



**Matter 1 Compliance with
Statutory Procedures and
Legal Matters**

Representations on behalf of
Richborough (ID 1609_2)

Examination of The Hyndburn 2040: Local Plan (Strategic Policies)

Hearing Statement

Matter 1 – Compliance with Statutory Procedures and Legal Matters

Submission on behalf of Richborough

Representor ID 1609_2



CONNOLLYS

August 2025

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1. INTRODUCTION

- 1.1 This Hearing Statement is submitted on behalf of Richborough in response to Matter 1 and supplements our previous submissions made at the Regulation 18 and 19 stages on behalf of Miller Homes.
- 1.2 Richborough now hold the controlling interest in the Land at Bell lane Clayton-le-Moors, which we have consistently promoted for inclusion in the Local Plan as a housing allocation.

2. 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?

- 2.1 Our client is sceptical that the Council is seeking to “backfill” compliance with the Duty to Cooperate (DtC). It appears that the Council rushed to submit a deficient Plan just two days before the 12 March 2025 deadline in paragraph 233 of the NPPF (December 2024), seemingly to avoid the procedural requirements of that document and the implications of the uplifted Standard Method housing requirement.
- 2.2 A clear example of the hasty submission lies in the production of Statements of Common Ground (SoCGs). None were agreed or published until after submission, despite the Plan being in preparation for many years. The Regulation 18 consultation took place in January 2020, giving the Council over five years to engage with partners and prepare SoCGs. We note, for example, that no SoCG has been agreed with Historic England.
- 2.3 The Council's own Statement of Compliance with the DtC (page 43 of Appendix 1 to Document HBC10.001) confirms that a meeting to discuss a SoCG with National Highways did not take place until 11 February 2025. Similarly, as set out at page 26 of the same document, it was not until 3 February 2025 that neighbouring authorities were first invited by email to sign a SoCG.
- 2.4 The evidence points to hurried, “last-minute” efforts to provide SoCGs, well after submission. We respectfully invite the Inspector to scrutinise this carefully. The Council's own documentation shows that, prior to submission, all they appear to be able to point to is general discussions and earlier consultations, rather than formalised agreements or demonstrable outcomes.

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- 2.5 The PPG is clear that SoCGs should be evolving documents, prepared “*during the process of planning for strategic cross-boundary matters*”¹. They are not intended to be retrospective documents produced after submission has occurred, in our view.
- 2.6 Whilst we acknowledge that the DtC does not require agreement on all matters, and that Inspectors may accept SoCGs after submission, the persistence of significant and unresolved differences is of particular concern. In particular, National Highways’ letter to the Inspector dated 17 July 2025 sets out fundamental concerns regarding funding arrangements and the accuracy of the Council’s position. These issues go to the heart of whether the Plan can be considered “sound.”
- 2.7 As the Minister has made clear, a Local Plan must be capable of being found sound at the point of submission. It is not the role of the Examination to “fix” an unsound Plan.
- 2.8 The DtC is a statutory legal test that must be met at the point of submission. Later SoCGs cannot retrospectively remedy a failure to demonstrate constructive, active and ongoing engagement before 10 March 2025.
- 2.9 SoCG exist to prove that cooperation shaped the Plan before submission, not to justify it afterwards.
- 2.10 On the evidence, there is a serious risk that the Council has not complied with the DtC.
- 2.11 We believe that the timing and absence of the SoCGs goes directly to the legal DtC test, whilst the substance of the unresolved disagreements goes to the point of soundness.

¹ PPG Paragraph: 010 Reference ID: 61-010-20190315