

**Report to:** Council  
**Date:** 19<sup>th</sup> January 2012  
**Portfolio:** Planning, Cllr. Miles Parkinson, Leader of the Council  
**Report Author:** Chief Planning and Transportation Officer  
**Title of Report:** Adoption of the Hyndburn Core Strategy

**1. Purpose of Report**

- 1.1 To inform Council of the receipt of the Inspector's Report following the examination of the Hyndburn Core Strategy; to outline the main points in the Report; and to seek approval for the adoption of the Core Strategy.

**2. Recommendations**

- 2.1 That Council notes the Inspector's report and formally adopts the Hyndburn Core Strategy, incorporating the changes as set out in the Inspector's Report; and that the Core Strategy takes effect immediately following the meeting of Full Council on 19<sup>th</sup> January 2012.

**3. Background**

- 3.1 The Core Strategy provides the strategic planning policy framework which will guide development in the Borough during the period 2011-2026. Its preparation has followed a lengthy statutory process. Following the submission of the Core Strategy in May 2011, Mr Stephen Pratt, Planning Inspector, was appointed to undertake an examination into the legal compliance and soundness of the plan. The examination was undertaken concurrently with the examination of the Accrington Area Action Plan (AAP) and included Hearing Sessions which took place between 20<sup>th</sup> and 28<sup>th</sup> September 2011. It has now ended and the Inspector's Final Report has been received.
- 3.2 In summary, the Inspector's report concludes that, with a limited number of changes that do not alter the overall strategy, the Core Strategy satisfies all legal requirements and is sound. He considers that with the AAP, it provides, "*an appropriate basis for the planning of the Borough over the next 15 years. The Council has sufficient evidence to support the strategy and can show that it has a reasonable chance of being delivered.*" In conclusion the Inspector recommends that the plan be changed in line with the changes that have been proposed by the Council.
- 3.3 The changes recommended in the report are based on proposals put forward by the Council in response to points raised and discussed during the examination process.

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These included points raised by the Inspector and by those making representations. The Inspector considers that the changes do not alter the thrust or basis of the Council's overall strategy. Following the close of the hearing sessions, a comprehensive set of changes was formally publicised and any representations have been taken into account by the Inspector in preparing his final report.

### 3.4 The main changes to the Core Strategy are as follows:

- Set out the spatial strategy in the form of a strategic over-arching policy;
- Clarify and update the employment land strategy, including the policy for retailing and town centres;
- Clarify and update the housing strategy, including the overall housing provision, affordable housing, provision for gypsies and travellers and the policy for development of residential gardens/curtilages;
- Clarify and update the other thematic policies, including renewable energy and transport;
- Clarify and update the policies for proposed strategic employment and housing developments at Huncoat, including Whinney Hill Link Road and removal of references to "waste development" at the Strategic Employment Site in Huncoat;
- Amend the Key Diagram to show the Green Belt and distinguish Accrington as the principal centre;
- Amend and update the housing trajectory, along with consequential amendments to the appendices relating to implementation.

These are set out in detail at Annex A1 of the Inspector's Report (Changes required to make the Core Strategy sound). In addition, there is a further schedule of minor changes to the Core Strategy which are also endorsed by the Inspector and which deal largely with minor factual updates/editorial matters (Annex B1 of the Inspector's Report). It is important to note that no changes are recommended which have not already been put forward by the Council.

### 3.5 Overall the Inspector conveys considerable support for the Core Strategy and its policies. The overall vision and strategic objectives "provide a sound, relevant and locally distinctive basis for the spatial strategy reflecting community views and the Sustainable Community Strategy". With the elevation to actual policy, the balanced development strategy is considered to be "clearly expressed effective and deliverable and is supported by an extensive robust and credible evidence base. As such it provides a sound basis for the thematic and area based policies that follow". With the incorporation of changes, thematic policies and area based policies for Accrington (including Huncoat), Great Harwood, Rishton, Knuzden and Whitebirk and the rural areas are all considered to be appropriate and soundly based. The Inspector also considers that apart from the changes referred to, the arrangements for monitoring and implementing the Core Strategy are effective, clearly set and soundly based.

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- 3.6 The Inspector has also taken into account policy statements which have been published by government since the submission of the Core Strategy. These include *Planning for Growth* and *Planning for Schools*, and the *draft National Planning Policy Framework* issued for consultation in July 2011.
- 3.7 At the time of writing this report the Inspector's recommendations are binding upon the local authority. The Localism Act includes new provisions in relation to the adoption of Development Plan Documents. In the case of the Core Strategy, the Inspector's recommendation is that the plan be changed in accordance with the changes referred to in his report. These have largely been put forward by the Council to address issues and matters raised in the examination process and none have been imposed by the Inspector. The inspector also considers that they are necessary to meet legal and statutory requirements, i.e. to make the plan sound. It is therefore considered appropriate and necessary to incorporate these changes into the adopted version of the Core Strategy.
- 3.8 Following receipt of the Inspector's report the Council is now in a position to proceed to formal adoption of the plan in accordance with statutory and regulatory requirements which will need to be complied with. The Core Strategy will form part of the statutory development plan for Hyndburn and provide the up to date overarching framework within which subsequent documents in the Local Development Framework can be prepared and against which planning applications can be determined. The Inspector's report already highlights a number of matters such as more detailed policies, specific boundaries or development briefs, which will need to be addressed in the Site Allocations or Development Management DPDs or Supplementary Planning Documents.
- 3.9 The Council cannot choose to adopt part of the Core Strategy, it must adopt it in its entirety in line with the recommendations of the Inspector.
- 3.10 Following adoption of the Core Strategy there will be a six week period in which an application can be made for a legal challenge in the High Court. This can relate to the Inspector's decision or the Council's decision to adopt the plan. It is a provision which is applicable to many decision making processes.

#### **4. Reasons for Recommendations**

- 4.1 To complete the formal process of adoption of the Core Strategy.

#### **5. Alternative Options considered and Reasons for Rejection**

- 5.1 The alternative course of action is not to adopt the Core Strategy. This is not a recommended course of action and would present significant risks, especially in view

of the fact that it has been found sound. The Government, in the draft National Planning Policy Framework, continues to emphasise the importance of an up to date, plan led system and also that where planning policies are out of date, local authorities would be urged to grant planning permission. The failure to adopt would result in a lack of an up to date planning policy framework to guide development, provide certainty to developers and provide the context within which planning applications are determined. It would fail to provide the context within which subsequent Development Plan Documents (i.e. the Site Allocations and Development Management DPDs) are produced and cause further delay to the establishment of a Local Development Framework for Hyndburn. This could all lead to ad hoc decisions being taken on appeal.

## 6. Implications

Issue	Comments
<b>Financial (including mainstreaming)</b>	<p>The costs of preparing the Core Strategy have been considered previously and provision has been made. Costs associated with the final stages of adopting the plan include those arising from statutory notification and producing the final document.</p> <p>If a High Court Challenge is submitted additional costs would arise.</p>
<b>Legal (including Human Rights issues)</b>	<p>The Inspector has examined compliance of the Core Strategy with the legal requirements and confirms that the Core Strategy meets them all as summarised in his report.</p> <p>When adopted, the Core Strategy will form part of the statutory development plan for Hyndburn and will be the starting point for making decisions on planning applications.</p> <p>When adopted there will be a six week period in which a High Court Challenge can be made.</p>
<b>Assessment of Risk</b>	<p>The main risks relate to failure to adopt the Core Strategy (see 5.1 above) and the submission of a High Court Challenge. The latter is a legal provision and is not an overriding reason to delay proceeding to adoption.</p>
<b>Equality and Diversity</b> <i>What have you done to ensure that your proposal meets the diverse needs of customers?</i>	<p>A level 3 (full) Equality Impact Assessment of the Core Strategy was undertaken and submitted alongside the Core Strategy for examination in May 2011. Social Inclusion is a key cross cutting theme in the Core Strategy.</p>
<b>Key Decision</b> <i>Only applicable for</i>	<p>Is the recommendation a Key Decision? Yes If yes, is it included in the current Forward Plan? Yes</p>

<i>Cabinet decisions.</i>	
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## 7. Consultations

- 7.1 None directly associated with this report. Significant consultation has taken place in preparing the Hyndburn Core Strategy in accordance with both statutory and regulatory requirements and the Council's Statement of Community Involvement.

## 8. Links to Corporate Priorities

The Core Strategy (CS) reflects many of the spatial aspects of the Corporate Priorities and makes a significant contribution to its delivery as follows:

Priority	Comments
<b>Corporate Governance And Customer Focus</b>	The Core Strategy sets out the Council's Vision for Hyndburn and a framework for the development of the Borough.
<b>Safer Communities</b>	This is addressed in the Core Strategy (Policy Env 6)
<b>Strong &amp; Balanced Housing Market</b>	The CS includes specific policies to deliver a greater choice and quality of housing.
<b>Thriving Economy</b>	The CS includes specific policies to create greater opportunities for all to access improved economic opportunities and to provide support for the local economy and higher wage employment.
<b>Safeguarding the Environment</b>	The CS includes specific policies to create a valued urban and rural environment and address climate change.
<b>Valuing Diversity</b>	Social inclusion is a cross cutting theme of the Core Strategy.
<b>Educational Attainment</b>	The CS includes specific policies to provide for a range of educational opportunities and to raise attainment.
<b>Healthier Living</b>	The CS includes specific policies to improve the quality and health of residents in Hyndburn.

## 9. Local Government (Access to Information) Act 1985: List of Background Papers

Hyndburn Core Strategy (Submission version) (available at [http://www.hyndburnbc.gov.uk/site/scripts/download\\_info.php?fileID=2604](http://www.hyndburnbc.gov.uk/site/scripts/download_info.php?fileID=2604))

Report on the Examination into the Hyndburn Core Strategy and Accrington Action Area Plan 14<sup>th</sup> December 2011, available at:

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[http://www.hyndburnbc.gov.uk/site/scripts/download\\_info.php?downloadID=829&fileID=3159](http://www.hyndburnbc.gov.uk/site/scripts/download_info.php?downloadID=829&fileID=3159)

Annex A1 to the above report detailing changes required to make the Core Strategy sound, available at:

[http://www.hyndburnbc.gov.uk/site/scripts/download\\_info.php?downloadID=829&fileID=3160](http://www.hyndburnbc.gov.uk/site/scripts/download_info.php?downloadID=829&fileID=3160)

Annex B1 to the above report detailing minor changes put forward by Council to the Core Strategy, available at:

[http://www.hyndburnbc.gov.uk/site/scripts/download\\_info.php?downloadID=829&fileID=3162](http://www.hyndburnbc.gov.uk/site/scripts/download_info.php?downloadID=829&fileID=3162)

## **10. Freedom of Information**

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