

Hearing Statement for Matter 9

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/O657) 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 succinct and can move to adoption.

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

Q9.1 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?

- 1.4. Exceptional circumstances have been fully identified and assessed by the Council to justify the release of land from the Green Belt for the development of Huncoat Garden Village, as set out in the Green Belt Background Paper (Ref: HBC 8.004).
- 1.5. The majority of the Power Station site, which forms a key part of the Garden Village, is not constrained by Green Belt. However, minor alterations are proposed to the northeast of the Power Station site. This release is necessary to deliver the required number of homes and associated infrastructure, and to provide flexibility at the Power Station site to support the wider aims of the Garden Village.
- 1.6. Very special circumstances have been established through a comprehensive review of alternative options, including a detailed assessment of brownfield sites such as Huncoat Power Station. Despite maximising the use of previously developed land, there remains a residual need for additional land to meet overall housing requirements, as demonstrated in Table 7 of the Green Belt Background Paper. The release of further Green Belt land is therefore required to optimise density and support delivery on previously developed sites, in line with the approach set out in the National Planning Policy Framework (NPPF).
- 1.7. All reasonable options for alternative sites have been examined fully as part of the Council's evidence base. The assessment considered the availability, suitability, and deliverability of sites across the Borough, with a clear preference for brownfield and non-Green Belt land, wherever possible.
- 1.8. The conclusion was that the identified Green Belt release at Huncoat Power Station is necessary to achieve the strategic objectives of the Local Plan and to ensure a sustainable pattern of growth.

Q9.2 The site is in multiple ownership. Has any Development Agreement been prepared to coordinate the development and secure its delivery?

- 1.9. There have been wider conversations among the landowners within the Garden Village, the Council and their advisors, but no formal Development Agreement has been agreed.
- 1.10. The Power Station site, which forms part of the Huncoat Garden Village, is already allocated for development in the existing adopted Development Plan. It is also subject to a live planning application, which means it is expected to be the first phase of the Garden Village delivered.

- 1.11. Given the location of the site, its previously developed nature and it is the identified first phase of development, it will serve as a catalyst to deliver the wider Garden Village, but will respect the wider expectation of the Garden Village proposal.

Q9.3 What evidence is there to demonstrate the site is deliverable in the timescales anticipated?

- 1.12. The Council's initial response to the Inspectors Questions (H11) includes Appendix H12, which includes a housing trajectory for the borough. This trajectory specifically includes the Huncoat Power Station site as part of the planned delivery for Huncoat Garden Village, confirming its role in meeting housing needs within the plan period.
- 1.13. The Huncoat Power Station is fully integrated into the Huncoat Garden Village supported by the wider Masterplanning process. The Masterplan (HBC 5.003a) includes an indicative trajectory which confirms that the Power Station site is to be delivered as part of phase 1 of the Garden Village. As part of the Council's housing trajectory (H012) it is identified that site H12 (which includes the Power Station) is expected to deliver 240 homes in the first 5 years of the Plan.
- 1.14. The site is subject to a live planning application, which has already been through extensive consultation with statutory consultees, stakeholders, and the local community. This process has addressed many key technical matters and demonstrates a strong commitment to early delivery.
- 1.15. The inclusion of the site in the Council's latest trajectory is based on this up-to-date evidence and supports its deliverability. The Huncoat Power Station site is not dependant on wider infrastructure such as the link road or third party drainage connections to support its early delivery.
- 1.16. The Council is in receipt of Homes England funding to ensure that the Garden Village is viable. The outstanding matter for the Power Station site is principally Highways England and the quantum of development that can come forwards before J8 works, which is to be covered elsewhere in the Hearing Sessions.

Q9.4. How much of the development is likely to take place outside the Plan period? Should this be indicated in the supporting text for effectiveness?

- 1.17. No comment

Q9.5. 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?

- 1.18. Our Clients can confirm that the remediation of the Power Station site has been discussed in detail with both Homes England and the Council. The planning application and technical



reports, including a site-specific Site Investigation, show that the Power Station site can be delivered as the first phase of the Garden Village without additional grant funding beyond that already committed by Homes England. The technical evidence provided as part of the application addresses the remediation strategy and confirms that the necessary works can be delivered within the existing funding arrangements.

- 1.19. With respect to the M65 Junction 8 improvements, and as covered in detail in Matter 6 it is our Clients' position that these improvements do not need to be in place before the Huncoat Power Station site is delivered.
- 1.20. The viability of the scheme is further evidenced by the site's inclusion in the Huncoat Garden Village Masterplan and the Council's housing trajectory, which both identify the Power Station site as a deliverable and an early phase of the overall development. The technical and financial evidence provided to date supports the conclusion that the site is viable and capable of being delivered in accordance with the Local Plan's timescales.

Q9.6. What progress has been made with the delivery of the Relief Road? Are there any constraints to its delivery?

- 1.21. No comment.

Q9.7. The Policy requires provision to be made for an extension to Huncoat Primary School. Is this requirement appropriate and justified?

- 1.22. No comment

Q9.8. 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?

- 1.23. The proposed school will not be delivered on the Power Station site. Our Clients understand that there is sufficient capacity in existing schools, such that a new school within the Garden Village is not needed, but it is probably best that LCC and the Council confirm this.

Q9.9. 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?

- 1.24. Policy SP2 the current wording expects development to "deliver in line with the masterplan and Design Code. In Part 2 of Policy SP29 requires development to 'adhere' to the Huncoat

Garden Village Masterplan and Design Code. There is no need for the general repetition across both Policies.

- 1.25. As set out in our Client's representations made at the Regulation 19 stage, the Huncoat Garden Village Masterplan and Design Code are not development plan documents and should not be treated as such. It is inappropriate for these documents to direct emerging policies in the development plan, as they have not been through a rigorous examination which would be required to ensure their compliance with paragraph 35 of the NPPF and relevant planning practice guidance (ref: 008 reference ID: 61-008-20190315) which is clear in stating:

"Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development."

- 1.26. The status of the Masterplan and Design Code is that of non-statutory guidance, and they should simply be considered material considerations in the planning process rather than documents that developments should "be in line with", or "are expected to follow/adhere to", depending on which policy is being reviewed at any particular time. At the outset, there needs to be consistency across the wording of the two policies to ensure they are effective.
- 1.27. It is also pertinent to note that the level of detail in the Masterplan and Design Code does not properly reflect the reality of the site constraints and opportunities. As such, development should not be required to rigidly follow the Masterplan and Design Code but instead have clear regard to them as material considerations.
- 1.28. To further support this point, our Clients have provided at **Appendix 1** an overlay of the constraints at the Power Station and the expectation to be delivered on the site from the Design Code/Masterplan. This sets out the conflicts between:

- Site topography,
 - which conflicts with some of the vehicular and active travel routes on site; and
 - conflicts with the locations shown for attenuation basins, generally at high points at the site.
- Existing utilities and easements,
 - which covers much of the southwest corner of the site, which has been identified in the Code as an area for higher density development.
- Key views,
 - Northern ones are obstructed by existing vegetation; and
 - utilities infrastructure frame the southern view across the site.
- Open space

- Detailed location identified which is largely free from constraints as opposed to using open space to mitigate constraints e.g. noise from sub-station.

- 1.29. While the intention to provide clear guidance and a framework for development is positive, the policies, as written, offer limited flexibility for developers and landowners. The existing wording within the policies could prevent the delivery of viable schemes that would otherwise contribute positively to the area.
- 1.30. It is too restrictive in its current form and is not an effective way of controlling development in the Garden Village.
- 1.31. To resolve this, there should be no reference to the masterplan or design code documents within policy SP2 (or SP29). Our Clients could support an amendment to 'have regard to' the Masterplan and Design Code within the supporting text. This amendment would offer sufficient flexibility for necessary variation and adaptation as circumstances change. Confirmation of their non-statutory status of those documents should also be included within any policy supporting text.
- 1.32. This approach enables site-specific and evidenced proposals that support Huncoat Garden Village's overall vision and objectives to proceed, even if they depart from the detailed criteria in the masterplan to address any site specific matters.
- 1.33. In practice, a broader and more flexible policy approach would support deliverability and ensure the longevity of the Garden Village elements of the Local Plan by ensuring it remains up-to-date and effective over time. It will also ensure that the outcomes would achieve the same or better results for placemaking, sustainability, the community and to ensure a co-ordinated delivery of the Garden Village across the Plan Period.

Q9.10. In part 3f) of the Policy what is meant by clean vehicular travel options? Is this requirement effectively worded?

- 1.34. No, the requirement in part 3f) of Policy SP2 is not effectively worded. The section of the policy lacks definition which creates uncertainty for developers, decision makers, and the community. The lack of clarity makes it difficult to assess how compliance would be demonstrated as part of a planning application.
- 1.35. The lack of clarity in this requirement leads to inconsistent interpretation and unnecessary complications during the planning process. It is paramount that policy wording is specific and actionable to ensure all parties have confidence in what is required and how applications will be assessed.
- 1.36. Given these issues, part 3f) of Policy SP2 adds no value and creates confusion or barriers to delivery. The policy would be more effective if this requirement were removed entirely.

Q9.11. 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)?

- 1.37. Yes, the wording of Policy SP2 is repetitive in its requirements for the management and maintenance of infrastructure. The policy refers to this issue in multiple sections, including the parts noted in this question, which creates unnecessary duplication and could lead to confusion for developers, decision makers and the local community.
- 1.38. A clear and simple policy is essential for effective implementation. Repetition of the same requirement in several places does not add value and may make the policy harder to interpret which could lead to inconsistent application. Instead, the policy should focus on a single, well-worded provision that relates only to infrastructure which is justified and will be effective in supporting the delivery of the Garden Village.
- 1.39. Streamlining the policy and removing unnecessary repetition would provide greater clarity and certainty across the Local Plan, for all involved parties. This would help to ensure that planning obligations and management arrangements are proportionate and directly related to the needs of the development.
- 1.40. It is important that the policy framework is concise, targeted, and justified so that only matters necessary to secure the long-term success of the Huncoat Garden Village. Overly complex and repetitive wording can only undermine the effectiveness of the policy.

Q9.12. 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?

- 1.41. Part 7 of Policy SP2 is not effectively worded in its current form. The policy should refer to the wider policies within the Plan and any proposal should comply with the NPPF from a sustainability perspective. The policy should not introduce additional and unjustified requirements where they may lead to inconsistencies with national policy.
- 1.42. The specific viability of Huncoat Garden Village has not been included within the Local Plan’s viability evidence base (HBC2.006). It is also important to note that the available viability evidence is now becoming dated at 3.5 years old, prepared in 2021 (or January 2022 on the Assessment’s front cover) and likely reflects a Covid-related position.
- 1.43. Zero net carbon is not specifically referenced within the plan’s viability evidence base, and the evidence which is available (paragraph 8.29) states “HBC is not expecting new major residential development to be Zero Carbon”. This directly contradicts the policy and is repeated at paragraphs 10.30 and 12.63 which confirms that “The costs of moving towards Zero Carbon is very much higher, at about £300,00/ha in relation to Regulated CO2 (which is more than the BLV assumption uses on greenfield sites)”.
- 1.44. As drafted, this element of the policy is not considered sound, as it is not justified by the evidence base and is not consistent with national policy. The lack of clarity and the absence of robust viability testing means that the requirement could create uncertainty and risk for developers, potentially undermining the deliverability of the Huncoat Garden Village.
- 1.45. It was also requested in our Regulation 19 representations that the viability evidence base is updated to reflect the funding which has now been allocated to Huncoat Garden Village to

support its delivery. However, this updated evidence does not appear to be available for this Examination.

Q9.13. Part 8g) of the policy refers to 'off site' drainage solutions. What are these and how would they be secured?

1.46. No Comment

Q9.14. 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?

1.47. As set out in our client's Regulation 19 representations, referenced above and in our matter 2 statement, the Huncoat Garden Village Masterplan and Design Code are not Development Plan documents and should not be used as such. These documents have not been through the formal scrutiny and examination required for statutory planning policy and therefore, should not direct or control development in a prescriptive manner.

1.48. The Masterplan and Design Code should simply be treated as material considerations in the planning process. Development should be required to have regard to their principles but not strictly adhere to them. This approach allows for flexibility and ensures that site-specific constraints and opportunities can be properly addressed as part of the planning application process.

1.49. As previously stated, strict adherence to non-statutory documents risks undermining the Development Plan and could create unnecessary barriers to delivery. It is important that the policy framework remains clear and effective, focusing on justified requirements that support sustainable and viable development.

Q9.15. 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?

1.50. The Plan's IDP (ref: HNC2.011) does not adequately cover Huncoat Garden Village, providing only some high-level information in section 3. This lack of detail makes it difficult for developers and decision makers to understand the process and responsibilities for infrastructure planning and delivery.

1.51. Our Clients are aware that an IDP for the Garden Village is to be commissioned by the Council, but it is not clear, when this will be done, or how it will be kept up to date.

1.52. The Masterplan includes an infrastructure schedule and development costings, but these are not a substitute for a comprehensive and updated IDP. The additional highways costs



associated with Huncoat Garden Village are covered elsewhere, and the reference in paragraph 4.10 of the IDP is missing, further contributing to the lack of clarity.

- 1.53. To reiterate, the Huncoat Power Station site is not dependant on wider infrastructure such as the link road or third party drainage connections to support its early delivery.
- 1.54. A clear and effective IDP would be useful for coordinating some infrastructure delivery, securing funding, and ensuring that the necessary works are delivered in a timely manner and would provide sufficient certainty or accountability for the delivery of wider infrastructure at Huncoat Garden Village.





Appendix 1 – Huncoat Power Station Constraints Overlay

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Key

- Site boundary
- Opportunities and Constraints**
- ⚡ Overhead cables with 10m easement from centre
- Approx. location of surface level watercourse
- Approx. location of underground watercourse
- Water main with 6m easement from centre
- Combined sewer with 6m easement from centre
- Surface water sewer with 6m easement from centre
- Foul sewer with 6m easement from centre
- BT Infrastructure
- 1m contour
- ⚡ Noise source and barrier
- ⊕ Multimodal access
- ⊕ Pedestrian access
- ⋯ Public Right of Way
- Category A trees
- Category B trees

Surface water flood risk

- 1 in 30
- 1 in 100
- 1 in 1000

Design Code

- Suburb 45-60dph
- Outer Suburb 35-45dph
- Outer Suburb 25-35dph
- Primary frontage
- Secondary frontage
- Open Space 2 - Formal & Informal Play
- Open Space 4 - Amenity space
- Open Space 9 - Retained Countryside
- Vehicular access
- Additional pedestrian/cyclist access
- Retained Active Travel network
- Indicative segregated cycle and footpath
- Key view

A	28/08/25	Minor Amendments	TP	PR
REV	DATE	DESCRIPTION	REVISED BY	APPROVED BY

HUNCOAT POWER STATION - DESIGN CODE CONSTRAINTS APPRAISAL



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

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