

Hearing Statement for Matter 8

Independent Examination of the Hyndburn Local Plan.

On behalf of Clowes Development and McDermott Homes.

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1. Introduction

- 1.1. Pegasus Group are instructed jointly by Clowes Developments (UK) Limited and McDermott Homes (hereafter referred to as the Clients) to make representations to the Independent Examination of the Hyndburn Local Plan Inspector's Matters, Issues and Questions for Examination.
- 1.2. As the Council and the Inspector will be aware, our Clients have a live planning application on the former Huncoat Power Station site (Ref: 11/21/0657) which forms part of the Huncoat Garden Village. The application seeks permission for the *"Proposed redevelopment for up to 360 residential units, together with associated landscaping, open space, access and infrastructure"*.
- 1.3. The main aim of this Hearing Statement is to support the site at Huncoat Power Station, identified as a formal residential allocation, as part of the Huncoat Garden Village. This Hearing Statement seeks to clarify our Clients' position in relation to the review of the Plan to ensure that it is positively prepared, justified by evidence, and deliverable and can progress towards adoption.

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

Q8.1 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?

- 1.4. Yes, it is more effective for the number of dwellings for each allocation to be prescribed as an indicative site capacity or an approximate yield, rather than an exact number. Using these indicative capacities, rather than exact numbers, allows for greater flexibility in the planning and delivery process, enabling developers and the local authority to respond to site-specific constraints, opportunities, and evolving market conditions as detailed proposals are brought forward.
- 1.5. By describing site capacities as indicative or approximate, the Plan ensures that it remains effective, flexible and adaptable over time. It demonstrates that the Council has a recognition that detailed design, technical studies, and consultation may reveal factors that affect the final number of dwellings that can actually be delivered on any site. This flexibility is particularly important for large and complex sites such as the Huncoat Garden Village, where a fixed number could unnecessarily constrain development or create unrealistic expectations.
- 1.6. This use of indicative capacities is justified by its alignment with national policy and good practice, which encourage local plans to provide a clear framework for growth while allowing for site-specific solutions to be developed through the planning application process. In practice, the indicative site capacities help to avoid delays or complications to important planning applications. It supports a plan-led approach that is responsive to change and capable of delivering sustainable development, and the best outcomes for sites and the wider community.

Q8.2. 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?

- 1.7. Not all housing allocations in the Plan need a specific policy setting out development requirements, and this approach is justified in the case of the Huncoat Power Station site, which is subject to a live planning application. This site does not present any constraints that would require a bespoke policy approach.
- 1.8. The planning application is supported by detailed assessments which have already addressed matters such as access, infrastructure, flood risk, and environmental considerations and it is likely to be approved before the Plan is adopted

- 1.9. It would not be appropriate to implement specific policy for the Huncoat Power Station site, as no evidence exists to suggest there are site specific matters that would justify additional policy intervention.

Q8.3. 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?

- 1.10. No comment.

Policy HP1 Land at Charter Street

Q8.4 Are the development requirements set out in the policy justified and effectively worded?

- 1.11. No comment.

Q8.5. 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).

- 1.12. No comment.

Q8.6. The site is at risk of sewer flooding. Would an additional development criterion be justified to require consideration of this in the detailed design?

- 1.13. No comment.

Policy HP2 Land at Hopwood Street (H4)

Q8.7. Are the development requirements set out in the policy justified and effectively worded?

- 1.14. No comment.

Q8.8. 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).

1.15. No comment.

Q8.9. The site is at risk of sewer flooding. Would an additional development criterion be justified to require consideration of this in the detailed design?

1.16. No comment.

Q8.10. Is it appropriate and justified to add further development requirements relating to the need to undertake an archaeological assessment and heritage impact assessment?

1.17. No comment.

Policy HP3 Land N of Sandy Lane. (H7)

Q8.11. Are the development requirements set out in the policy justified and effectively worded?

1.18. No comment.

Q8.12. 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).

1.19. No comment.

Q8.13. 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?

1.20. No comment.

Q8.14. In part ii) the policy suggests that an alternative access to Sandy Lane should be investigated. Is access from Austwick Way achievable?

1.21. No comment.

Q8.15. What is the justification for the proposed modification to remove part iii) of the policy relating to archaeology?

1.22. No comment.

Q8.16. 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?

1.23. No comment.

Policy HP4 Ringstonhalgh Farm (H9)

Q8.17. 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?

1.24. No comment.

Q8.18. Are the development requirements set out in the policy justified and effectively worded?

1.25. No comment.

Q8.19. 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).

1.26. No comment.

Q8.20. What impact will the necessary highway improvement works have on the character of the existing access track? Is any mitigation required?

1.27. No comment.

Q8.21. Is it appropriate and justified to add further development requirements relating to the need to undertake an archaeological assessment and heritage impact assessment?

1.28. No comment.

Q8.22. Are there any other constraints to developing the site and if so, how can they be appropriately mitigated?

1.29. No comment.

Policy HP5 Clayton Triangle (H10)

Q8.23. The Council suggest the allocation should be deleted. Is this justified?

1.30. No comment.

Policy HP15 Land S of Moorfield Avenue Huncoat (H15)

Q8.24. Are the development requirements set out in the policy justified and effectively worded?

1.31. No comment.

Q8.25. 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).

1.32. No comment.

Q8.26. 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?

1.33. No comment.

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

Q8.27. Are the development requirements set out in the policy justified and effectively worded?

1.34. No comment.

Q8.28. 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).

1.35. No comment.

Q8.29. 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?

1.36. No comment.

Q8.30. Is it appropriate and justified to add further development requirements relating to the need to undertake an archaeological assessment and a heritage impact assessment?

1.37. No comment.

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

Q8.31. Are the development requirements set out in the policy justified and effectively worded?

1.38. No comment.

Q8.32. 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)?

1.39. No comment.

Q8.33. 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?

1.40. No comment.

Q8.34. Is it appropriate and justified to add a further development requirement relating to the need to undertake an archaeological assessment?

1.41. No comment.

Policy HP9 Land at Rhoden Road (H19)

Q8.35. Are the development requirements set out in the policy justified and effective?

1.42. No comment.

Q8.36. 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)?

1.43. No comment.

Q8.37. Is access a constraint to developing the site? If so, how can it be appropriately mitigated?

1.44. No comment.

Q8.38. Is it appropriate and justified to add further development requirement relating to the need to undertake an archaeological assessment and heritage impact assessment?

1.45. No comment.

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

Q8.39. Are the development requirements set out in the policy justified and effectively worded?

1.46. No comment.

Q8.40. 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).

1.47. No comment.

Q8.41. 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?

1.48. No comment.

Q8.42. Is it appropriate and justified to add further development requirement relating to the need to undertake archaeological and heritage impact assessments?

1.49. No comment.

Q8.43. 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?

1.50. No comment.

Q8.44. What alternative access points have been considered and why have they been rejected?

1.51. No comment.

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

Q8.45. 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?

1.52. No comment.

Q8.46. 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?

1.53. No comment.

Q8.47. 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).

1.54. No comment.

Q8.48. 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?

1.55. No comment.

Q8.49. Are there any constraints to developing the site and if so, how can they be appropriately mitigated?

1.56. No comment.

Q8.50. What is the justification for the proposed modification to remove part xii) of the policy relating to archaeology?

1.57. No comment.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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