date national planning policy. Clearly in the determination of planning applications, the policies of the version of the Framework applicable at that time will be a material consideration. This matter can be reviewed in the new Local Plan to be prepared under the new planning system, which the Council are required to commence work on by the end of June 2026.
93. Policy DM12 of the adopted DM DPD has out of date thresholds for affordable housing provision based on the latest evidence. This inconsistency between the DM DPD Policy DM12 and Local Plan Policy SP10 could lead to confusion. For effectiveness **MM38** adds to the supporting text to explain that Policy SP10 will take precedence.

### **Suitable Range of Housing**

94. Policy SP11 seeks to ensure that an appropriate range of housing is delivered meeting the needs of the Borough's residents. It sets out an appropriate mix of dwelling sizes within different tenures. The Borough's housing stock has a greater proportion of two-bedroom dwellings and fewer three- and four-bedroom homes compared to regional and national comparators. Just over half the housing stock consists of terraced housing of which 60% has two bedrooms. The policy requirements to achieve a more diverse mix of homes, including more four bed affordable rent homes, more two- and three-bedroom affordable home ownership dwellings and more three and four bed market homes are therefore justified.
95. In terms of older persons, the HENA estimates a 32% increase in people aged over 65 by the end of the Plan period. The Borough also has a higher level of disability than the national average. The Council's Older Persons Housing Needs Update 2025 (HO17) identified a need for 817 dwellings and 441 care beds over the Plan period to 2040.

96. At the strategic level, Policy SP11 is justified in giving support to the provision of housing for older people, people with disability and wheelchair users as well as Extra Care Facilities and bungalows. Adopted Policy 14 of the DM DPD provides criteria for the assessment of proposals for housing with care and DM DPD Policy 16 concerns housing standards and requires 30% of affordable homes to be tailored to meet the needs of elderly or disabled residents or be easily adaptable in line with Building Regulations M4(2).
97. The Council maintains a Self-Build and Custom Build Register as required by the Self and Custom Housebuilding Act 2015. There has been very little interest in this type of housing, evidenced by only 3 applicants on the Register in 2022-23. Due to the very low demand, the Plan does not set out any specific requirements for this type of housing. This approach is justified. Sufficient custom and self-build homes can be provided through the development management function. The situation can be monitored over the Plan period and if an increase in demand is experienced it can be addressed in a future Plan.

## **Policy SP12 Gypsy and Traveller and Travelling Showpeople provision**

### **Assessment of need**

98. The Council, working jointly with Blackburn with Darwen Borough Council, undertook a Gypsy and Traveller Accommodation Assessment (GTAA) [HBC5.002] in 2019. The purpose of the GTAA was to understand current and future accommodation needs. It assessed the period from 2019/20 to 2035/36. As this does not tally with the Local Plan period, 2021-2040, the Council have prepared a Background Paper [HBC8.005] to assess the needs over this extended period and provide an up-to-date position on provision in the Borough.
99. The GTAA was carried out in accordance with the guidance in the 2015 Planning Policy for Traveller Sites ('PPTS') and used desk-based research, stakeholder interviews and engagement with members of the Travelling community. It considered the needs of those meeting the planning definition of Gypsies and Travellers set out in the PPTS, households for whom their status could not be determined as they could not be interviewed (unknown households) and those who do not meet the PPTS definition. It therefore established an overall cultural need for pitches, in line with the revised definition of Gypsies in the December 2023 PPTS. I am satisfied that the GTAA has adequately assessed the needs of all Gypsies and Travellers in the Borough regardless of their status.
100. The GTAA identified a need for 49 additional pitches for those meeting the 2015 PPTS definition, and a further 11 pitches to meet cultural need, a total of 60 pitches. Extrapolating this need over the Plan period and taking account of supply over the five-year period to 2023/24, there is a cultural need for 53

pitches over the Plan period. The Plan in Policy SP12, allocates 5 sites to meet this need. The Council has undertaken an extensive search for suitable Gypsy and Traveller sites, considering land in the urban area, sites in Council ownership and owned by other public bodies. Given a lack of suitable sites within the urban area, sites within the Green Belt have had to be considered.

101. Policy DM15 of the adopted DM DPD provides a criteria-based policy against which any planning applications on unallocated sites would be assessed.

## **Gypsy and Traveller Site Allocations**

### **GT1 Land at Springvale**

102. This site forms an extant housing allocation in the urban area of Accrington that has previously been granted planning permission for 9 pitches. It has good access to services and public transport and is in a single ownership. A small part of the site is within a flood risk zone but the extent of this does not prejudice the development of the site for 9 pitches. The site is available, suitable and deliverable in the first five years of the Plan period.

### **GT2 Land off Crossland Street , Accrington**

103. This is a partly brownfield site in the urban area largely in Council ownership allocated for 4 pitches. It forms part of an extant housing allocation. It has good access to services and public transport being close to the town centre. It is available, suitable and there is a realistic prospect that it can come forward in the first five years of the Plan period.

### **GT3 Land adjacent Sankey House Farm**

104. Sankey House Farm is an existing Gypsy and Traveller site. It is identified as broad location for growth for 15 pitches coming forward in the latter part of the Plan period. There is uncertainty whether the site is required as an extension to the existing site or as a new site. The precise areas of land to be allocated cannot therefore be defined at this stage. There are no ownership issues, and the allocation is considered to be developable.

### **GT4 Land off Enfield Road**

105. This is a partly brownfield site allocated for 15 pitches which lies in the Green Belt. It lies adjacent to a much wider area of land proposed to be released from the Green Belt and safeguarded for development at HGV beyond the Plan

period. The site was put forward as a Gypsy and Traveller site following the Council's Call for Sites and can be considered to be available.

106. This site lies within the Green Belt and was assessed in the GBA and found to make a weak contribution to the Green Belt. I consider that in light of the need for Gypsy and Traveller sites in the Borough and the lack of alternatives, exceptional circumstances have been demonstrated for the release of this site from the Green Belt. The site has a suitable access and is screened by mature woodland to the south. I am satisfied that it is developable in the latter half of the Plan period.

### **GT5 Sough Lane Extension**

107. Sough Lane forms an existing authorised Gypsy and Traveller site, and an extension is required to meet the longer-term needs of the family that currently live there. It is identified to come forward in the latter part of the Plan period providing 10 pitches. The site is within the Green Belt and has been assessed in the GBA to make a moderate contribution to Green Belt purposes. Given the need for Gypsy and Traveller pitches in the Borough, and the lack of alternatives within the urban area, I consider that exceptional circumstances have been demonstrated to justify the release of the site from the Green Belt. I am satisfied that the site is developable in years 11-15 of the Plan period.

### **Five-year Supply of Gypsy and Traveller Sites**

108. The PPTS requires local planning authorities to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against locally set targets. The Borough has an identified need of 13 pitches over the first five years of the Plan. It is envisaged that allocations GT1 and GT2 will come forward in this period and thus a five-year supply can be demonstrated. Site GT4 is expected to deliver 15 pitches in years 6-10 and sites GT3 and GT5 are envisaged to come forward to meet needs in the latter part of the Plan period. Given the above, I am satisfied that the Plan makes adequate provision to meet the needs of Gypsies and Travellers.
109. The GTAA identified no need for transit pitches or plots for Traveling Show people. There are opportunities for windfall sites to come forward in the urban areas of Hyndburn. These would be assessed against Policy DM15 in the DM DPD.
110. Modifications are required to Policy SP12 for effectiveness and to ensure that the policy is justified. They include inserting the correct date for the Plan period, making it clear that the allocations are identified on the Policies Map and adding a new criterion to set out that those allocations within the Green Belt provide compensatory improvements to the environmental quality and

accessibility of remaining Green Belt land. (**MM39, MM40 and MM41**). **MM42** provides consequential changes to the supporting text, setting out the need over the Plan period for effectiveness.

## **Conclusion**

111. Subject to the modifications outlined above, I am satisfied that the Plan has been positively prepared and is justified and consistent with national planning policy in relation to the housing requirement and that the overall housing provision meets the needs of different groups in the community.

## **Issue 6 – Whether the proposed housing allocations are justified, positively prepared in meeting the Borough's needs, effective in terms of deliverability over the Plan period and consistent with national planning policy in enabling sustainable development.**

### **Site selection**

112. The Council's site selection methodology is set out in Background Paper No. 3 issued with the Regulation 19 consultation. A four-stage process was followed which included site identification, site screening, detailed assessment and consideration of sustainability undertaken through the SA process. Sites were identified through Calls for Sites, through the SHLAA and the ELS, the Green Belt Assessment, undeveloped allocated sites in the Hyndburn Local Plan 1996 and sites in Council ownership. In total 273 sites were identified. These were then screened to remove unsuitable sites either due to their small size, their location in an area of recognised environmental or conservation importance such as an SSSI or lack of connection to the urban area.

113. A total of 213 sites were then subject to detailed appraisal to assess their suitability, achievability and availability. Factors such as environmental constraints, flood risk, topography, contamination, visual impact, accessibility to services and facilities and infrastructure deficiencies were considered. This process filtered out 174 sites. The remaining sites were then considered through the SA undertaken for the Plan.

114. The outcomes of this assessment identified the sites considered to be the most suitable for allocation in the Plan. The assessment criteria are comprehensive and ensure a consistent objective analysis of site suitability. I consider the approach adopted to be robust and justified.

### **Housing Allocations**

115. The Local Plan allocates twenty-one sites for residential development. Six of

these sites do not have a specific policy in the Plan to set out development requirements for them to come forward. They are given a site reference in Table 2 of the Plan. I am satisfied that sites referenced H1, H3, H6, H8, H18 and H21 are deliverable and/or developable and likely to come forward during the Plan period as proposed. As such these allocations are all justified and soundly based.

116. I consider those sites with housing allocation policies below. The respective policies indicate the gross site areas and also the number of dwellings proposed on each site. For effectiveness the number of dwellings should be referred to as an indicative number to give some flexibility for the proposals coming forward. This is achieved for effectiveness by **MM115, MM120, MM122, MM126, MM129, MM133, MM138, MM140** and **MM147**.

### **Policy HP1: Land at Charter Street (H2)**

117. This site comprises greenfield land in the urban area, allocated indicatively for 45 dwellings. At the time of the hearings, it was the subject of a planning application for 40 affordable dwellings. Planning permission has now been granted. It is a deliverable site likely to come forward in the first five years of the Plan.

118. It lies adjacent to a green corridor and a Biological Heritage site. It also lies close to a cycleway forming part of National Cycle Route 6. The policy includes two criteria seeking to maintain and enhance the green corridor and avoid built development right up to the cycle path. They are however repetitive and duplicate. **MM115** and **MM116** provide a revision to the policy wording, amalgamating criteria i) and iii) for effectiveness. For the same reason, **MM117** adds a new criterion to refer to the existing public sewers that pass through and near to the site which need to be considered in the design of the site's drainage scheme.

### **Policy HP2 : Land at Hopwood Street (H4)**

119. This greenfield site of just under a hectare in size lies in an existing residential area and is proposed for approximately 50 dwellings. The site gained outline planning permission for residential development in 2017, but this has expired. The landowner has not responded to requests for an update with regard his intentions for the site. There is no developer interest currently and the site has technical constraints due to its topography. Based on the evidence, the site cannot be considered to be deliverable or developable. **MM118** and **MM119** removes the allocation and the supporting text from the Plan for effectiveness.

### **Policy HP3 Land North of Sandy Lane (H7)**

120. This greenfield site lies to the edge of the urban area of Accrington. The site is just under two hectares and allocated for approximately 43 dwellings. Due to its edge of settlement location, the landscape and visual impacts of development on this site have been assessed in the Landscape Assessment [HBC6.004c]. The site is strongly rural in character and rises to the east. Existing development in the town is on the lower hillside slopes such that development on the higher part of the site would draw attention to the breach in the urban edge and impact negatively on the landscape character of the eastern edge of the town. A development requirement restricting development to below the 200m contour is therefore justified. It would also maintain a break in built development with the existing properties to the south east of the site.
121. The north east boundary of the site does not follow a field line or hedgerow. It follows the line of the existing built-up area and is in a logical position to round off the settlement. Whilst the site could be extended, this does not make the current allocation unsound.
122. Sandy Lane forms a public right of way which would need improvement to provide access to the site. This would mean the loss of vegetation and change the character of this rural lane. This could be mitigated with appropriate new planting and the provision of new stone wall features. **MM120** is necessary for effectiveness to amend the policy to ensure any improvement works reflect the rural character of the site. As drafted the policy indicates that an alternative access should be investigated. However, there is no feasible alternative, and I am satisfied that access from Sandy Lane can be provided. **MM120** deletes this from the policy for effectiveness. The policy in criterion iii) requires that possible archaeological interest be investigated. This has already been carried out, and no archaeological remains have been found. **MM121** deletes this requirement for effectiveness.
123. The site has developer interest and pre application discussions have taken place. It is considered to be deliverable in the first five years of the Plan and the allocation is justified.

### **Policy HP4: Ringstonhalgh Farm (H9)**

124. This Green Belt site provides an infill opportunity to accommodate approximately 31 dwellings. The site forms a small part of a larger parcel which has been assessed in the GBA as making a moderate contribution to the Green Belt. This small site has a triangular shape and adjoins the urban area to the south and east. The north western boundary comprises an existing track bounded for the most part by post and wire fencing which forms a right of way giving access to a farm and the wider countryside. With appropriate treatment it

can provide a defensible boundary and become a new settlement edge. The allocation would round off the built-up area at the western edge of Clayton le Moors. Given the strategic need for housing in the Borough and the lack of suitable alternative sites within the urban area, I am satisfied that exceptional circumstances exist to release the site from the Green Belt.

125. I have considered whether the site should be extended further to the north, however this would require further Green Belt release, which would require justification and a demonstration of exceptional circumstances. I consider the extent of the allocation as proposed to be appropriate and sound.

126. The site has been actively promoted throughout the Local Plan process; it is available now and there are no impediments to it coming forward. It can be considered to be deliverable in the next five years.

127. The access to the site would require upgrading to take vehicular traffic. The Policy in part ii), seeks to minimise the suburbanisation of the footpath, however it is unclear how this could be achieved given it would serve a residential development. **MM122** deletes this from the policy for effectiveness. As there is potential archaeological interest in the site, **MM123** adds an additional criterion to require any planning application to be accompanied by an archaeological evaluation with appropriate mitigation measures as necessary. This reflects the findings of the HER [HBC6.003a] and ensures the policy is effective.

#### **Policy HP5: Clayton Triangle (H10)**

128. This site has planning permission and development has commenced. It therefore forms a commitment and no longer needs to be allocated. It will of course still contribute to housing delivery in the Borough. **MM124** and **MM125** delete the policy and supporting text. **MM01** deletes it from Table i Local Plan Areas and development projections and **MM36** deletes it from Policy SP10 Table 2 Housing Site Allocations for effectiveness.

#### **H11, H12, H13 and H14: Huncoat Garden Village**

129. See Issue 7

#### **Policy HP6: Land south of Moorfield Avenue, Huncoat (H15)**

130. This small infill plot forms a greenfield site lying to the south of Huncoat. It is owned by the Council and could accommodate 54 dwellings. There are no highway issues. The site has areas of important habitat within it, including species rich grassland which reduces the net developable area and would need to be protected and appropriately managed. The site is in a suitable location for

housing and there is a realistic prospect that it will come forward in the medium term. It can therefore be considered to be developable.

131. As drafted the policy does not sufficiently take account of the Heritage Impact Assessment and HER archaeological report. **MM126** and **MM127** add further criteria to ensure the recommendations of the HIA are implemented and that an archaeological evaluation is undertaken. These modifications ensure the policy is effective. As consulted on, **MM126** required development to preserve the character and setting of nearby listed buildings. This wording is not consistent with the Framework, and I have made amendments in the attached MM to rectify this. This does not alter the substance of the policy.

### **Policy HP7: Land south of Stanhill Road, Knuzden (H16)**

132. This largely undeveloped site lies on the southern edge of Knuzden adjoining Green Belt to the south. The site is allocated for approximately 152 dwellings. The eastern portion of the site has planning permission for 89 new homes. The remainder of the site is in two ownerships. The majority of the land to the west is available for development. The intentions of the owner of a small central part of the site, around 0.7ha are unknown, though this does not prevent the rest of the site coming forward. Overall, the site can be considered to be available and there is a realistic prospect that housing can be delivered on the site in the next five years.

133. The policy as drafted is worded ineffectively. It is unclear in part iv) which longer views should be retained and in part vi) it is unclear what is meant by intermittent tree planting. In addition, part ix) lacks clarity as to how development should take account of the areas of important habitat with the site. **MM128**, **MM129** and **MM130** amend the policy wording for effectiveness to overcome these issues.

134. **MM131** adds a further criterion to ensure that an archaeological evaluation is undertaken and **MM132** adds a criterion to require development to take account of the adjacent primary school playing field and ensure suitable mitigation is provided. This ensures the policy is effective and the allocation is soundly based.

### **Policy HP8: Land off Brookside Lane/Nook Lane, Oswaldtwistle (H17)**

135. This site of just over 5 hectares forms a cleared brownfield site to the north of Clayton le Moors. The site has now started to regenerate, and areas of valuable habitat can be found within it. It is allocated for around 62 dwellings. This low capacity reflects the ecological areas of the site and also areas at risk of flooding.

136. The landowner is promoting the site for development and pre application discussions have been held. The site is in a suitable location for housing being in the urban area close to existing housing and there is a realistic prospect it will be delivered in the medium or longer term. The site can therefore be considered to be developable.
137. To ensure the policy is effectively worded, **MM133** makes it clear that an Arboricultural Impact Assessment would be required. For the same reason, **MM134** clarifies that the majority of the site lies in a Coal Authority High Risk Area and a Coal Mining Risk Assessment would be required.
138. The site is accessed off Brookside Lane which will require improvement. The policy states that the access can accommodate a maximum of 100 new dwellings. As the site is allocated for around 62 new homes, this statement is confusing and contradictory. **MM135** deletes it from the policy for effectiveness.
139. Two new criteria are necessary to ensure the policy is effective. Firstly, **MM136** requires tree planting throughout the site and along the footpath corridors and requires any existing post and wire fences removed to be reinstated with native hedgerows, particularly where adjacent to the wider countryside. This is necessary to ensure that the site boundaries on the edge of the settlement provide a suitable settlement edge and visual transition to the countryside. I accept that exceptionally, there may be areas where a hedgerow would not be appropriate. This would be a matter for the developer to demonstrate and justify as part of any subsequent planning application. Secondly **MM137** requires that an archaeological evaluation is undertaken at planning application stage which also includes necessary mitigation measures.

### **Policy HP9: Land at Rhoden Road (H19)**

140. This 2.28ha site lies in the urban area to the south of Oswaldtwistle. The majority of the site is undeveloped, though the northern section is brownfield being previously occupied by a builder's yard. It is anticipated that it can deliver 51 dwellings.
141. The site previously had outline planning permission for 34 dwellings, but this has expired. The two landowners have both confirmed the site is available. The site is available; it is suitable for housing and is achievable with a realistic prospect of housing delivery within five years.
142. Access can be successfully achieved from Rhoden Road subject to a highway improvement scheme to widen and resurface the road. The policy requires comprehensive access arrangements to serve the whole site. Given that the expired outline planning permission has demonstrated how the site can be

accessed from Rhoden Road, this requirement is confusing and unnecessary. **MM138** deletes it for effectiveness.

143. The site has the potential for archaeological remains to be present. **MM139** adds an additional criterion to require that an archaeological evaluation is undertaken at planning application stage which also includes necessary mitigation measures. This ensures the policy is effective.

#### **Policy HP10: Land to the northeast of Cut Lane (H20)**

144. This site to the east of Cut Lane Park is located in the Green Belt and allocated for approximately 188 dwellings. It was brought to light during the hearings that the site area, stated as 10 hectares in the Plan, is incorrect. **MM140** amends this to 13 hectares for effectiveness. The developer estimates that with an increased site area, the site capacity could be revised to around 280 dwellings assuming a net developable area of around 9.4 ha.
145. However, the site is prominent on the edge of Rishton, and its development would impact on the local landscape and townscape character. The site lies above the Leeds and Liverpool Canal and would be visible from the towpath. It sits on an area of high ground east of Cut Lane sloping back to the woodland on the southern boundary. The western area of the site is the most sensitive to development and the most important for biodiversity comprising a fenced off scrub woodland and wet grassland. The policy requires that this area be free from development and protected by a buffer zone.
146. In recognition of the sites visibility in the landscape and from the wider canal corridor, the policy requires that the design and layout should acknowledge and accommodate this. I accept that a suitable layout proposing more dwellings than allocated, which would address the sites constraints and landscape impact may be achievable, however I have no evidence to support this. This is a matter for the Council at planning application stage, when a thorough assessment of a detailed proposal can be undertaken. In the interest of soundness, taking account of on-site constraints and landscape impact, I do not consider it necessary to amend the indicative number of dwellings.
147. The GBA concludes that overall, the site makes a weak contribution to Green Belt purposes. The site is connected to the urban areas of Rishton to the eastern and southern boundaries. To the north lies the Leeds and Liverpool Canal; and to the west Cut Lane. Both of these features create strong defensible boundaries and prevent encroachment beyond the parcel into the open countryside. The site makes a weak contribution to preventing the towns of Rishton and Blackburn from merging. Given the need for housing in the Borough and the lack of other alternatives, I am satisfied that exceptional circumstances exist to release the site from the Green Belt.

148. Around thirteen trees forming part of the woodland to the eastern boundary of Cutwood Park, would need to be removed to facilitate an improved access to the site. Natural England have confirmed that in their view there is insufficient evidence to conclude that this woodland should be categorised as Ancient Woodland. I accept that the loss of these trees would impact negatively on the character of this part of the Park, however some loss is unavoidable. The policy requires an Arboricultural Impact assessment and their replacement. For effectiveness, **MM143** adds to this requirement to stress the need for suitable mitigation and enhancement measures.
149. Alternative access points to the allocation have been considered as they would remove the need to fell trees on the edge of the Park. However, access from the estate to the south, via Ulverston Drive or Windermere Drive, would have an undue impact on the estate's occupants and may be incapable of providing a safe and secure access. As drafted the policy states that the highway authority may require a secondary vehicular access. Given the above, this is unlikely to be feasible. The policy should however refer to the possibility of an emergency vehicular access to the site in the absence of a secondary access. **MM146** adds this to the policy for effectiveness.
150. **MM141** deletes the requirement that the access road be sensitively detailed to encourage pedestrian access as it duplicates other criteria in the policy. **MM142** strengthens the policy in terms of biodiversity, requiring a habitat survey at planning application stage with areas of biodiversity retained where possible or suitable mitigation provided. This modification also requires proposals to take account of the adjacent school playing field and ensure suitable mitigation in the layout to protect its current and future use. This ensures the policy is effective.
151. The policy does not include criteria reflecting the findings of the Heritage Impact Assessment or requiring an archaeological assessment bearing in mind the Historic Environment Report (HER) [HBC6.003a] which suggests remains are likely to be found on the site. **MM144** and **MM145** address these matters to ensure the policy is justified and effective.

### **Policy HP11: Land off Fielding Street and Barn Meadow Crescent (H22)**

152. This 4.5 hectare site can accommodate up to 79 dwellings. It is located within the Green Belt to the south east of Rishton. The GBA assesses that the site makes a moderate contribution to the Green Belt overall, due to its degree of openness and its strong contribution to safeguarding the countryside from encroachment. It bounds the urban area to the north and is contained by Shaw Brook and woodland to the east and the Leeds and Liverpool Canal to the west. To the south is a vegetated area which can be enhanced to create a new settlement edge and create a defensible boundary to the Green Belt.

153. Given the strategic need for housing in the Borough and the lack of suitable alternative sites within the urban area, I am satisfied that exceptional circumstances exist to release the site from the Green Belt.
154. Whilst there is no relevant planning history, the landowners have confirmed that they are discussing options with national housebuilders and expect the site to come forward within 2 to 4 years. The site is in a suitable location for housing, is available now and is achievable with a realistic prospect of housing in the next five years.
155. The HER confirms there is no archaeological interest in the site. Criterion xii) is therefore not required and **MM147** removes this from the policy. As existing public sewers pass through and near the site, **MM148** is required to ensure careful consideration of the drainage scheme design for the site. These modifications ensure the policy is effective.

## Conclusion

156. Subject to the MMs detailed above, the proposed housing allocations are justified, positively prepared in meeting the Borough's needs, effective in terms of deliverability over the Plan period and consistent with national planning policy in enabling sustainable development.

## **Issue 7 - Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for Huncoat Garden Village.**

157. Site references H11, H12, H13 and H14 collectively make up the proposed HGV. Policy SP2 sets out the expectations for the Garden Village and indicates that it will provide around 1500-1600 dwellings during the Plan period and beyond.
158. HGV comprises the former Huncoat Colliery, Huncoat Power Station and other adjacent land. It provides an urban extension around two major regeneration sites and forms a major part of Hyndburn's growth plan. The Village is situated in a strategic location immediately south of the M65. It also has a railway station and is in close proximity to a number of important employment sites in the Borough, namely Altham Business Park and Huncoat Industrial Estate.
159. The former Power Station was released from the Green Belt in the 1996 Local Plan, and the former Colliery was released from the Green Belt as part of Core Strategy 2012, at that time for employment uses. Additional Green Belt land is now required to round off the development and to accord with the boundaries in the HGV Masterplan. A further 13.7 ha of Green Belt will need to be released to

facilitate the proposal. The GBA indicates that the land required makes an overall moderate contribution to the purposes of the Green Belt. This is because whilst the parcels support a strong degree of openness, the majority of the boundaries with the countryside are durable and could contain development, thus preventing it from threatening the openness and permanence of the Green Belt.

160. The Garden Village provides the opportunity to regenerate contaminated brownfield and underutilised land. It would make a significant contribution to improving the quality and choice of housing in Hyndburn and attract new economically active households to the Borough. I am therefore satisfied that exceptional circumstances exist to release land for the Garden Village from the Green Belt.
161. It is hoped that Huncoat will be an exemplar for creating a sustainable garden community. To achieve that aim and secure a comprehensive development, a masterplan and accompanying Design Code have been prepared for the Village. This provides a framework to ensure sustainable design and construction in a landscape setting whilst protecting the natural environment, conserving and enhancing existing habitats, achieving net gain in biodiversity and providing compensatory measures for Green Belt loss.
162. The site is in multiple ownership, and the Council has been coordinating and liaising with landowners all of whom are supportive of the development. A number of housebuilders have expressed interest. An outline planning application has been submitted for up to 360 dwellings on the former Power Station site and is currently pending determination. The Garden Village would be phased over the Plan period and beyond. It is anticipated that delivery would be in three phases which may commence in the first five years of the Plan.
163. Grant funding of £30m for the proposal has been obtained from Homes England. This will fund land acquisition, remediation of the power station and colliery sites as well as make a contribution to highway improvements.
164. The Garden Village would need to be supported by the delivery of a number of major infrastructure improvements. Improvements are required to junction 8 of the M65. The Statement of Common Ground with National Highways highlights the ongoing work to progress modelling and feasibility appraisal work for the junction. I heard at the hearing that a bid for Government funding under Road Investment Strategy 3 was being made. At the end of March 2026, it was confirmed that funding is available. It is anticipated that the improvement works could commence in 2027/28.
165. Whilst funding has now been confirmed, should there be any delays in the implementation of these improvements, I am satisfied that there is a degree of

flexibility which would allow a limited amount of development to still proceed in the first five years of the Plan.

166. A new residential Relief Road is proposed from the A56 Burnley Road to Altham Lane running through the Garden Village site. This is required due to the lack of capacity on the local road network. The Council is taking this forward and has made an application for planning permission. A lead contractor has been selected, and negotiations are taking place with landowners with Cabinet approval in place for compulsory purchase if required. I am satisfied that the Relief Road would be deliverable with funding in place from the Homes England grant.
167. Significant highway improvements will also be needed to the A6068/A678 Shuttleworth Mead crossroads junction. Traffic queuing at this junction affects vehicles trying to exit the motorway resulting in queuing on the motorway slip road. Lancashire County Council, the Highway Authority have undertaken a study to assess options and two have been identified, a low cost and high-cost option. Further work is required but I am satisfied that a solution can be forthcoming. Funding options are available including making use of the Home England grant monies.
168. The policy in part 8f) requires an extension to Huncoat Primary School. This is to be funded through developer contributions from the residential development proposed in the Village. The existing Huncoat Primary School is currently a 1 form entry school. The Academy Trust has expressed a willingness to expand to three form entry if required. There is an expected requirement of around 292 pupil places from the planned growth at Huncoat. Currently the Accrington Pupil Planning Area shows a surplus of 764 pupil places. Whilst I accept that pupil estimates look five years ahead, given the above I am satisfied that adequate primary school provision can be made through expanding the existing school and making use of surplus places in the wider catchment. Given the above, flexibility in the policy to facilitate the provision of a new school in the HGV development is not necessary for soundness.
169. As submitted part 8f of the policy requires the extension of Huncoat Primary School to accommodate an additional 1.5 forms of entry. This is an error and does not reflect the Academy Trusts willingness to expand up to three forms of entry as discussed above. Post the MM consultation exercise, I have added a further modification, **MM12a**, to correct this in the Schedule of MMs attached in the Appendix for effectiveness.
170. As drafted Policy SP2 is ineffective in a number of ways. Part 1 of the policy expects developers to follow the design standards of the Masterplan and Design Code. However, these documents are not development plan documents and with further technical work and design, there may be a need for the design

standards to be varied. **MM05** amends the wording to require developers to 'have regard' to these documents. **MM16** makes the same amendment in part 9d of the policy, so that proposals have more flexibility in developing landscaping and in the provision of green infrastructure. **MM06** adds a further criterion to part 2 of the policy, moving the reference to a bespoke delivery mechanism for HGV from Policy SP3 for effectiveness.

171. The Policy is also ineffective in that it does not make any reference to the train station in Huncoat and the opportunities for pedestrian and cycle links to it to support active travel. **MM07** rectifies this omission. **MM08** deletes requirements relating to the ongoing management and maintenance of public areas and green and blue infrastructure in part 3h of the policy as this duplicates part 4. **MM11** also removes duplication from part 8d again referring to the management and maintenance of pedestrian routes, cycleways and green space. **MM15** removes the requirement to consider surface water drainage options as this duplicates Policy SP13. These modifications ensure the policy is clear and effective.
172. The policy fails to refer to the recommendations of the Heritage Impact Assessment in part 3c and lacks clarity in referring to play spaces in part 7c. For effectiveness, **MM09** and **MM10** respectively amend the policy wording accordingly.
173. Part 8g of the policy seeks the provision of a pedestrian/cycleway bridge across the railway line at Altham Lane to provide access to the Leeds Liverpool Canal and Altham Business Park improving accessibility. The policy states it will be secured through an extension to Altham Business Park and by working with other private and public sector organisations and infrastructure providers. It is unclear in part 8g of the policy what contribution the HGV development itself would make. **MM12** amends this part of the policy to state that this will be funded outside the HGV development.
174. Following the MM consultation, it has been brought to my attention that cross referencing HGV Policy SP2 with Policy EP1 Altham Business Park (EMP3), highlights conflicting policy requirements in that there is no interdependency to achieve the implementation of a bridge. There is a potential risk that the requirement could delay the HGV development or the Altham Business Park extension if there are delivery issues. I agree that more flexibility is required in Policy SP2 so that it more closely complements Policy EP1 and requires consideration of the opportunities to deliver pedestrian and cycle improvements which could include a pedestrian /cycle bridge. I have amended **MM12** accordingly in the attached Schedule of MMs for effectiveness. The substance of the policy is unaltered.

175. For consistency with the Framework, **MM13** clarifies that development proposals should be guided by site specific flood risk assessments and should avoid areas of flood risk from all sources. For the same reason, this modification also revises the policy wording to ensure that sustainable drainage systems are multi-functional and enhance both biodiversity and amenity. In addition, for effectiveness **MM14** clarifies that the development must make provision for any phasing arrangements necessitated by the provision of infrastructure.
176. Planning applications should also be supported by a Transport Assessment. The policy as drafted lacks clarity in this regard. **MM17** is therefore required to add a new criterion to the policy to make this expectation clear for effectiveness.
177. The supporting text to the policy states that a specific housing trajectory for the development of Huncoat is included within the Plan. As this is incorrect, **MM18** deletes this for effectiveness.

## Conclusion

178. With the modifications outlined above, I am satisfied that the Plan has been positively prepared and is justified, effective and consistent with national policy in respect of its policies and proposals for HGV.

## **Issue 8 – Whether the Plan identifies a sufficient supply of sites to ensure that the identified need for additional homes in the Borough will be met and whether a five-year supply of deliverable housing sites will be identified on adoption.**

### Housing supply

179. The Plan sets out a total housing requirement over the Plan period of 3,686 dwellings. The updated housing trajectory [EL4.AP15] shows a projected supply of 3,993 dwellings, exceeding the requirement by 277 dwellings, around 8%. In this regard, the Plan is consistent with paragraphs 60 and 66 of the Framework which seek to boost significantly the supply of housing and ensure that local plans meet the identified housing need.
180. The supply comprises completions, commitments, allocations, a small sites allowance, and a Town Centre /Permitted Developments allowance. Housing completions since the start of the Plan period amount to 656 dwellings. There are commitments of 601 dwellings, and 2,314 dwellings are allocated in the Plan.
181. The supply also includes a small sites allowance or windfall allowance, comprising sites delivering less than 5 dwellings. Historic monitoring from 2013

to 2023 shows a consistent supply of windfalls averaging around 20 dwellings per year. There is no evidence to suggest that this supply would not continue over the Plan period. To avoid double counting of small sites that have existing planning permissions, this allowance is applied only for year 4 onwards. Windfall sites are estimated to provide 280 dwellings over the Plan period. In line with paragraph 71 of the Framework, this analysis provides compelling evidence that windfalls would provide a reliable source of supply and make a significant contribution to meeting housing needs.

182. The supply also includes a Town Centre/ Permitted Development allowance. The adopted Accrington Area Action Plan identified a number of residential sites in the Plan area including conversions and sites for mixed use including residential. These have not all come forward yet, and it is appropriate for an allowance to be included to take account of this element of the supply. The extension of permitted development rights has allowed conversions to residential uses. The Council has estimated that the Town Centre/Permitted Development allowance would supply around 170 dwellings over the Plan period, or 10 dwellings per annum.
183. The housing supply calculation also considers losses from existing stock as a result of clearance/demolition, changes of use to non-residential and conversion of two properties into one. Monitoring data shows that between 2013 and 2023, 28 dwellings were lost for these reasons, approximately 3 dwellings per annum. This amounts to 51 dwellings over the Plan period which are deducted from the supply. I consider this is reasonable and justified.
184. The supply does not include long term empty dwellings brought back into use. As of 2023, long term vacancy properties amounted to around 1.2 % of the housing stock in Hyndburn. The Council has been bringing these dwellings back into use as a priority and has reduced the figure down to a third of what it was in 2012.
185. However national policy is clear that empty homes can only count towards supply if they have not already been counted as part of the existing housing stock. The Council lacks the resources to monitor this and has therefore decided not to include an allowance for empty properties in the supply. I am satisfied that it would not be appropriate to make any specific allowance in terms of future supply from this source. The Council's approach is reasonable and justified.
186. The Council also do not apply a lapse rate or non-implementation rate to the housing supply. It is assumed that sites allocated for development in the Plan have been carefully assessed and have a realistic prospect of delivery. Therefore, a lapse rate is not required. As indicated above, the supply includes a buffer of 277 dwellings, nearly 8% ,which allows flexibility in the choice and

delivery of housing and ensures sufficient supply in the event that some sites do not come forward.

187. The Framework in paragraph 68 seeks a supply of specific deliverable sites for years 1-5 of the Plan period and specific developable sites or broad locations for growth, for years 6-10 and where possible for years 11-15 of the Plan. I shall deal with the supply for the first 5 years of the Plan below. Expected delivery for years 6-10 and 11-15 is provided in the Council's Revised Housing Trajectory.

188. The housing trajectory is based on reasonable evidence and assumptions and identifies a sufficient supply of housing to meet the minimum housing requirement consistent with national policy. I am therefore satisfied that there is a supply of specific, developable sites for years 6-10 and 11-15 as required by the Framework.

189. For effectiveness, modifications to the housing trajectory are required to reflect the most up-to-date housing supply position, clarify the components of housing land supply and set out the expected rates of delivery from the strategic sites. This is achieved by **MM37**.

190. I recognise that a significant part of the supply over the Plan period is to be delivered from HGV. Should this be delayed, there could be significant implications for housing delivery. I do not consider it necessary to put in place contingency measures should this occur. This is because this Plan was submitted under the transitional arrangements in the 2024 Framework and the housing requirement meets less than 80% of the local housing need calculated under the December 2024 standard method. The Council must therefore start the preparation of a new Plan under the new plan making system by the end of June 2026. The position can be reviewed through that process if necessary.

### **Five Year supply**

191. Paragraph 68 of the Framework states that planning policies should identify a supply of specific deliverable sites for years one to five of the Plan period. Paragraph 74 goes on to state that this should include a buffer of 5% to ensure choice and competition in the market for land or where there has been significant under delivery over the previous three years, a buffer of 20%.

192. The Council's monitoring data shows that delivery between 2018/19 and 2023/24 has significantly exceeded the housing requirement. As there has been no under delivery, a buffer of 5 % is required.

193. The Council's five-year housing requirement is 970 dwellings, 1,019 dwellings with a 5% buffer. The anticipated supply over the same period is 1,269 dwellings, which equates to 6.23 years.

194. The promoters of site H20, land north east of Cut Lane, have indicated that delivery could be accelerated so that the number of homes delivered in the first five years of the development could be greater than anticipated. There is also a possibility that H15, land south east of Moorfield Avenue, owned by the Council, could come forward much earlier in the Plan period. The Council have undertaken sensitivity testing in the updated housing trajectory [EL4.AP15] to analyse the effect of this on the five-year supply. Should these sites deliver earlier than projected, the Council would be able to demonstrate a 7.1-year supply.
195. HGV forms an important strategic allocation in the Plan. The revised Housing Trajectory assumes it will commence delivery in the first five years of the Plan and then continue over the Plan period. If the Garden Village is delayed, so that no delivery takes place in the first five years of the Plan, the Council has calculated that a 5-year supply would still be demonstrated but reduced to around 5.58 years.
196. Given the above, I am satisfied that a five-year supply of deliverable sites would be available on the adoption of the Plan.

## Conclusion

197. Subject to the MM above, the Plan identifies a sufficient supply of sites to ensure that the identified need for additional homes in the Borough will be met and that a five-year supply of deliverable housing sites will be available on the adoption of the Plan.

## **Issue 9 – Whether the policies and allocations relating to economic development are justified, positively prepared in meeting the Borough's needs, effective in terms of deliverability over the Plan period and consistent with national planning policy in enabling sustainable development.**

### **The Economy and Town Centre Policies**

#### **Policy SP4: Employment Provision and Strategic Sites.**

198. In line with the HENA 2018 [HBC2.003a], updated in 2021 [HBC2.003b], this policy sets out that the Council will provide 70 hectares of employment land over the Plan period. Strategic employment sites are listed in Table 1. As submitted the Table sets out the gross site areas, totalling 94.4 hectares. This suggests that more employment land is being allocated than needed. However, this is a gross figure not a net figure. **MM25** amends the Table for effectiveness to set out both gross and net areas, resulting in an indicative net figure of 72.74 hectares. To take account of this indicative figure, **MM22** amends the policy

wording to state 'approximately 70 hectares' to ensure it is effective and consistent with Table 1.

199. Part 2 of the policy seeks to support a higher proportion of uses which generate a greater number of jobs. There is a risk that a high proportion of B8 uses for example warehousing and distribution, may generate a lower number of jobs. The Council intend to monitor this and if necessary, the policy position can be reviewed in the preparation of a new plan under the new plan making system. For effectiveness, **MM23** removes the reference to maintain jobs in recognition of the difficulties in obtaining accurate data on job creation.
200. **MM24** removes part 3 of the policy which safeguards land at Huncoat for the East Lancashire Rail Freight Terminal for effectiveness, as this duplicates parts 5 and 6 of Policy SP2.
201. The supporting text to Policy SP4 explains that masterplans will be prepared for the two strategic employment sites at Altham and Whitebirk. It goes on to state that development will be required to adhere to the masterplans. Given that these documents are not development plan documents, and to enable some flexibility. **MM21** replaces 'adhere' with 'have regard to'.

#### **Policy SP5: Protection, Modernisation and Development of Employment Sites**

202. The Council's ELS assesses the quality of employment sites and categorises them as good, adequate or poor. These assessments are used as the basis for determining planning applications. Policy SP5 sets out a presumption that all existing employment sites will be retained in their existing use and that sites will only be released for development where certain circumstances set out in the policy apply. For effectiveness, **MM26** moves part 5 of the Policy to part 1 to clearly set out that where a quality assessment is absent or out of date, a developer may undertake their own in accordance with the Council's Methodology.
203. Part 4 of the policy suggests that the redevelopment of employment sites from B class uses to other forms of employment will be considered flexibly. In this regard footnote 46 references retail and leisure uses. However, the policy then goes on to state that retail uses will not be supported. This is contradictory. **MM27** is necessary to amend the policy wording for effectiveness to ensure that other employment generating uses, which could include retail, will be considered favourably and **MM28** removes the footnote. Again, for effectiveness, **MM27** deletes reference to paragraph 187 of the Framework in part 5 of the policy as this is not necessary and will become outdated as the Framework is revised over the Plan period.

204. The supporting text to the Policy requires that employment sites be marketed for a period of 18 months to demonstrate that there is no demand for the site or premises. **MM29** amends this to twelve months, which is adequate for this purpose and prevents premises being left vacant for a long period of time. This ensures the policy is effective and justified.

### **Policy SP6: Centre Hierarchy, Strategy and Retail Provision.**

205. This policy sets out the retail hierarchy in the Borough and promotes the vitality and viability of town and local centres.

206. The Policy refers to the Peel Centre, an out-of-town retail park and states that the Council will support future development for predominantly bulky goods retail with ancillary uses. However, the retail park has been the subject of investment over the years and now includes a range of uses including food retail, non-food occupiers, large format variety retailers, supporting food and drink outlets and a commercial leisure use. As only around 29% of the site currently provides bulky goods retail uses, adopting a strategy restricting the site to these uses is ineffective as it does not reflect the current situation. **MM30** amends the policy accordingly, to support the future development of the site for large scale retail and leisure with ancillary uses. **MM30** also amends the name of the site for effectiveness as it is now known as Hyndburn Retail Park.

207. Policy SP6 recognises the complementary role that commercial locations can play in the retail hierarchy. It refers to the Peel Centre, (now called Hyndburn Retail Park) and Oswaldtwistle Mills in this context.

208. I have carefully considered whether Hyndburn Retail Park should be given status in the retail hierarchy, including designating it as a 'district centre'. The Framework defines town centres as areas predominantly occupied by main town centre uses. References to town centres or centres apply to city centres, town centres, district centres and local centres. The Framework goes on to say that existing out of centre developments comprising main town centre uses do not constitute town centres unless they are identified as such in the development plan.

209. I acknowledge that Hyndburn Retail Park is located to the south of Frontier Park Strategic Employment site. Employees of this site will be an important source of expenditure in the Retail Park. The Retail Park is also south of a strategic housing site of around 1500 dwellings allocated in the Blackburn with Darwen Local Plan which would also generate significant retail expenditure. Together with other smaller sites in the locality, it is clear that the Retail Park is located in an area where significant growth will take place in both Blackburn and Hyndburn and will form a conveniently located retail facility serving this growth area. This weighs in favour of the Retail Park becoming a 'district centre'.

210. However, whilst the Retail Park includes a number of town centre uses, it does not provide the range and diversity of services or community uses that would be expected within a town or district centre such as health facilities, parks and open spaces. Whilst the leisure uses may provide some health and wellbeing services, this would not be comparable to a doctor's surgery for example.
211. In terms of sustainability the Retail Park is served by public transport with a bus stop approximately 550 metres from the site providing links to Blackburn town centre, Rishton, Great Harwood and other destinations. Walking and cycling are facilitated by the canal towpath and other links such that the site has a degree of accessibility that would be expected of a designated centre.
212. I note that the Council's Retail Study [HBC3.002a] does not identify a need for further retail locations that would require the designation of an existing out of town retail centre as a defined centre.
213. Should the Retail Park be designated as a district centre it would open up the site for a greater mix and range of town centre uses. I acknowledge that there are no extensions of the retail park planned such that any future development would be likely to constitute changes of use of existing units. Nevertheless, any future development proposal, depending on the floor area, would not be required to be supported by a Retail Impact Assessment and sequential test as required by the Framework. Whilst I understand that the Council has some level of control over the uses on the site through an existing legal agreement, the level of control the Council would have on the future development of the Retail Park could be reduced. This would potentially having adverse implications for the vitality and viability of other centres such as Great Harwood and Rishton.
214. Given the above, I consider that the Plan is sound in this regard, as submitted, and, as such, it is not necessary to designate the Hyndburn Retail Park as a district centre for the Plan to be justified and effective.

### **Policy SP7: Accrington Town Centre**

215. This policy recognises Accrington town centre for its role and function as a historic market town and gives support to its regeneration. In order to be consistent with the Framework, part 2 of the policy should conserve and enhance the significance of a heritage asset affected by a development proposal. **MM31** amends the policy wording accordingly.

### **Employment Allocations**

216. The Plan in Policy SP4 allocated six sites for employment uses. Four of these sites, EMP3, EMP4, EMP5 and EMP6 are in the Green Belt and the subject of

detailed policies setting out development requirements and considerations for their implementation. I discuss these further below.

217. The other two sites, EMP1 Land west of J7 Business Park and EMP2 Moorfield Industrial Estate are small urban sites forming extensions to existing well established industrial estates. They are being promoted by their respective landowners. These allocations are available and suitable with development likely to start in the next few years and be completed during the Plan period so that they will help to ensure that the identified need for employment development can be met. As such, their allocation is justified.

### **Policy EP1: Land to the south of Altham Business Park (EMP3)**

218. Altham Business Park is identified as a strategic employment hub in the Plan. The allocation forms a 45.5 hectare greenfield site to the south of the existing Business Park, located in the Green Belt. It is well contained by the existing Business Park to the north, strong vegetated boundaries to the east and west and the canal to the south. The site's topography limits its visual and physical connection to the surrounding open countryside. The GBA concludes that the southern part of the allocation makes a poor contribution to the Green Belt whilst the northern part of the site makes a moderate contribution.

219. The Business Park plays a strategic role in the local economy and future growth of the Borough. It is a successful high quality employment site with good links to the road network including the M65 at junction 8 and in easy reach of a skilled workforce. A further extension would provide more space for the expansion and retention of existing businesses in the Borough ensuring they are retained in Hyndburn and new businesses established. There is also a lack of reasonable alternative sites that would meet the size and locational requirements needed. Having regard to these factors, I conclude that exceptional circumstances exist for the release of the site from the Green Belt.

220. The Policy requires the development of the allocation to 'adhere' to an agreed masterplan currently being prepared by the Council. This is ineffective as it is too restrictive and does not take account of future technical work or other constraints which may require minor variation to the agreed masterplan. In addition, the masterplan does not have the status of a development plan document. **MM81** amends the wording so that the development has 'regard' to any adopted Masterplan rather than adhering to it.

221. The wording of the policy is also ineffective as it fails to reflect the findings of the Heritage Impact Assessment [HBC6.005] and the HER Report [HBC6.003a] completed for the site. It is also unclear what is meant by large scale buffer planting and clarity is needed on the expectations for the height of buildings in the upper part of the developable area and the requirements for less

conspicuous roofing materials. **MM83, MM84, MM85, MM86 and MM87** are therefore necessary to amend the policy to address these matters.

222. As consulted on **MM85** which related to building heights was ambiguous and lacked clarity. I have therefore amended this MM in the attached Schedule to make it clear that buildings on the upper parts of the site should be an appropriate scale and height to prevent new structures rising above the skyline and blocking views northwards.
223. Part xiii) of the policy requires existing hedgerows and trees along Altham Lane be retained and protected. In order to be effective, **MM88** adds to the policy wording to set out that if this is not feasible, proposals will be expected to comply with Policy DM17 of the DM DPD which requires compensatory planting.
224. Additional criteria are added by **MM82, MM89, and MM90**. These require an archaeological desk-based assessment to be submitted with any planning application together with necessary mitigation measures, the provision of a buffer to the ancient woodland to the east and west of the site and for any applications to include a transport impact assessment. **MM91** deletes criterion xx) as it is unnecessary in light of the other transport considerations stated in the policy. The above modifications ensure the policy is justified and effective.

#### **Land to the north east of Whitebirk (EMP4, EMP5 and EMP6)**

225. The above three sites form part of the same strategic employment allocation. The Council is preparing a masterplan to ensure the sites come forward in a comprehensive way. The sites are located on the western boundary of the Borough immediately east of the existing Whitebirk Industrial Estate located within Blackburn with Darwen.
226. All three sites are located within the Green Belt and have been assessed to make a moderate contribution to its purposes. The Green Belt in this location lies between Blackburn and Rishton and seeks to prevent the towns merging. Whilst the allocations reduce the extent of Green Belt between these two settlements, there still remains a significant area which achieves this Green Belt purpose.
227. EMP4 and EMP5 are located at the eastern edge of the built-up area of Blackburn. The Leeds and Liverpool Canal forms the western boundary to the sites and to the east, they are bounded by Sidebeet Lane. The railway line runs to the south of EMP6 and north of EMP5. EMP4 forms the southernmost parcel of the strategic employment allocation and forms a greenfield site bounded by the M65 to the south and Blackburn Road to the north. Given the above, I am satisfied that the allocations benefit from defensible boundaries.

228. The sites will play an important strategic role in the local economy and contribute to the future growth of Hyndburn, retaining existing businesses and encouraging new ones to locate in the Borough. There is a lack of reasonable alternative sites that would meet the size required by modern employment uses and locational requirements close to the strategic road network. Having regard to these factors, I consider that exceptional circumstances do exist for the release of these sites from the Green Belt.
229. Policies EP2, EP3 and EP4 set out development requirements for each allocation. I assess their soundness below.

#### **Policy EP2: Land between Blackburn Road and M65 slipway (EMP4)**

230. As I have explained above, a masterplan is being prepared to coordinate development of all three employment allocations. As submitted Policy EP2 states that development must “adhere to” the relevant agreed masterplan. However, this is unduly rigid, given that the masterplan is intended to be a non-statutory document. **MM92** is necessary to amend the policy wording to require development to have regard to the adopted masterplan providing a degree of flexibility during detailed design. This ensures the policy is effective.
231. The Policy is also deficient in that it does not refer to the findings of the Heritage Impact Assessment and the need for development to be implemented in line with its recommendations and for it to include appropriate mitigation measures. **MM93** rectifies this for effectiveness. In addition, to ensure the policy is clear in its expectations and effective, **MM94** and **MM96** are required. These clarify that the tallest not the largest buildings should be set back from the road and provide certainty that an access opposite Sidebeet Lane will be required.
232. Additional criteria are also necessary for effectiveness. **MM95** makes reference to existing sewers that pass through and near the site at risk of flooding which will require careful drainage design. **MM97** adds the requirement to prepare a Transport Assessment to support the development.

#### **233. Policy EP3 Land between Blackburn Road, Sidebeet Lane, Leeds and Liverpool Canal and railway (EMP5)**

234. Policy EP3 states that development must “adhere to” the relevant agreed masterplan. However, this is unduly rigid, given that the masterplan is intended to be a non-statutory document. **MM98** is necessary to amend the policy wording to require development to have regard to the adopted masterplan providing a degree of flexibility during detailed design. This ensures the policy is effective.

235. The policy does not make reference to the findings of the Heritage Impact Assessment and the need for development to include appropriate mitigation measures. **MM99** adds to the policy wording for effectiveness. As consulted on the modification omitted to refer to sustaining and enhancing the setting of the listed buildings listed. Following consultation on the MMs, I have amended the modification in the attached Schedule at Appendix 1 to rectify this. This does not alter the substance of the policy.
236. Again, for effectiveness **MM100** requires that the adopted masterplan includes planting and vegetation to screen and buffer new development. For the same reason, **MM101**, **MM102** and **MM107** respectively clarify the expectation for linear planting of an appropriate scale along Sidebeet Lane, for strong blocks of new planting throughout the development, that the plantation woodland is potentially accessible as a recreational resource and that existing trees are protected and retained. Furthermore, in order to ensure that smaller scale development in the immediate canal corridor and adjacent to Sidebeet Lane is considered in the design and layout, **MM104** is necessary to ensure the policy is effective.
237. Additional criteria are also necessary to ensure the policy is effectively worded. **MM103** makes reference to existing sewers that pass through and near the site at risk of flooding which will require careful drainage design. **MM105** ensures that development has regard to the overhead transmission lines crossing the site. **MM107** requires new planting in and around the industrial estate to be designed to enhance biodiversity and provide a mix of habitats. **MM108** adds the requirement to prepare a Transport Assessment to support the development.

#### **Policy EP4: Land north of railway line between Sidebeet Lane and Leed and Liverpool Canal (EMP6)**

238. Similar to the above policies, Policy EP4 states that development must “adhere to” the relevant agreed masterplan. **MM109** is necessary for effectiveness to amend the policy wording to require development to have regard to the adopted masterplan providing a degree of flexibility during detailed design and recognising the masterplan's status as a non-statutory document.
239. The policy does not refer to the findings of the Heritage Impact Assessment and the need for development to include appropriate mitigation measures. **MM110** adds to the policy wording for effectiveness. As consulted on the modification only referred to sustaining and enhancing the significance and not the setting of the heritage assets in the vicinity of the site. Following consultation on the MMs, I have amended the modification in the attached schedule to rectify this omission.

240. As drafted the policy states that the primary access 'is likely' to be required from the A678 via site EMP5 due to constraints to the north and west of the site including the presence of the canal. This is ineffective and lacks clarity. The access will have to be taken through the adjoining site as there is no other feasible option. **MM113** amends the policy accordingly.

241. New criteria are required to ensure the policy is effective. **MM111** makes reference to existing sewers that pass through and near the site at risk of flooding which will require careful drainage design. **MM112** ensures that development has regard to the overhead transmission lines crossing the site and **MM114** adds the requirement to prepare a Transport Assessment to support the development.

## Conclusion

242. Subject to the MMs outlined above, the policies and allocations relating to economic development are justified, positively prepared in meeting the Borough's needs, effective in terms of deliverability over the Plan period and consistent with national planning policy in enabling sustainable development.

## Issue 10 – Whether the strategic policies of the Plan for the Local Plan Areas are justified, effective and consistent with national policy

243. The Local Plan identifies six areas of the Borough and sets out strategic policies to reflect the specific characteristics and challenges of each of them. They set out the proposed growth in each of these areas over the Plan period, address key features and issues, support the town centres and set out the approach to future development in those areas.

### Policy SP26: Accrington (Central), Baxenden and Church

244. As drafted, the Policy does not give sufficient recognition to the conservation and enhancement of the heritage assets of the area, in particular Accrington Central, Church and Canal Side and Christ Church designated Conservation Areas, as well as listed buildings and non-designated assets. **MM64** adds a new criterion to the policy and **MM66** adds a paragraph to the supporting text to rectify this for effectiveness.

245. In the attached schedule of MMs, I have amended the wording of **MM64** to better reflect the Framework objective of sustaining and enhancing heritage assets and their setting. As consulted on **MM66** states the 'expectation' that an appropriate evidence-based assessment should be provided by development proposals. To ensure the policy is positively prepared, following consultation on

the MMs, I have amended this modification in the attached schedule to provide clarity that this 'should' be provided and is not just expected. The substance of the policy is unchanged.

246. As the site at Hopwood Street is no longer being allocated in the Plan, **MM65** deletes it from part 1c) of the Policy and from Table 6 in the supporting text. This ensures the Policy is effective.

### **Policy SP27: Clayton le Moors and Altham**

247. The proposed development at Clayton Triangle has been deleted as this allocation has commenced and is now a commitment. **MM67** removes reference to it from part 1) of the policy, **MM69 and MM71** update references in the Plan to the total number of dwellings to be delivered in Clayton le Moors and Altham and **MM70** deletes the site from Table 7 for effectiveness.

248. A new policy criterion is required to refer to the Heritage Impact Assessment prepared for the Local Plan and to require development to implement its recommendations or other mitigation measures agreed with the Council. **MM68** makes the necessary addition for effectiveness.

### **Policy SP28: Great Harwood**

249. **MM72** is necessary to add a new criterion to Policy SP28 and **MM73** adds a paragraph to the supporting text to recognise the industrial heritage of Great Harwood as well as designated and non-designated heritage assets to ensure their conservation and enhancement. This is required for effectiveness.

250. As consulted on, the above modifications lacked clarity in regard to the expectation of development proposals to sustain and enhance heritage assets and their settings. As such, following the consultation on the MMs, I have amended the modifications according in the attached Appendix. Furthermore, **MM73** states the 'expectation' that an appropriate evidence-based assessment of the historic environment should be provided by development proposals. To ensure the policy is positively prepared, I have made an amendment in the attached schedule, following the consultation on the MMs, to provide clarity that this 'should' be provided and is not just expected. The substance of the policy is unaffected by these changes.

### **Policy SP29: Huncoat**

251. Part 2 of the policy expects developers to adhere to the HGV Masterplan and Design Code. As these documents do not have the status of Development Plan Documents and in the interest of consistency with other policy wording,

**MM74** deletes the word 'adhere' and replaces it with 'have regard' to in order to ensure the policy is effective. Again, for effectiveness, **MM75** deletes parts 3 and 5 from the policy. Part 3 which relates to the safeguarded land for the rail freight terminal is duplicated in Policy SP2. Part 5 is added to Policy SP2 as it provides detailed development criteria specific to the Garden Village development.

252. A new policy criterion is required to make reference to the Heritage Impact Assessment prepared for the Local Plan and to require development to implement its recommendations or other mitigation measures agreed with the Council. **MM76** makes the necessary addition for effectiveness.

### **Policy SP30: Oswaldtwistle and Knuzden**

253. The policy seeks to support the vitality and viability of Oswaldtwistle town centre. For effectiveness, **MM77** adds reference to its role in providing local shops and services. A new policy criterion is required to refer to the Heritage Impact Assessment prepared for the Local Plan and to require development to implement its recommendations or to other mitigation measures agreed with the Council. **MM77** makes the necessary addition for effectiveness.

### **Policy SP31: Rishton and Whitebirk**

254. Policy 31 as drafted is ineffective as it includes a number of incorrect statements. Whilst it supports the Peel Centre in part 5 of the policy, the name of the centre has changed, and it is now known as Hyndburn Retail Park. The policy also describes the park as a retail destination, but this does not reflect the existing uses, many of which provide leisure opportunities. Furthermore, the policy states that non bulky retailing and or supporting ancillary uses should not exceed 40% of the overall floorspace of the site. This threshold has already been exceeded. **MM78** is therefore necessary for effectiveness to make the required amendments and to explain that non bulky retail and ancillary goods will be supported subject to compliance with Policy DM3 of the DM DPD and in accordance with sequential and impact test principles. **MM80** amends the supporting text for the same reason.

255. Existing public sewers pass through and near to the residential allocation H21 York Mill which are at risk of flooding. A new criterion is added to Policy 31 by **MM79** to require that consideration of this constraint be made in the detailed design, masterplanning and drainage for the development of the site in the interest of effectiveness.

## Conclusion

256. Subject to the MMs set out above, the strategic policies of the Plan for the Local Plan Areas are justified, effective and consistent with national policy

## Issue 11 – Whether the Policies of the Plan for protecting and enhancing the natural environment are justified, effective and consistent with national policy.

### Policy SP13: Climate Change and Sustainable Development

257. This policy seeks to ensure that development mitigates the likely effects of climate change and minimises negative impacts on the environment. Part a) of the policy requires adherence to national and local policy guidance on climate change measures or technical standards in place at the time a development is proposed. As this duplicates other policies and standards, the subject of other regulations, **MM43** deletes this part of the policy for effectiveness.
258. A number of the site allocations include areas that are at risk of flooding. Appendix D of the Plan sets out Flood Risk Maps for allocations with 0.1% or greater annual probability of surface/river flooding. There is however no explanatory text or a key with the maps to assist developers, the community and decision makers. **MM149** rectifies this and replaces the maps for effectiveness.
259. Part h) of the policy refers to improving water efficiency standards. This is ambiguous as it is unclear which standards are being referred to. **MM44** deletes the word 'standards' to ensure the policy is effectively worded. The Council has decided not to adopt the higher water efficiency standards set out in Building Regulations. Whilst there is evidence of a supply-demand deficit in the coming years, Hyndburn, and indeed the north west, are not currently classified as being in water stress.
260. The PPG advises that the water stress classification is the starting point for the consideration of this matter. I acknowledge there is strong evidence for the adoption of the higher option water efficiency standards. However, the Plan is not unsound because it does not adopt them. The Council are required to commence the preparation of a new Plan from the end of June 2026 as part of the new planning system. This matter can be considered further through that process.
261. The supporting text to the policy refers to safeguarding the long-term capability of the best and most versatile agricultural land (Grades 1, 2 and 3a). This does not however form a policy requirement. **MM45** adds a new policy criterion for effectiveness.

### **Policy SP14: Green infrastructure**

262. Policy SP14 seeks to protect, enhance and extend green infrastructure and refers to the creation of a multi-functional Green Infrastructure network including an eventual Nature Recovery Network. In the interests of clarity and effectiveness, **MM46** adds reference to Local Nature Recovery Strategies and expands on the purpose of a multi-functional Green Infrastructure network; to provide wider environmental benefits to tackle climate change, deliver opportunities for outdoor recreation and strengthen the Borough's landscape character.

### **Policy SP16: Natural Environment Enhancement**

263. This policy provides a strategic approach to the protection and enhancement of the natural environment. Part 1b) requires that development seeks to avoid significant harm to biodiversity and if this cannot be avoided adequately mitigated or as a last resort compensated, planning permission will be refused. The policy refers to a paragraph of the Framework which may become out of date during the Plan period. **MM47** is required to delete this from the policy in the interest of effectiveness.

264. Part 1c) of the policy requires development to provide a minimum 10% measurable biodiversity net gain (BNG). As this is a mandatory requirement of the Environment Act, it does not need to be stated in local plan policy. In the interest of effectiveness **MM48** deletes this from the policy but retains the need to comply with the statutory BNG requirement and ensure ongoing management measures are in place. This ensures the policy is consistent with paragraph 180d) of the Framework which supports development that conserves and enhances biodiversity. **MM51** and **MM50** are necessary to expand the supporting text to provide further guidance with regard to the use of biodiversity metrics to assess compliance and the appropriate mechanisms for the delivery of BNG in the interests of effectiveness.

265. The supporting text lacks detail with regard to the Local Nature Recovery Strategy which became mandatory in 2022 and supports the Nature Recovery Network. **MM49** adds to the policy wording in part 1d) and **MM50** amends the supporting text to provide clarity in the interest of effectiveness.

### **Policy SP17: Renewable Energy**

266. Policy SP17 in part 1 supports the development of renewable energy within areas of search. However, the policy is ineffective as areas of search are not defined or supported by analysis in the evidence base. **MM52** is therefore required to delete this reference from the policy for effectiveness.

267. The Council's Climate Emergency declaration and Green Review identify a range of actions to achieve net zero by 2030. Part 2 of the policy aims to support this target. It is however ambiguous, as it refers to proposals which support the achievement of net zero in Council activities. It is unclear which activities this relates to or why only Council activities are referred to. **MM53** rectifies this for effectiveness by deleting this wording.

### **Policy SP19: Heritage**

268. Policy SP19 in part 3 seeks to conserve the significance of heritage assets. The preparation and submission of a Heritage Impact Assessment as part of the submission of a planning application is important to achieve this. In the interest of effectiveness, **MM54** adds this requirement to the policy.

269. Part 4 of the policy relates to non-designated heritage assets and states that proposals which would remove, harm or undermine the significance of these assets will only be permitted where the benefits outweigh the harm. This is inconsistent with the Framework which requires that the effect on the significance of a non-designated heritage asset should be taken into account in a balanced judgment. **MM55** rectifies this by deleting this section of the policy. Replacement text is not required as proposals can be assessed against national planning policy.

### **Policy SP20: Environmental Amenity and Air Quality**

270. This policy seeks to ensure that development does not give rise to unacceptable adverse amenity impacts through for example noise, dust, light pollution, emissions, odours and other nuisances. The policy refers to the 'agent of change' principle referred to in the Framework, but the Plan does not clarify what this means. As this already forms part of national planning policy and does not need to be replicated in the Plan, **MM56** deletes this reference from the policy for effectiveness.

### **Policy SP21: The Leeds and Liverpool Canal**

271. Policy SP21 is ineffective as it does not recognise the historic environment of the canal including the designated and non-designated buildings, bridges and locks. It also does not make reference to the Church Canalside Conservation Area. **MM57** and **MM58** rectify these omissions for effectiveness.

### **Conclusion**

272. With the MMs set out above, the Policies of the Plan for protecting and

enhancing the natural environment are justified, effective and consistent with national policy.

## **Issue 12 – Whether the Strategic Policies of the Plan for infrastructure, accessibility and transport are justified, effective and consistent with national policy.**

### **Policy SP3: Planning Obligations**

273. This policy sets an overarching framework for the negotiation of planning obligations. **MM19** removes reference to paragraphs in the Framework in part 1 of the policy for effectiveness as they will become outdated over the course of the Plan period. Part 3 of the policy states that the Council may introduce a separate delivery mechanism for HGV. However, it is unclear what this may entail. Guidance is however provided in Policy SP2, which in part 4 outlines the need for development to contribute to the cost of strategic infrastructure through an appropriate legal agreement. In the interest of effectiveness, **MM20** deletes this section of the Policy.

### **Policy SP8: Open Space Provision**

274. This policy seeks to maintain and enhance a network of high-quality open spaces in the Borough. **MM32** removes reference to paragraphs in the Framework in part 1b) of the policy for effectiveness as they will become outdated over the course of the Plan period.

### **Policy SP9: Provision of Community Facilities**

275. Policy SP9 supports proposals for high quality educational, sport, recreational health, community and cultural facilities. Part 2 of the policy concerns the loss of a facility through redevelopment. However, changes of use could also result in the loss of a facility. **MM33** adds this to the policy text for effectiveness.

276. In the case of the loss of sport or recreational facilities, the policy states that the requirements of the Framework will be applicable. **MM33** deletes the reference to particular paragraphs of the Framework which would become outdated during the Plan period for effectiveness.

277. **MM34** adds to the supporting text to outline the Council's presumption against the loss of playing fields and recreational facilities and that it should be demonstrated that the loss or replacement would not result in under provision. Furthermore, replacement facilities should only in exceptional circumstances be provided after the redevelopment has taken place. This modification ensures that the policy is effective and consistent with national planning policy. As

consulted on, the proposed wording of **MM34** lacked precision and I have made amendments, following consultation on the MMs, to make clear the expectation that an applicant must demonstrate exceptional circumstances if the replacement facilities are not provided in advance of redevelopment. This alteration does not change the substance of the policy.

### **Policy SP23: Sustainable and Safe Transport**

278. Policy SP23 sets out criteria for development to ensure accessibility by a variety of transport modes and promotes sustainable travel. **MM59** deletes the requirement to provide electric vehicle charging in off street parking in part 1c) of the policy for effectiveness as this duplicates Building Regulation requirements. Part 1e) of the policy states that where highway improvements are required, these should be funded by the developer and secured through a legal agreement. However, there may be instances where significant highway infrastructure improvement projects require developer contributions from a number of developments not just one and /or grant funding. **MM60** amends the policy to recognise these circumstances. This ensures that the policy is effectively worded.

### **Conclusion**

279. Subject to the MMs outlined above, the Strategic Policies of the Plan for infrastructure, accessibility and transport are justified, effective and consistent with national policy.

### **Issue 13 - Whether the strategy for implementation, monitoring and review is appropriate and robust.**

280. As submitted the Plan did not include a Monitoring Framework but stated that one would be prepared and reported upon on an annual basis, through the Council's Authority Monitoring report. This approach is not justified or effective. **MM150** rectifies this and provides a Framework to become a new Appendix E in the Plan. This includes clear and measurable indicators to monitor key elements of the Plan. It is not necessary for soundness for the Framework to include appropriate remedial actions which may be undertaken should the targets not be met. The Council are required to start work on a new Plan in the new system by the end of June 2026. Any issues can be addressed through that review process.

### **Overall Conclusion and Recommendation**

281. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in

accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

282. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended MMs set out in the Appendix, the Hyndburn 2040: Local Plan (Strategic Policies and Site Allocations) satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

*Helen Hockenhull*

INSPECTOR

This report is accompanied by an Appendix containing the Main Modifications.