



August 2025

Hyndburn 2040: Local Plan Written Statement to Inspector's Matters, Issues and Questions on behalf of Henry Gilbraith



Response to Hyndburn 2040: Local Plan – August 2025

Job No: 22/L/069

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Written Statement to MIQs

1.1. The comments below are made on behalf of our client, Mr Henry Gilbraith, who has land interest in Clayton-Le-Moors, part of which forms a draft allocation for housing in the Local Plan under Examination. The comments are provided in direct response to the Inspector's Matters, Issues and Questions and follow on from written representations made to the Local Plan by our client at relevant periods during preparation of the Plan.

1.2. Written representations to the following matters below are made, which are set out in separate sections of the Statement:

Matter 2 – The Spatial Development Strategy

Matter 3 – Principle of Green Belt Release

Matter 5 – Housing Requirement & Policies

Matter 8 – Housing Allocations

Matter 10 – Housing Land Supply

Matter 2 The Vision and Spatial Development Strategy

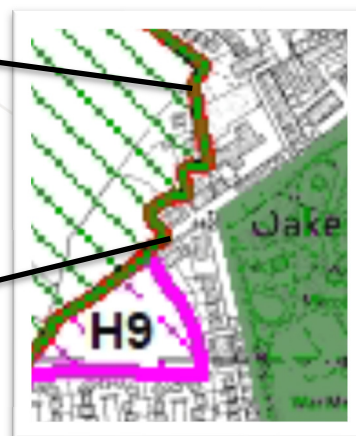
Issue 2.1: Is the Plan's overall vision and strategy positively prepared, justified, effective and consistent with national policy in enabling the delivery of sustainable development.

Question 8.

Are the settlement boundaries illustrated on the Policies Map justified?

Response

- 1.3. Our client fully supports that the Settlement boundaries have been drawn around existing settlements and also around those site allocations proposed in the Plan (including H9) on the edges of the boundary. This means that upon completion of development the new developed areas will already be located within the settlement. However, this highlights a contradiction with regard land to the north of Site Allocation H9 where areas of existing housing development are incorrectly shown outside of the settlement boundary and in the Green Belt.
- 1.4. Our clients previous submission to the Local Plan, in January 2023, highlighted this discrepancy, but no change has been proposed to amend the boundary. The plan at paragraph 1.8 in that submission (shown below) highlights an area edged red currently located outside the settlement boundary despite forming part of the existing development of the area. This should be corrected to provide a consistent and justifiable approach as to how the settlement boundaries illustrated on the Policies Map have been defined.



Question 9.

Does the spatial distribution of housing accord with the settlement hierarchy? Is it appropriate and justified, in particular,

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?

Response

- 1.5. Our client's written representation in 2024 posed this question as it relates to Clayton-Le-Moors, which is notably assigned fewer houses than some areas lower down the settlement hierarchy. Our statement highlighted that the distribution of housing appears unbalanced because of this and in conflict with the settlement hierarchy. Our client's suggested outcome is that more housing development should be provided to the Clayton-le-Moors area to reflect the settlement hierarchy. The previous written submissions in 2023 and 2024 detailed that our client's land can provide additional space for some of this development alongside the H9 allocation. We would welcome discussion during the examination hearing should it be accepted that more land is needed for housing in Clayton-Le-Moors or that additional housing is proposed by the plan in future to allow for additional development in this location.

Matter 3 Principle of Green Belt Release

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?

Question 3.

How do the proposed Green Belt revisions align with the spatial strategy for the Borough? How will they promote sustainable patterns of development?

Response

- 1.6. Taking Clayton-Le-Moors as an example, this part of the district has been significantly restricted from new development at its boundaries due to the presence of the Green Belt, which is on all sides, and together with other constraints limits the expansion of the town. Whilst this has had positives in terms of promoting brownfield redevelopment, much of this brownfield land has been developed or is under construction. The green belt now serves as a limit on future development in the area to provide for housing needs set out in the Local Plan and its settlement hierarchy and is justifiably being amended.
- 1.7. These amendments are small in context, and our client considers that additional green belt release should be provided to increase the level of housing at Clayton-Le-Moors to ensure that new housing is proportionally distributed across the district in accordance with the settlement hierarchy, as detailed in our clients response to Question 9b of Matter 2 of this Examination. This change would help to ensure the plan promotes sustainable patterns of development, by providing development *“in a manner broadly in line with their existing size and function”* as Policy SP1 of the Local Plan states it will.

Question 5.

Are the revised boundaries capable of enduring in the long term, beyond the plan period?

Response

- 1.8. The Plan proposes amendments to the Green Belt, taking land at allocation H9 out of the green belt and including it within the settlement boundary. Our client's previous written representation has set out proposals to expand the allocation to the north of that allocation to meet the need for housing in the area during the plan period and also suggested making a longer term plan for the development of the area by providing an area of safeguarded land on their landholding that would serve as green belt until required for development in future.
- 1.9. Safeguarded land is already proposed in the Plan, at Huncoat, and would potentially serve the same purpose here if required. The choice between these how these areas of land are defined in policy should be reflected by the housing need defined during the Local Plan Examination, in relation to the discussions on housing numbers and providing proportional distribution to Clayton-Le-Moors in accordance with the settlement hierarchy; with land left over being safeguarded for the next plan period, or for contingency, and also on the understanding that an increasing housing requirement is already set out in the new national housing methodology, but this is not yet considered in this Plan.
- 1.10. The current revised boundary proposed by the small allocation of site H9 is not clearly defined, being a simple track/footpath. Our client has proposed several alternatives to expand this allocation either up to an existing hedge line to the north, or on a larger scale to provide a longer term defined edge to the boundary through a larger site allocation to the northern field, utilising the same access.

Question 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?

Response

- 1.11. Our client has made representation at Matter 2, Question 8 regarding what they consider to be a minor discrepancy in the urban boundary close to allocation H9. It would be entirely appropriate for this change to be made through Post-Examination Modifications and be wholly consistent with this Policy SP1 6e).

Question 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?

Response

- 1.12. Our client has previously proposed through written representation that their landholding was such that it would allow for improvements to environmental quality and accessibility to the green belt alongside allocating land for new housing development. As the land is bisected by an existing public footpath that runs beyond their land to the green belt area to the south west, improved connectivity can be made here. Additional land is also available for improvements to environmental quality between our clients proposed extended site allocation and the brook to the northwest that runs through the green belt.

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?

Question 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?

Response

- 1.13. Our client supports the Council's approach to housing, which provides a very robust housing requirement to support future development growth. The housing requirement is higher than that calculated by the standard method, and whilst the Council will set out their own justifications for this during the Examination, our client notes that the standard method for calculating housing has changed drastically several times during preparation of the Plan, brought about by changes in approach of the national government. The iteration of methodology used for this Examination is a figure significantly reduced from the level of housing previously developed in the area. Our client supports the Council's balanced approach in not using that reduced figure, which would have significantly reduced housebuilding and impacted on the spatial development and longer term vision of the borough set out in the Local Plan and the Council's other strategies.

Matter 8 Housing Allocations

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?

Policy HP4 Ringstonhalgh Farm (H9)

Question 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?

Response

- 1.14. We expect these to be discussed in detail in Matter 3 Green Belt, but with specific reference to Clayton-Le-Moors. We do consider that more green belt release is needed to meet additional housing need in Clayton and the exceptional circumstances already set out by the Council are justified.

Question 18.

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

Response

- 1.15. The development requirements set out in Policy HP4: Ringstonhalgh Farm (H9) are quite precise, however our client would take issue with the wording of the Policy if the intention is that proposals that do not match the requirements exactly will be refused. There is a risk that allocations with too many defined 'requirements' may limit the development to such a degree that it reduces the likelihood of the development happening or reduces the number of potential developers willing to develop the site. An allocation that does not result in development is not effectively worded.

1.16. Our client would suggest that a clearer statement is made in the policy wording that the bullet points are considerations subject to planning judgement, rather than strict policy requirements that may result in refusal of an application if not met. Further to this, our client has suggested increasing the size of this allocation, which we trust will be discussed during the Hearings. Doing so would allow for more certainty that development requirements can be met, as more land is available for design elements to be factored in at planning application stage.

Question 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).

Response

1.17. Our client owns the site and had until recently owned the existing farmhouse on the site. The agricultural land is rented to the occupiers of the farmhouse on a year-to-year basis, producing grass for fodder. There are no restrictions on the lease of the land that would prevent its development upon allocation.

1.18. The site has been a family owned site actively promoted by our client as a potential allocation throughout the emergence of the plan and they continue to do so, seeking allocation of more of the site than set out in Policy HP4. They have received developer interest and been actively engaging with potential developers, and intend to submit an application upon allocation of the site in the adopted plan. Access and development rights exist for the land and the only physical constraint, the power lines, can be dealt with through the development either by burying the cables or designing around them.

1.19. Our client presents the site as viable, deliverable and developable.

Question 20.

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

Response

1.20. The existing track access provides vehicular access to existing houses and the farmhouse, Ringstonhalgh Farm, for general and agricultural vehicles. It is also a public footpath that connects to the eastern side of Rishton, beyond our client's landholding. Improvements to the track can be made to provide for an access for the development allocation, but this would also retain the public right of way, which would not require diversion.

Question 21.

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

Response

1.21. As these are requirements of the application process that the Council can request during validation, our client would suggest there is no need to include them in the wording of a Policy allocation.

Matter 10 Housing Land Supply

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.

Question 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?

Response

- 1.22. Our client has submitted previously that their land, if not required during the plan period, could be included as safeguarded land for development in the next plan period, to maintain the permanence of the amended green belt boundary. We note Huncoat itself has elements of safeguarded land in the allocation and would propose that the allocation at H9 is considered in this way to also address any future under delivery of housing, at Huncoat or in the plan generally.
- 1.23. The National Planning Policy Framework has contingencies within it to address issues with local housing delivery, with paragraph 11 requiring sustainable development to be approved when a plan becomes out date. If there is an overreliance on the delivery timeline for the Huncoat allocation, then due to its size it may lead to the plan becoming out date. A contingency within the Local Plan of safeguarded sites could help address this.



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