

EXAMINATION OF THE HYNDBURN 2040 : LOCAL PLAN (STRATEGIC POLICIES AND SITE ALLOCATIONS)

MATTERS, ISSUES AND QUESTIONS

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Introduction

These matters, issues and questions relate to the examination of the Hyndburn Local Plan (the Plan). All documents can be found on the examination webpage on the Council's website.

Further information about the examination, the conduct of the hearing sessions and the format of any further written statements is provided in the Inspectors' Guidance Note.

Matter 1 – Compliance with statutory procedures and legal matters

Issue 1.1 – Has the Council met the statutory duty to cooperate as set out under Sections 20(5)c and 33A of the Planning and Compulsory Purchase Act 2004?

Duty to cooperate (DtC)

1. Has the Council complied with the duty to cooperate during the preparation of the Plan up until the date on which it was submitted for examination?

Issue 1.2 – Has the Plan been prepared in accordance with other legal and procedural requirements?

Integrated Impact Assessment (IIA)

2. Paragraph 32 of the Framework (2023) indicates that local plans should be informed throughout their preparation by sustainability appraisal that meets the relevant legal requirements. Is the IIA methodology robust?
3. Is the baseline evidence sufficiently up-to-date and therefore adequate?
4. Is the IIA decision making and scoring robust, justified and transparent?

5. Is it clear how the IIA has influenced the policies and allocations in the Plan and how mitigation measures have been taken into account?
6. Has adequate consideration been given to ecological, and heritage matters in determining IIA scores?
7. Low, medium and high employment and housing growth options were considered at Regulation 18 stage. Why are the high employment growth and the medium housing growth options preferred? What evidence supports these conclusions?

Habitat Regulations Assessment

8. Has the HRA been undertaken in accordance with the Regulations and is it robust?

Consultation

9. Has the Plan been prepared in accordance with the Council's Statement of Community Involvement (HBC1.003) and statutory consultation requirements? Has all relevant and available evidence been made available for consultation, at the various stages of Plan preparation?
10. What evidence is there that representations submitted in response to the submission Plan have been taken into account as required by Regulation 18(3)?
11. Were adequate opportunities made available for participants to access and make comments on the Plan, and other relevant documents, in different locations and using different means both digital and non-digital?

Other regulatory and procedural requirements

Equality

12. Have the requirements of section 149 of the Equality Act 2010 been met?

Climate change

13. Does the Plan, taken as a whole, include policies designed to ensure that the development and use of land in Hyndburn contributes to the mitigation of, and adaptation to, climate change in accordance with Section 19(A) of the Planning and Compulsory Purchase Act 2004 (as amended)?

Neighbourhood Plans

14. Does the Plan set an appropriate framework, and allow an appropriate role, for any neighbourhood plans that may be prepared in the Borough?

Matter 2 The Vision and Spatial Development Strategy

Issue 2.1: Is the Plan's overall vision and strategy positively prepared, justified, effective and consistent with national policy in enabling the delivery of sustainable development.

Vision and Strategic objectives

1. Are the vision and strategic objectives justified by the evidence and do they reflect the issues and challenges facing the Borough?
2. Should the Vision for Hyndburn seek to conserve and enhance the historic environment of the Borough?
3. The supporting text to Strategic Objective 4 refers to the heritage assets in the Borough. Does the Strategic Objective adequately recognise their importance?

Policy SP1

4. Is the spatial strategy appropriate and justified taking into account reasonable alternatives and based on proportionate evidence?
5. Is the Policy consistent with the Framework, is it justified, and would it be effective?
6. Does the Growth Strategy for Altham take sufficient account of the proposed expansion of Altham Business Park? Is there any contradiction?
7. The Policy states that the existing settlement pattern and hierarchy will be maintained. Did the Council review the settlement hierarchy as part of Plan preparation? If not, why not? Is the existing hierarchy justified?
8. Are the settlement boundaries illustrated on the Policies Map justified?
9. Does the spatial distribution of housing accord with the settlement hierarchy? Is it appropriate and justified, in particular,
 - a. should more housing be allocated in Great Harwood and Oswaldtwistle to support their future growth and ability to attract investment?
 - b. Clayton-le-Moors is included within the top tier of the Settlement Hierarchy. What is the justification for it being allocated less housing than areas lower down the settlement hierarchy eg Rishton and Great Harwood?
10. How does part 2 of the Policy, relating to development in rural areas, take into account paragraphs 84-85 of the Framework to support a prosperous rural

economy? Rather than referencing the Framework, should the policy be more specific as to what this means for Hyndburn?

Flood Risk

11. The Level 1 SFRA (HBC6.002a) makes a number of recommendations. Have these been followed and if not, what is the justification for this?
12. Is there any evidence to indicate that the Council has failed to apply the sequential test and then if necessary, the exception test during preparation of the Plan?
13. Appendix D to the Plan provides flood risk maps for allocations. Is it clear what they are illustrating and how they should be used to guide development proposals?

Rural Areas

Policy SP25 Development in rural areas.

14. Is the policy effective, justified and consistent with national planning policy?
15. Are parts 2 and 3 of the Policy consistent with paragraph 84 of the Framework?
16. Does part 5 of the Policy duplicate Policy SP1 6f)? Is it necessary in Policy SP25 for soundness?

The Local Plan Areas

Issue 2.2 : Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for individual local plan areas in Hyndburn?

No specific questions for Policies SP27 or SP30.

Policy SP26 Accrington

1. Should the development strategy for Accrington recognise the presence of heritage assets including the Town Centre Conservation Area and require development proposals to have regard to its conservation and enhancement?

Policy SP28 Great Harwood

2. Should the development strategy for Great Harwood recognise the presence of heritage assets including the Town Centre Conservation Area and require development proposals to have regard to their conservation and enhancement?

Policy SP29 Huncoat

3. Is the requirement in part 2 of the policy to 'adhere' to the Huncoat Garden Village Masterplan and Design Code too restrictive. Should development 'have regard' to these non-statutory documents?
4. In the interests of clarity and effectiveness, should part 4 of the policy set out where the new local centre is likely to be located?
5. The site allocations listed in the policy have the potential to generate significant vehicular movements. Part 5 of the Policy states that the required highways infrastructure must be operational no later than the occupation of the development for which it is required. Is this justified? Has an assessment been undertaken to understand what level of development, if any, could take place before the required infrastructure is operational?

Policy SP31 Rishton and Whitebirk

6. What is the justification for the 40% restriction on non-bulky retail and/or supporting ancillary uses at Hyndburn Retail Park?
7. Does the supporting text need to be amended to recognise that Hyndburn Retail Park is not simply or solely an 'out of centre' retail facility but provides a complimentary function adding to the commercial attractiveness of the planned employment allocations?

Matter 3

Issue 3 : Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for the Green Belt?

Principle of Green Belt Release

1. Do the exceptional circumstances, as required by paragraphs 140 – 143 of the Framework, exist to justify the proposed revisions to the Green Belt boundary for additional land for housing and employment?
2. Has the Council examined fully all reasonable options for meeting its identified needs in line with paragraph 141 of the Framework?
3. How do the proposed Green Belt revisions align with the spatial strategy for the Borough? How will they promote sustainable patterns of development?
4. Is the Green Belt Assessment 2019 (HBC2.001) based on a robust assessment methodology? Does it adequately consider the fundamental aim and purposes of Green Belts?
5. Are the revised boundaries capable of enduring in the long term, beyond the plan period?
6. The Local Plan proposes the addition of three new areas of Green Belt totalling 10.5 hectares. Paragraph 139 of the Framework sets out that proposals for new Green Belt should only be established in exceptional circumstances and outlines that they should be set out in strategic policies which should demonstrate five criteria are met. Where in the evidence base is an assessment of the sites against these criteria? Have exceptional circumstances been demonstrated for the establishment of these three new Green Belt sites?
7. Policy SP1 6e) refers to Green Belt boundary changes to address minor discrepancies. Where are these set out? What are the exceptional circumstances to justify these amendments?
8. What is the justification for safeguarding land for residential development and a rail freight terminal at Huncoat for their development beyond the plan period?
9. What ways does the plan set out how the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land in line with paragraph 142 of the Framework?

Matter 4

Issue 4 : Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for employment land and town centres in Hyndburn?

The Economy and Town Centres

1. Does the Plan set out a clear economic vision and strategy which encourages sustainable economic growth?
2. The assessment of employment growth set out in the Housing and Economic Needs Assessment 2021 (HBC2.003b), forecasts an employment land need of 59 ha over the period 2021-2037, updated in the Employment Land Background Paper (HBC8.002) to 70ha to 2040? Is this justified by the evidence?
3. What evidence is there that the target of 70ha of employment land over the Plan period is deliverable, bearing in mind past completion rates?
4. What is the identified supply of new employment land/floorspace over the Plan period? Should this be set out clearly in the Plan?
5. What assumptions have been made in assessing the availability and capacity of land for employment use? Does that include the potential to intensify the use of existing employment land? Conversely, has the potential loss of employment land to other uses been assessed and taken into account?
6. What flexibility has been built into employment need and employment land supply calculations? Has this included a buffer to account for forecasting variation and market choice? If so, what assumptions have been made and are these justifiable? Has a buffer been included in forecast demand or supply, or both?
7. To what extent has allocated employment land in Blackburn, including sites on the western fringes of Hyndburn, been taken into account in assessing employment land requirements and demand for sites in Hyndburn?
8. What factors have influenced the strategic distribution of employment land allocations? What alternative strategic sites have been considered and how do they compare to those selected for inclusion in the Plan?
9. Does the economic strategy support the future vitality and viability of town, district and local centres?
10. How does the economic strategy support the sustainable growth and expansion of businesses in rural areas?

11. Should the current economic growth predictions and uncertainty be taken into account in the economic strategy? What implications might there be for Hyndburn? Is the economic strategy sufficiently flexible to cope with slower than expected economic growth?
12. Where in the Plan does it set out the expectations for EMP1 and EMP2. What use classes would be acceptable on these sites? Should these two sites have a specific policy to outline the design, environmental and transport considerations?
13. The Employment Background Paper sets out that there is a need for around 2.41 ha of land for office uses, 19.88 ha for industrial uses and 47.76 ha of land for warehousing. To be effective, should the Policy set this out to prevent the disproportionate development of one type of employment use? Does there need to be greater clarity about the types and amounts of uses to be supported on the individual allocations?
14. The strategic allocations EMP3, EMP4, EMP5 and EMP6 are identified as being suitable for B2 and B8 uses. Where is it anticipated that the required land for office uses will be provided? Should there be some flexibility to allow other employment uses on the strategic allocations which may provide high quality jobs?

Policy SP4 Employment Provision and Strategic Sites

15. The Policy sets out that 70 ha of land for employment uses will be provided over the Plan period. In the interest of effectiveness, bearing in mind the gross site areas in Table 1, should the Policy state the gross and net figures?
16. Policy SP4 in part 2 states that the Council preference is to support a higher proportion of uses which generates a greater number of jobs. In the event of a disproportionate number of B8 jobs coming forward, the Policy states that the Council will review its policy position. Is this section of the Policy positively prepared and is it effective? What steps does the Council intend to take to address this situation if it occurs?
17. Part 3 of the Policy refers to the East Lancashire Rail Freight Terminal and states that suitable access arrangements will need to be identified. Is this section of the policy effectively worded? What access arrangements could be possible and does this raise any consequential implications that the Plan should address?

Policy SP5 Protection, Modernization and Development of Employment sites

18. Part 2 of the Policy identifies the strategic employment hubs illustrated in the Key Diagram and states that they will be supported to grow in line with Policy SP4. Is it clear to developers, decision makers and the community how this will be achieved?
19. Part 3b of the Policy concerns adequate quality employment sites. Is there contradiction and/or duplication between the requirements of paragraphs 2-4 of Policy DM1 and sub sections i-iii of this part of the Policy? Is the Policy effectively worded?
20. Part 4 of the policy states that proposals for the redevelopment of existing employment sites away from a B use class to one that retains some form of significant employment on the site will be considered more flexibly? What does 'flexibly' mean in this context. Would the policy wording be more effective if the word favourably was substituted as referenced in the supporting text?
21. In the Schedule of proposed minor modifications (HBC1.006) it is proposed to remove the last sentence of part 4 of the policy, 'The development of retail uses on employment sites will not be supported'. Is this justified?
22. Is reference to the Framework (Agent of Change principle) necessary for effectiveness in part 6 of the Policy?

Policy SP6 Centre Hierarchy, Strategy and Retail Provision

23. Are the town and local centre boundaries shown on the Policies Map justified? Have they been reviewed?
24. Should the Policy give greater recognition of the leisure and commercial uses at Hyndburn Retail Park and the potential role of the site in adding to the commercial attractiveness of the planned employment allocations?
25. In terms of the retail hierarchy is there justification for identifying Hyndburn Retail Park as a 'centre' ?

Matter 5 Housing Requirement and Housing Policies SP10, SP11 and SP12

Issue 5.1: Has the Plan been positively prepared and is it justified, effective and consistent with national policy in meeting the housing needs of all groups in Hyndburn over the plan period?

Issue 1 Housing requirement

1. The housing requirement set out in the Plan is an average of 194 dwellings per annum, much higher than the figure calculated using the standard method. Is this positively prepared, justified by proportionate up to date evidence and consistent with national planning policy?
2. What are the exceptional local circumstances that justify deviating from the standard method?
3. Is the proposed level of housing supported by the planned economic growth ?

Policy SP11 Suitable Range of Housing

4. Is the Policy justified, effective and consistent with national planning policy and the PPG in requiring accessible, adaptable and wheelchair friendly homes?
5. The Local Plan Economic Viability Assessment identified that affordable housing was not viable on sites delivering older persons housing. Is it therefore justified that such sites should be make a contribution towards the affordable housing requirement?

Issue 5.2 : Has the Plan been positively prepared and is it justified, effective and consistent with national policy in meeting the needs of Gypsies and Travellers?

Gypsy and Traveller Accommodation Assessment (GTAA)

6. Does the GTAA provide a robust up to date evidence base?
7. Is it clear from the Plan what the cultural need for Gypsy and Traveller sites is over the Plan period and how it will be met?
8. Can an adequate supply of pitches be demonstrated over the first five years of the Plan and then over the remaining Plan period?

Policy SP12 Gypsy and Traveller and Travelling Showpeople Provision

9. Is the Policy justified, effective and consistent with national planning policy?
10. Should reference to sites identified on the Policies Map be included in the Policy for effectiveness and not in footnote 82?

Sites GT1-5

11. Are the site allocations soundly based; and is there evidence that the development of the respective allocations is viable and deliverable when anticipated in the Plan period?
12. Having regard to the individual site characteristics and any constraints, is there a need for the Plan to set out design, environmental or transport requirements to guide the development of sites GT1-5?
13. In respect to GT4 and GT5 what exceptional circumstances are there to justify the release of land in the Green Belt? Have all other reasonable options for alternative sites been examined fully? What compensatory work is proposed and how would it improve environmental quality and accessibility?

Matter 6

Issue 6 : Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for transport and infrastructure?

Accessibility and Transport

General

1. Paragraph 110 of the Framework states that it should be ensured that in assessing sites to be allocated for development in plans, any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety can be cost effectively mitigated to an acceptable degree. What evidence is there to demonstrate that this is the case for the growth proposed in the Hyndburn Local Plan?
2. Does the Local Plan Transport Study (HBC7.001a) provide a robust assessment of the likely traffic implications of development proposed in the Plan? Can the impacts on the highway network be acceptably mitigated?
3. A Junction Monitoring Report is proposed to be prepared to assess the implications of traffic growth on J6 and J7 of the M65. What is the anticipated programme for this work? How will any recommendations for highway improvements be funded and delivery ensured?
4. Does the Infrastructure Delivery Plan (IDP) reflect the findings of the Local Transport Study? How will the IDP be kept up to date?
5. How will the site-specific sustainable transport measures recommended in the Transport Study in Table 7-3 be taken forward and secured?

Junction 8 M65

6. The evidence demonstrates that J8 of the M65 will require improvement to enable the Local Plan growth to proceed, in particular the Huncoat Garden Village. The Statement of Common Ground with National Highways states that work is ongoing to progress modelling and feasibility appraisal work for the junction. This will feed into an assessment of whether a scheme is deliverable and whether it can be justified for funding to be allocated through the Road Investment Strategy (RIS3) for the scheme. What is the current progress with this work and what are the timescales involved?
7. Significant highway improvements will be needed to the A6068/A678 Shuttleworth Mead Crossroads junction due to traffic queuing at this junction affecting vehicles seeking to exit the motorway, resulting in queuing on the motorway slip road. These Improvements will be necessary alongside those

at J8. What is the progress with the feasibility work in respect of this junction currently being undertaken by Lancashire County Council?

8. If it is shown that the necessary highway improvements to J8 and or the Shuttleworth Mead Crossroads Junction are not technically feasible to deliver or that funding cannot be secured, what are the implications for the soundness of the Plan?
9. Is a phasing strategy for Huncoat Garden Village and other developments planned, eg the extension to Altham Business Park EMP3, being investigated?

Policy 22 Connectivity and improvements to transport networks

No questions

Policy SP23 Sustainable and Safe transport

10. Is the policy effective, justified and consistent with national planning policy? In particular :
 - a) Part 1c) refers to sufficient off street car parking. Is the policy effective in setting out what the Council's car parking standards are?
 - b) Is it necessary to refer to electric vehicle charging in Part 1c) of the Policy when this is now required by Building Regulations?
 - c) What is the justification for part 1e) of the Policy? Should the policy recognise that other sources of funding may be available and in certain circumstances it may be more appropriate for a development to make a proportionate contribution towards highway improvements rather than fund them outright?
 - d) Part 2 of the policy requires a Transport Assessment and Travel Plan for schemes that generate a significant amount of movement. Is it clear from the Plan where the threshold lies?

Policy SP24 Cycle and Footpath Networks

No questions

Community Infrastructure

Policy SP8 Open Space Provision.

11. Is the policy justified, effective and consistent with national planning policy?
12. Bearing in mind the longevity of the policy, and the fact that the Framework has been and will be revised in the future, is reference to a particular paragraph of the Framework appropriate in the policy?

13. Part b) of the policy references Policy DM21 of the Development Management DPD. Is part 1f) of Policy DM21 consistent with the Framework and Policy SP8 in particular. Should SP8 be modified to make the expectations of the policy clear?
14. Are all the open space designations shown on the Policies Map appropriate and justified?

Policy SP9 Provision of Community Facilities

15. Is the policy justified, effective and consistent with the Framework? Should reference be made to the possible loss of the facility though change of use not just redevelopment in part 2 of the policy in the interest of effectiveness?
16. Policy SP9 includes reference to sport and recreational facilities as well as playing pitches. Is this appropriate and effective? Does the Policy give sufficient protection to these uses in line with paragraph 99 of the Framework? Would playing fields and sport and recreation facilities be more appropriately considered under Policy SP8?

SP3 Planning Obligations

17. Is the Policy consistent with the Framework, is it justified, and would it be effective?
18. The Policy states that development proposals should meet the reasonable costs of new infrastructure, facilities or services needed as a direct result of the development. Is this appropriate in all circumstances for example where a contribution to a major piece of infrastructure may be justified rather than meeting the full costs?
19. Is the policy and supporting text effective in explaining what form a separate delivery mechanism for Huncoat may take?
20. Is the policy sufficiently flexible to take account of individual scheme viability?
21. Is the Policy effectively worded to address individual scheme infrastructure requirements which may not be included in the Infrastructure Delivery Plan?

Matter 7 Employment Allocations Policies EP1,2,3,4

Issue 7 : Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of the employment allocations for Hyndburn?

General relating to all allocations.

1. Are the site allocations for employment soundly based? Are they developable and likely to be delivered as anticipated during the plan period? Could competition from other sites in the Borough or in the East Lancashire area have a negative impact on delivery?
2. Sites EMP1 and EMP2 do not have a specific policy setting out development requirements? What is the justification for this? Do either of these allocations have particular constraints or matters which would be appropriate to be addressed in a policy?
3. What is the justification for amalgamating sites EMP4 and EMP5 into one larger site?
4. Policies EP1, EP2, EP3 and EP4 refer to the preparation of masterplans for these sites. Who is preparing these, what process will they go through, what are the timescales? Will the preparation of the masterplans lead to a delay in the delivery of the sites? Should the policies address the scenario that applications could be submitted before the masterplans are agreed?
5. As these documents will not be Development Plan Documents, and in the interest of flexibility through the design stage, should the developments be required to 'have regard' to these rather than to adhere to them.
6. What is the justification for the policies allowing B2 and B8 uses only on sites EP1, EP2, EP3 and EP4?

Policy EP1 Land to the S of Altham Business Park (EMP3)

7. What exceptional circumstances are there to justify the release of land in the Green Belt? Have all other reasonable options for alternative sites been examined fully? What compensatory work is proposed and how would it improve environmental quality and accessibility?
8. Should the environmental requirements for the site recognise the location of ancient woodland to the east and west and ensure an appropriate buffer is maintained for their protection?
9. To be effective, should the policy identify the primary access point to the site?

10. The allocation is likely to have an impact on the strategic road network, namely J8 of the M65. Should a requirement for a Transport Assessment be added to the Policy in the interest of clarity?
11. The development of the site requires contributions to significant highway infrastructure improvements. What consideration has been given to viability?
12. The Policy in requirement iii) seeks the preservation of the character and setting of the Grade II listed Canal Bridge. Should other nearby listed buildings such as Shuttleworth Hall be added to this to ensure its significance is not undermined?
13. Criterion vii) requires large scale buffer planting throughout to break up the mass of new buildings and connect into existing green infrastructure. What is the justification for this? Is the policy effective in defining what large scale means in this context?
14. The site has the potential for archaeological remains. Would a criterion be justified to require an Archaeological Impact Assessment at planning application stage and any necessary mitigation measures?
15. What is the justification for criterion v) of the Policy? Has the landscape and visual impact been assessed to inform the policy requirement ?
16. Criterion xiii requires existing trees and hedgerows to be retained, protected and reinforced throughout the site. Should the Policy recognise that this may not be achievable and permit mitigation and replacement planting where appropriate?
17. In the interest of clarity and effectiveness, should an additional environmental criterion be added which ensures a holistic and co-ordinated approach to foul and surface water drainage and incorporate multifunctional SuDS (sustainable drainage) that are designed in accordance with the 4 pillars of SuDS and integrated with the landscaped environment?
18. Is criterion xx) effectively worded? Should it say that the development should demonstrate that any significant impacts etc can be cost effectively mitigated?
19. Are there any other constraints to the development that need to be overcome? Should they be addressed in the policy? Do they have any impact on viability?

Policy EP2 Land between Blackburn Road and the M65 slipway (EMP4)

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

Policy EP4 Land north of the railway line between Sidebeet Lane and Leeds and Liverpool Canal (EMP6)

Note : Allocations EMP4, 5 and 6 form three proposed allocated sites for employment use abutting Whitebirk Business Park. I am aware that it is proposed to amalgamate sites EMP4 and EMP5 which will require the deletion of Policy EP2 and modification of the wording of Policy EP3. For clarity the MIQs relate to the plan as submitted and do not take this into account.

The following questions apply to all three sites unless stated otherwise.

20. What exceptional circumstances are there to justify the release of land in the Green Belt? Have all other reasonable options for alternative sites been examined fully? What compensatory work is proposed and how would it improve environmental quality and accessibility?
21. The allocations are likely to have an impact on the strategic road network , namely J6 of the M65. Should a requirement for a Transport Assessment be added to the policies in the interest of clarity?
22. In the interest of clarity and effectiveness, should an additional environmental criterion be added which ensures a holistic and co-ordinated approach to foul and surface water drainage and incorporate multifunctional SuDS (sustainable drainage) that are designed in accordance with the 4 pillars of SuDS and integrated with the landscaped environment?
23. Should Policies EP2, EP3 and EP4 require the masterplans for Sites EMP4, EMP5, and EMP6 to be produced in accordance with a holistic allocation wide infrastructure strategy?
24. Site EMP4, EMP 5 and EMP6 have a number of heritage assets within or near to them. Should an additional requirement be added to the respective policies to require development conserves and enhances the historic environment and require a heritage impact assessment at planning application stage?
25. The allocations have the potential for archaeological remains. Would a criterion be justified to require an Archaeological Impact Assessment at planning application stage and any necessary mitigation measures?
26. Do Policies EP2, EP3 and EP4 provide sufficient protection for ecological features on the sites responding to the findings of the Habitats Survey 2019 and provide for appropriate mitigation where necessary?

27. Allocations EMP5 and EMP 6 are located in a reservoir flood zone. Should an additional criterion be added to Policies EP3 and EP4 to require the applicant to have early dialogue with United Utilities and to seek to avoid the reservoir flood risk path in the design and layout of the site and assess the impact of reservoir flood risk on the site?
28. The Kearsley – Padiham overhead transmission line crosses EMP5. In the interest of effectiveness, should this be recognised in Policy EP3 and a strategy for responding to the presence of the overhead transmission line be required through the masterplanning of the site and the impact of the transmission line addressed through good design?
29. Policy EP4 sets out that allocation EMP6 will be accessed through EMP5 and that access to the site will require a bridge over the railway line. In addition, a further bridge would be required over the canal for pedestrians and cyclists. What implications would this have for the delivery and viability of this allocation?
30. Are there any other constraints to the development of these sites that need to be overcome? Should they be addressed in the respective policies? Do they have any impact on viability?

Matter 8

Issue 8.1 Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its housing allocations for Hyndburn?

Housing Allocations

General

1. In the interest of effectiveness should the indicated number of dwellings for each allocation be described as an indicative site capacity or an approximate yield, rather than an exact number?
2. Not all the housing allocations have a specific policy setting out development requirements? What is the justification for this? Do any of these allocations have particular constraints or matters which would be appropriate to be addressed in a policy?
3. A minor amendment to add a requirement for proposals to implement the findings of the Heritage Impact Assessment or other suitable mitigation measures to avoid or minimise harm to the significance of heritage assets is proposed in Policies SP27 and SP30. Should this requirement be more appropriately added to the respective housing allocation policies?

Policy HP1 Land at Charter Street (H2)

4. Are the development requirements set out in the policy justified and effectively worded?
5. Is the site allocation soundly based; and is there evidence that the development is viable, deliverable/developable and that there is a realistic prospect that it will come forward in the timescales indicated in the Council's trajectory (H016).
6. The site is at risk of sewer flooding. Would an additional development criterion be justified to require consideration of this in the detailed design?

Policy HP2 Land at Hopwood Street (H4)

7. Are the development requirements set out in the policy justified and effectively worded?
8. Is the site allocation soundly based; and is there evidence that the development is viable, deliverable/developable and that there is a realistic prospect that it will come forward in the timescales indicated in the Council's trajectory (H016).
9. The site is at risk of sewer flooding. Would an additional development criterion be justified to require consideration of this in the detailed design?

10. Is it appropriate and justified to add further development requirements relating to the need to undertake an archaeological assessment and heritage impact assessment ?

Policy HP3 Land N of Sandy Lane. (H7)

11. Are the development requirements set out in the policy justified and effectively worded?

12. Is the site allocation soundly based; and is there evidence that the development is viable, deliverable/developable and that there is a realistic prospect that it will come forward in the timescales indicated in the Council's trajectory (H016).

13. Is Sandy Lane an appropriate access for a residential development? What impact will the necessary highway improvement works have on the character and heritage value of this ancient lane?

14. In part ii) the policy suggests that an alternative access to Sandy Lane should be investigated. Is access from Austwick Way achievable?

15. What is the justification for the proposed modification to remove part iii) of the policy relating to archaeology?

16. How have the landscape and visual amenity implications of development on this site been considered? What is the justification for the restriction of development above the 200m contour line in part vii) of the Policy?

Policy HP4 Ringstonhalgh Farm (H9)

17. What exceptional circumstances are there to justify the release of land in the Green Belt? Have all other reasonable options for alternative sites been examined fully? What compensatory work is proposed and how would it improve environmental quality and accessibility?

18. Are the development requirements set out in the policy justified and effectively worded?

19. Is the site allocation soundly based; and is there evidence that the development is viable, deliverable/developable and that there is a realistic prospect that it will come forward in the timescales indicated in the Council's trajectory (H016).

20. What impact will the necessary highway improvement works have on the character of the existing access track? Is any mitigation required?

21. Is it appropriate and justified to add further development requirements relating to the need to undertake an archaeological assessment and heritage impact assessment ?

22. Are there any other constraints to developing the site and if so, how can they be appropriately mitigated?

Policy HP5 Clayton Triangle (H10)

23. The Council suggest the allocation should be deleted. Is this justified?

Policy HP15 Land S of Moorfield Avenue Huncoat (H15)

24. Are the development requirements set out in the policy justified and effectively worded?

25. Is the site allocation soundly based; and is there evidence that the development is viable, deliverable/developable and that there is a realistic prospect that it will come forward in the timescales indicated in the Council's trajectory (H016).

26. Are there any other constraints to developing the site not mentioned in the policy such as heritage assets, surface water drainage, ground conditions and presence of mine shafts and if so, how can they be appropriately mitigated? Do they need to be referenced in the policy?

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

27. Are the development requirements set out in the policy justified and effectively worded?

28. Is the site allocation soundly based; and is there evidence that the development is viable, deliverable/developable and that there is a realistic prospect that it will come forward in the timescales indicated in the Council's trajectory (H016).

29. Is it appropriate and justified to add a further development requirement to take account of the adjacent primary school playing field and ensure suitable mitigation is included in the design and layout to protect its current and future use?

30. Is it appropriate and justified to add further development requirements relating to the need to undertake an archaeological assessment and a heritage impact assessment ?

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

31. Are the development requirements set out in the policy justified and effectively worded?

32. Is the site allocation soundly based; and is there evidence that the development is viable, deliverable/developable and that there is a realistic prospect that it will come forward in the timescales indicated in the Council's trajectory (H016)?

33. The site is allocated for 62 dwellings however part vii) of the policy states that the access can accommodate around 100 dwellings. How has the site capacity

been assessed? To make the most efficient use of land, could the capacity be higher or are there technical constraints which would prevent this?

34. Is it appropriate and justified to add a further development requirement relating to the need to undertake an archaeological assessment?

Policy HP9 Land at Rhoden Road (H19)

35. Are the development requirements set out in the policy justified and effective?

36. Is the site allocation soundly based; and is there evidence that the development is viable, deliverable/developable and that there is a realistic prospect that it will come forward in the timescales indicated in the Council's trajectory (H016)?

37. Is access a constraint to developing the site? If so, how can it be appropriately mitigated?

38. Is it appropriate and justified to add further development requirement relating to the need to undertake an archaeological assessment and heritage impact assessment?

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

39. Are the development requirements set out in the policy justified and effectively worded?

40. Is the site allocation soundly based; and is there evidence that the development is viable, deliverable/developable and that there is a realistic prospect that it will come forward in the timescales indicated in the Council's trajectory (H016).

41. Is it appropriate and justified to add a further development requirement to take account of the adjacent primary school playing field and ensure suitable mitigation is included in the design and layout to protect its current and future use?

42. Is it appropriate and justified to add further development requirement relating to the need to undertake archaeological and heritage impact assessments?

43. The proposed development may impact on a small part of Cut Wood Park to facilitate the site access. Is this justified? Has the status of the Wood been clarified and what are the implications if any?

44. What alternative access points have been considered and why have they been rejected?

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

45. What exceptional circumstances are there to justify the release of land in the Green Belt? Have all other reasonable options for alternative sites been

examined fully? What compensatory work is proposed and how would it improve environmental quality and accessibility?

46. Are the development requirements set out in the policy justified and effectively worded? Specifically, part xiii) states that an access option from Butler Street could be explored? What other options are there and are they feasible? Should the policy be clearer to set out where the access is expected to be taken from?
47. Is the site allocation soundly based; and is there evidence that the development is viable, deliverable/developable and that there is a realistic prospect that it will come forward in the timescales indicated in the Council's trajectory (H016).
48. Existing public sewers pass through and near to this site. Modelling data (and / or flooding incident data) identifies these sewers as being at risk of sewer flooding. Would an additional development criterion be justified to require consideration of this in the detailed design?
49. Are there any constraints to developing the site and if so, how can they be appropriately mitigated?
50. What is the justification for the proposed modification to remove part xii) of the policy relating to archaeology?

Matter 9

Issue 9 : 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?

Policy SP2 Huncoat Garden Village

(NB. The Highway Impacts of the proposal on J8 M65 are considered under Matter 6)

1. What exceptional circumstances are there to justify the release of land in the Green Belt for this development? Have all other reasonable options for alternative sites been examined fully? What compensatory work is proposed and how would it improve environmental quality and accessibility?
2. The site is in multiple ownership. Has any Development Agreement been prepared to coordinate the development and secure its delivery?
3. What evidence is there to demonstrate the site is deliverable in the timescales anticipated?
4. How much of the development is likely to take place outside the Plan period? Should this be indicated in the supporting text for effectiveness?
5. Grant funding with Homes England had been secured for the new relief road, associated land acquisition, remediation of the power station and colliery sites and a contribution to M65 J8 improvements. Will there be a need for any additional grant funding? What evidence is there that the scheme is viable?
6. What progress has been made with the delivery of the Relief Road? Are there any constraints to its delivery?
7. The Policy requires provision to be made for an extension to Huncoat Primary School. Is this requirement appropriate and justified?
8. Should the policy be more flexible to make provision for a new school on the site should changing circumstances suggest this is required? Where could a new school be located within the site? Is the policy and /or supporting text, effective in outlining how this would be achieved?
9. Part 1 of Policy SP2 requires that developers 'are expected to follow' the Huncoat Village Masterplan and Design Code? What is the current status of the Design Code? Is it clear to developers, decision makers and the community what is expected of them? Should development rigidly 'follow' or 'have regard' to these non-statutory documents? What if there are technical or viability issues which mean the requirements are not achievable?

10. In part 3f) of the Policy what is meant by clean vehicular travel options? Is this requirement effectively worded?
11. Is the wording of the Policy repetitive in requiring the management and maintenance of infrastructure (eg. in part 3h), part 4, part 8d), 8g) and 8f) and part 9 a-d)?
12. Part 7 of the Policy states that development should 'work towards zero net carbon'. Is it clear what this means for the development? Is this part of the policy effectively worded? Has scheme viability been considered?
13. Part 8g) of the policy refers to 'off site' drainage solutions. What are these and how would they be secured?
14. Part 9d) requires creative landscaping schemes, planting of trees and grass verges etc in accordance with the requirements of the Masterplan and Design Code. Given the status of these documents should the development have regard to their principles rather than being strictly in accordance with it?
15. Paragraph 3.27 of the Plan refers to an Infrastructure Delivery Plan (IDP) for the site. The Masterplan already includes an infrastructure Schedule and Development Costings. Is it clear who will prepare the IDP, when they will do this and how will it be kept up to date?

Matter 10

Issue 10 : Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for the delivery of housing.

Housing Land Supply - Delivery

1. What evidence is there that the minimum housing requirement of 194 dwellings per annum will be achieved bearing in mind past delivery rates?
2. The housing supply 2021-2040 is made up of a number of components as set out in Table 7 of HBC8.001.
 - a) Is there compelling evidence that small sites (windfalls) will be a reliable source of supply amounting to 280 dwellings?
 - b) What evidence is there to support the figure of 170 new dwellings (10 dwellings per annum), from housing in town centres/permitted development allowance?
 - c) Is it appropriate for a lapse rate/non implementation rate to be applied to sites with planning permission?
 - d) Is a buffer of 7% appropriate and justified to provide choice and competition in the market and make an allowance for the non-implementation of sites?
3. Policy SP10 recognises the important contribution of Huncoat Garden Village to housing supply. It contributes around 1500 homes out of a Plan requirement of 3,686 dwellings. Is there over reliance on the delivery of this site? If the development of the site is delayed and it cannot provide the anticipated number of dwellings in the Plan period, are contingency measures required in the Plan?
4. What assumptions have been made to inform the trajectory for the delivery of housing sites, in terms of lead in times for grant of full planning permission, outline and reserved matters, and conditions discharge; site opening up and preparation; dwelling build out rates; phasing; and number of sales outlets?

Affordable Housing

5. For clarity for decision-makers, developers and local communities should the need for affordable housing over the plan period be clearly set out in the Plan?
6. What are the past trends in affordable housing delivery in terms of completions and housing type and tenure? How is this likely to change in the future?
7. Part 2 of the policy states that a mix of affordable housing units should be provided in accordance with the most up to date assessment of need. Does

the Plan provide clarity on what this is referring to and where this is available?
Could a developer prepare their own assessment ?

8. The Local Plan Economic Viability Assessment recommends in paragraph 12.85 a) that the affordable housing requirement on brownfield sites should be reduced to 10%. It is also stated that greenfield sites in lower value areas to the east of the Borough are not viable with 20% affordable housing. Is the requirement in Policy SP10 for 20% affordable housing on all sites of 10 or more dwellings justified by the evidence?
9. Is it clear from the supporting text what the relationship is between Strategic Policy SP10 and Policy DM12 of the DM DPD and how they will be used in the consideration of planning applications?

Custom and Self Build Homes

10. Paragraph 62 of the Framework states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies including for those who wish to commission or build their own homes. The Plan states that due to the low level of demand, suitable planning permissions for custom and self build homes can be provided through the Development Management function. What evidence is there to support this approach? Is the Plan consistent with the Framework in regard to custom and self build homes?

Density

11. Are the density requirements in part 3 of Policy SP10 appropriate and justified? Is the policy sufficiently flexible to take account of the character and existing pattern of development in different parts of the Borough?

Five-year housing land supply

12. Is the Council able to demonstrate a 5-year supply of deliverable housing sites on adoption of the Plan and a rolling 5-year supply throughout the Plan period?
13. Has the appropriate buffer been applied in accordance with paragraph 74 of the Framework?

Matter 11

Issue11 : Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for climate change and the natural and built environment?

Protecting and enhancing the environment

Policy SP13 Climate Change and Sustainable development

1. Is the policy effective, justified and consistent with national planning policy?
2. Is there duplication between parts a, b and d of the policy?
3. What is the justification for part a) of the Policy. Is it necessary or appropriate to reference standards to be introduced under other legislation?
4. Does the policy comply with the Written Ministerial Statement concerning Local Energy Efficiency Standards, December 2023?
5. Is it clear from the policy how the Council will seek to achieve net zero carbon and how development proposals will be assessed?
6. Part h of the policy encourages water efficiency. Whilst the Borough is not in water stress, is there evidence to support the higher optional water efficiency standards set through Building Regulations?
7. Should the Policy consider development on land used for public water supply and potential mitigation measures to ensure that the development has no impact on water supply or quality?
8. Para 7.23 of the supporting text mentions safeguarding best and most versatile agricultural land. Should this be included in the Policy?
9. Does the viability appraisal assess the costs of meeting these policy requirements? Is the policy sufficiently flexible to take account of scheme viability?

Policy SP14

10. Is the policy effective, justified and consistent with national planning policy?
11. Should the Policy give greater recognition to the Local Nature Recovery Strategies to highlight its function to help direct the location of Green infrastructure through the Local Plan?

Policy SP15 Landscape character

No questions

Policy SP16 Natural Environment Enhancement

12. Is the policy effective, justified and consistent with national planning policy? In particular,
- a) Bearing in mind the advice in the PPG¹, should the policy support the statutory framework for biodiversity net gain rather than include reference to the detailed requirements, ie. a minimum 10% Biodiversity Net Gain (BNG)?
 - b) In the event that BNG cannot be provided on site, should it be clear in the policy and or supporting text that an appropriate mechanism to secure an offsite site contribution would be required and how this would be expected to be achieved?
13. Should the Policy give greater recognition to the Local Nature Recovery Strategies to highlight its function to help direct the location of Green infrastructure through the Local Plan?

Policy SP17 Renewable energy

14. Is the policy effective, justified and consistent with national planning policy? Specifically, should it ensure that the risk to water catchment land should be assessed and mitigated?

Policy SP18 High Quality Urban Design

15. Is the policy effective, justified and consistent with national planning policy?

Policy SP19 Heritage

16. Is the policy effective, justified and consistent with national planning policy?
17. Is the Policy sufficiently strategic in nature and should it be more Hyndburn specific?
18. In the Schedule of proposed minor modifications (HBC1.006) it is proposed to add a new part 6 to the policy to require Archaeological Desk base Assessments with any planning applications on certain identified sites. What is the justification for this addition?

¹ Paragraph: 006 Reference ID: 74-006-20240214

Policy SP20 Environmental Amenity and Air Quality

No questions

Policy SP21 The Leeds and Liverpool Canal.

19. Should the policy seek to conserve and enhance the heritage assets which form part of the canal and its corridor?

Matter 12**Issue 12 : Is the monitoring framework of the Plan effective and consistent with national policy?****Implementation and monitoring**

1. Is the proposed Monitoring Framework set out in document HO14 appropriate and robust?
2. Are the proposed indicators and targets appropriate and measurable? Are any others necessary for monitoring to ensure the soundness of the Plan?