

Hearing Statement for Matter 2: The Vision and Spatial Development Strategy

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 can proceed to adoption.

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

Q2.1 Are the vision and strategic objectives justified by the evidence and do they reflect the issues and challenges facing the Borough?

- 1.4. The vision and strategic objectives of the Hyndburn Local Plan 2040 are justified by a comprehensive and up-to-date evidence base. They look to reflect the key issues and challenges facing the Borough.
- 1.5. The Plan looks to respond directly to longstanding challenges, such as population decline, deprivation, limited housing stock and choice, and the need for economic diversification and higher wage employment opportunities. These issues are clearly identified in the supporting evidence, notably the Housing and Economic Needs Assessment (HENA) which notes a requirement for 3,686 new homes and 70 hectares of employment land to address long-standing issues referred to above.
- 1.6. The inclusion of Huncoat Garden Village as a strategic allocation is central to delivering the Plan’s vision. It provides suitable and transformational housing growth, a new village centre, and supporting infrastructure, addressing both local needs and wider strategic objectives. This is fully supported by our Clients.
- 1.7. The approach is fully consistent with the National Planning Policy Framework, which encourages plan led sustainable growth and the delivery of well-designed new communities supported by robust evidence. The Plan’s supporting Green Belt Release Statement further supports the strategic objectives by demonstrating how development needs can be met through a balanced approach to land supply, including the release of lower-performing Green Belt parcels.
- 1.8. In summary, the vision and strategic objectives are sound, evidence based and offer a clear deliverable framework for sustainable growth and regeneration in Hyndburn.

Q2.2 Should the Vision for Hyndburn seek to conserve and enhance the historic environment of the Borough?

- 1.9. No comment.

Q2.3 The supporting text to Strategic Objective 4 refers to the heritage assets in the Borough. Does the Strategic Objective adequately recognise their importance?

- 1.10. No comment.

Policy SP1

Q2.4 Is the spatial strategy appropriate and justified taking into account reasonable alternatives and based on proportionate evidence?

- 1.11. The spatial strategy set out in Policy SP1 is appropriate and justified, based on proportionate and relevant evidence. The strategy includes the identification of Huncoat Garden Village as a key growth area, supporting the delivery of new homes, infrastructure, and community facilities in a sustainable location.
- 1.12. The Council has demonstrated that reasonable alternative spatial strategies have been considered throughout the plan making process, including different growth options and spatial distributions. A range of spatial and growth options were considered during the Regulation 18 consultation which have been assessed in detail in previous SA's (HBC2.007 and HBC2.008) along with the Integrated Impact Assessment (IIA) prepared to support the Regulation 19 Plan (HBC2.009).
- 1.13. The IIA demonstrates that the selected approach best meets the Borough's requirements whilst minimising environmental impacts and supporting regeneration. The selected delivery rate of 194 dwellings per annum represents a pragmatic and balanced approach, accounting for infrastructure capacity, land availability, and the findings of the HENA and the Plan makes sufficient land available to meet the significant housing need of 3,686 dwellings over the plan period.
- 1.14. The allocation of Huncoat Garden Village is central to the spatial strategy, providing a significant proportion of the Borough's new housing in a location supported by evidence. This approach enables the delivery of transformational change, infrastructure investment, and a high-quality new community.
- 1.15. The strategy prioritises brownfield land but recognises that some greenfield release and targeted Green Belt release is necessary to deliver infrastructure and create sustainable communities and is supported by the IIA and the approach to reasonable alternatives. The spatial strategy is consistent with national policy, promoting sustainable patterns of development.

Q2.5 Is the Policy consistent with the Framework, is it justified, and would it be effective?

- 1.16. Policy SP1 is broadly consistent with the National Planning Policy Framework (NPPF) and is justified effectively by its supporting evidence. The policy promotes sustainable and accessible patterns of development, prioritises brownfield land whilst understanding that there is an identified need to utilise greenfield and underperforming Green Belt land to deliver overall needs. However, it should be noted that local plans are required, under the NPPF, to cover a minimum period of 15 years from adoption, so the plan may need to be extended to cover this i.e. to 2041 if adopted in 2026, as expected.
- 1.17. The spatial strategy has a proportionate evidence base supporting it, including the Sustainability Appraisals and IIA which support Huncoat Garden Village as a key growth area. The Garden Village allocation is central to delivering the planned growth in a

sustainable and coordinated manner, demonstrating a development approach that best meets the needs of the Borough. It is also supported by a significant funding commitment from Homes England.

- 1.18. While the policy is generally positively prepared and broadly consistent with the NPPF, it could take a more positive tone in order to ensure the deliverability of key strategic allocations, particularly Huncoat Graden Village.
- 1.19. Our Clients wish to note that it is important for the Huncoat Garden Village Masterplan be applied with a degree of flexibility. In practice, some elements of the Masterplan will require adapting to site-specific constraints and delivery challenges as development progresses, as we cover in detail in further hearing sessions.
- 1.20. Recognition of this at this stage would support the Plan's flexibility and ensure that Policy SP1 remains aspirational, deliverable and effective.

Q2.6 Does the Growth Strategy for Altham take sufficient account of the proposed expansion of Altham Business Park? Is there any contradiction?

- 1.21. No comment.

Q2.7 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?

- 1.22. The Council's approach to the settlement hierarchy is justified and appropriate within Policy SP1. The Plan supports the existing settlement pattern, with the principal towns accommodating the majority of new development and Huncoat (through the Garden Village) growing at a faster rate given it is a key location for transformational growth.
- 1.23. The proposed approach is consistent with national policy, which supports focusing growth in sustainable locations and delivering new communities, where supported by robust evidence.
- 1.24. The evidence base demonstrates that focusing growth at Huncoat is the correct approach to address the Borough's objectives and need for new homes, infrastructure, and regeneration.
- 1.25. The Garden Village allocation is supported by an initial Masterplan and delivery strategy, ensuring that development is sustainable, well-integrated, and capable of meeting local and strategic objectives, notwithstanding that flexibility in the masterplan will be needed as more detailed, site specific assessments are undertaken.

Q2.8 Are the settlement boundaries illustrated on the Policies Map justified?

- 1.26. In respect of the Garden Village and its associated infrastructure, the settlement boundaries illustrated on the Policies Map are justified. The boundaries accurately reflect the extent of the allocation and supporting infrastructure needed. This will support the delivery of a sustainable and well-integrated new community.
- 1.27. It is for the Council to confirm, but it appears as though settlement boundary has been reviewed and refined through the Local Plan process to reflect the spatial strategy in Policy SP1, to accommodate strategic allocations, and ensure consistency with national policy.

Q2.9 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?

- 1.28. No comment on the distribution other than to re-confirm that the Plan supports the existing settlement pattern, with the principal towns accommodating the majority of new development and Huncoat (through the Garden Village) growing at a faster rate given it is a key location for transformational growth.

Q2.10 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?

- 1.29. No comment.

Flood Risk

Q2.11. The Level 1 SFRA (HBC6.002a) makes a number of recommendations. Have these been followed and if not, what is the justification for this?

- 1.30. The recommendations of the Level 1 SFRA appear to have been followed in the preparation of the Local Plan and in respect to Huncoat Garden Village. The SFRA sets out a clear methodology for identifying functional floodplain (Flood Zone 3b).
- 1.31. The response from the EA (Ref: HBC1.007h) confirms that further mapping has been provided and subsequent correspondence confirms that the EA has no issues with the sites, as selected.

- 1.32. An appropriate approach has been adopted in the Council's evidence base and this supports the planning and delivery of Huncoat Garden Village and specifically the Huncoat Power Station site.

Q2.12 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?

- 1.33. No comment.

Q2.13 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?

- 1.34. Appendix D of the Local Plan provides flood risk maps for site allocations with the intention of these maps illustrate areas of potential flood risk associated with each allocation. The maps are designed to support developers, landowners, and decision makers, in identifying initial flood risk implications in the development process.
- 1.35. It should be made clear that the intention of this appendix is not to act as Flood Risk Assessment, but to provide an indicative guide for development. This is also supported by the EA comments (Ref: HBC 1.007h) which confirms support for the allocations proposed, subject to some additional text within the Plan.
- 1.36. As such, the mapping does not constrain development and could be deleted, but if considered by the Council and Inspector that these plans need to be retained as they are, they should be treated as an indicative guide.

Rural Areas

Policy SP25 Development in rural areas.

Q2.14 Is the policy effective, justified and consistent with national planning policy?

- 1.37. No comment.

Q2.15 Are parts 2 and 3 of the Policy consistent with paragraph 84 of the Framework?

- 1.38. No comment.

Q2.16 Does part 5 of the Policy duplicate Policy SP1 6(f)? Is it necessary in Policy SP25 for soundness?

1.39. No comment.

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.

Policy SP26

Q2.1 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?

1.40. No comment.

Policy SP28

Q2.2 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?

1.41. No comment.

Policy SP29

Q2.3 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?

1.42. Part 2 of Policy SP29 requires development to ‘adhere’ to the Huncoat Garden Village Masterplan and Design Code. In Policy SP2 the current wording expects development to “deliver in line with the masterplan and Design Code. There is no need for the general repetition across both Policies.

1.43. As set out in our Clients’ 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."

- 1.44. 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 "are expected to follow/adhere to" or should "be in line with", 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.
- 1.45. 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.
- 1.46. 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 cover 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.
- 1.47. 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.
- 1.48. It is too restrictive in its current form and is not an effective way of controlling development in the Garden Village.
- 1.49. To resolve this, there should be no reference to the masterplan or design code documents within policy SP29 (or SP2). 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 the non-statutory status of those documents should also be included within any policy supporting text.

1.50. 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.

1.51. 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.

Q2.4 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?

1.52. No comment.

Q2.5 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?

1.53. The justification for requiring all necessary highways infrastructure to be operational before the occupation of development is not fully established at this stage. It is accepted that the site allocations within Huncoat Garden Village have the potential to generate significant vehicular movements when fully developed, however the policy as written imposes a blanket requirement that may not reflect the practicalities of phased development or the reality of infrastructure delivery.

1.54. There is no evidence that a detailed assessment has been undertaken by National Highways to determine what level of development could proceed safely and acceptably before the highways infrastructure is in place.

1.55. This matter has been raised previously, and it is important to note that no clear or comprehensive response to the issue has been provided by National Highways in any previous submissions. Without a robust assessment, it is difficult to justify such a rigid policy requirement that highways infrastructure must be operational no later than the occupation of any development, particularly given the likelihood of phased development at the Huncoat Garden Village site across the plan period.

1.56. A more appropriate approach would be to allow for proportionate timing and delivery of highways infrastructure linked to the scale and phasing of development. This would enable early phases, such as is expected at Huncoat Power Station site, to proceed where demonstrably acceptable. Such an approach would be consistent with national policy and good practice guidance for large-scale site delivery.

1.57. It is our Clients position, as set out in detail in Matter 6, that improvements to Junction 8 of the M65 do not need to be in place before the Power Station site can be delivered.



Policy SP31 Rishton and Whitebirk

Q2.6 What is the justification for the 40% restriction on non-bulky retail and/or supporting ancillary uses at Hyndburn Retail Park?

1.58. No comment.

Q2.7 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?

1.59. No comment.





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

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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