

Issue	Inspector's Question	Hyndburn Borough Council's Response
<p><b>Matter 1: Compliance with statutory procedures and legal matters</b></p>		
<p>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?</p>		
<p><b>Duty to Cooperate</b> 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?</p>	<p>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?</p>	<p>The Council considers that it has engaged constructively, actively and on an ongoing basis with all relevant organisations on the 'Strategic Matters' applicable to the Plan and has complied with the Duty to Co-operate in full accordance with section 110 of the Localism Act (2011) and met the objectives contained within paragraphs 24 to 27 of the National Planning Policy Framework (NPPF September 23) and the Town and Country Planning (Local Planning (England) Regulations 2012 (as amended).</p> <p>The Statement of Compliance with the Duty to Cooperate (<a href="#">HBC10.001</a>) provides a summary of cooperation and joint working that the council has undertaken throughout the preparation of the Local Plan with relevant authorities and prescribed bodies for each of the 'Strategic Matters' applicable to the Plan. Appendix 1 of the Statement includes a record of engagement with the Duty to Cooperate organisations, providing evidence that this engagement has been constructive, active and ongoing.</p> <p>Sections 3 and 4 of the statement (<a href="#">HBC10.001</a>) confirm that several methods of engagement were undertaken to engage with Duty to Cooperate bodies including: regular Development Plans Officer Group (DPOG) meetings; Lancashire Climate Officers Group meetings; Lancashire Local Transport Plan Working Group meetings; specific Duty to Cooperate meetings with all neighbouring authorities; and ongoing liaison with statutory consultation bodies and jointly prepared evidence base studies where applicable.</p> <p>The Council has also prepared Statements of Common Ground as part of the Local Plan preparation and are examples of co-operative and ongoing joint working between neighbouring authorities and other organisations. The Council has signed Statements of Common Ground with the following authorities:</p> <ul style="list-style-type: none"> <li>• Blackburn With Darwen Borough Council (<a href="#">HBC10.002</a>)</li> <li>• Rossendale Borough Council (<a href="#">HBC10.003</a>)</li> </ul>

Issue	Inspector's Question	Hyndburn Borough Council's Response				
		<ul style="list-style-type: none"> <li>• Ribble Valley Borough Council (<a href="#">HBC10.004</a>)</li> <li>• South Pennines Authorities (<a href="#">HBC10.008</a>)</li> <li>• Lancashire County Council Education Authority (<a href="#">H016</a>)</li> <li>• National Highways (<a href="#">H017</a>)</li> <li>• Burnley Borough Council (<a href="#">H018</a>)</li> </ul> <p>The Council will continue to engage with neighbouring authorities and prescribed bodies throughout the lifetime of the plan, principally through the regular Lancashire-wide meetings and reflect matters of relevance through any future plan update.</p> <p>The Council would also like to highlight that the Duty to Cooperate does not equate to a duty to agree. Where areas of disagreement exist with other authorities and consultees, these have been appropriately highlighted through both the Regulation 22 consultation statement (<a href="#">HBC1.007a</a>) and through Statements of Common Ground. The Council also considers that the highlighted areas of disagreement relate to specific matters and not on the duty to cooperate.</p>				
<p><b>Integrated Impact Assessment (IIA)</b></p> <p>Issue 1.2 – Has the Plan been prepared in accordance with other legal and procedural requirements?</p>	<p>2. Paragraph 32 of the Framework (2023) indicates that local plans should be informed throughout their preparation by sustainability appraisal that meets the relevant legal requirements. Is the IIA methodology robust?</p>	<p>The Council considers that the Integrated Impact Assessment (IIA) (<a href="#">HBC2.010a</a>), which combines the Sustainability Appraisal, Strategic Environmental Assessment, Equality Impact Assessment and Health Impact Assessment, follows established guidance, including the SEA regulations (2004) and meets the requirements set out in paragraph 32 of the NPPF and therefore is robust.</p> <p>The methodology used within the IIA is set out in chapter 2 (<a href="#">HBC2.010a</a>). For clarity the table below demonstrates where and how the key requirements have been met:</p> <table border="1" data-bbox="1021 1201 2024 1410"> <thead> <tr> <th data-bbox="1021 1201 1520 1249">Requirements</th> <th data-bbox="1520 1201 2024 1249">Council response</th> </tr> </thead> <tbody> <tr> <td data-bbox="1021 1249 1520 1410">An outline of the contents and main objectives of the plan or programme, and of its relationship with other relevant plans and programmes.</td> <td data-bbox="1520 1249 2024 1410">This was reviewed as part of the scoping report and is outline in Appendix B of the IIA (<a href="#">HBC2.010b</a>). The is also summarised in Chapter 3 of the IIA (<a href="#">HBC2.010a</a>).</td> </tr> </tbody> </table>	Requirements	Council response	An outline of the contents and main objectives of the plan or programme, and of its relationship with other relevant plans and programmes.	This was reviewed as part of the scoping report and is outline in Appendix B of the IIA ( <a href="#">HBC2.010b</a> ). The is also summarised in Chapter 3 of the IIA ( <a href="#">HBC2.010a</a> ).
Requirements	Council response					
An outline of the contents and main objectives of the plan or programme, and of its relationship with other relevant plans and programmes.	This was reviewed as part of the scoping report and is outline in Appendix B of the IIA ( <a href="#">HBC2.010b</a> ). The is also summarised in Chapter 3 of the IIA ( <a href="#">HBC2.010a</a> ).					

Issue	Inspector's Question	Hyndburn Borough Council's Response	
		<p>The relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme.</p>	<p>This was reviewed as part of the scoping report and is outline in Appendix B of the IIA (<a href="#">HBC2.010b</a>). The is also summarised in Chapter 3 of the IIA (<a href="#">HBC2.010a</a>).</p>
		<p>Any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Council Directive 79/409/EEC on the conservation of wild birds(a) and the Habitats Directive.</p>	<p>This was reviewed as part of the scoping report and is outline in Appendix B of the IIA (<a href="#">HBC2.010b</a>). The is also summarised in Chapter 3 of the IIA (<a href="#">HBC2.010a</a>).</p>
		<p>The environmental protection objectives, established at international, Community or Member State level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation.</p>	<p>This was reviewed as part of the scoping report and is outline in Appendix B of the IIA (<a href="#">HBC2.010b</a>). The is also summarised in Chapter 3 of the IIA (<a href="#">HBC2.010a</a>).</p>
		<p>The likely significant effects on the environment, including short, medium and long-term effects, permanent and temporary effects, positive and negative effects, and secondary, cumulative and synergistic effects.</p>	<p>Included throughout the SA Report in various appraisal findings including consideration of options, policies, sites etc</p>
		<p>The measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme.</p>	<p>This is considered in chapter 5 of the IIA and is covered in paragraphs 5.1 – 5.3.</p>

Issue	Inspector's Question	Hyndburn Borough Council's Response	
		<p>An outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information.</p>	<p>This is set out in chapter 4 of the Regulation 18(2) SA report.</p> <p>Difficulties encountered in the assessment process are outlined in the method sections (for example paras 2.82 and 2.91)</p>
		<p>A description of the measures envisaged concerning monitoring in accordance with regulation 17.</p>	<p>This is summarised in chapter 6 of the IIA.</p>
	<p>3. Is the baseline evidence sufficiently up-to-date and therefore adequate?</p>	<p>The Integrated Impact Assessment was prepared in November 2023 to support the Regulation 19 pre-submission document, as set out in our response to Initial question IQ3 (<a href="#">H002</a>). The baseline data held within the IIA therefore is up to date as of November 2023. The baseline information that supports the IIA is set out in appendix 3 (<a href="#">HBC2.008d</a>).</p> <p>The Council accept that at the point of examination there is more up to date baseline information that could now be available including further information informed by the 2021 census data. However, the Council considers that the evidence underpinning the IIA has not significantly changed and so the baseline data within the IIA remains adequate and up to date.</p> <p>It is considered that the current baseline data offers a credible foundation for assessing the impacts of the proposed policies and interventions. It aligns with best practice in IIA methodology and meets the expectations set out in relevant statutory and policy guidance.</p> <p>As set out in the Council's response to Initial question IQ3 (<a href="#">H002</a>), the Council considers this to be a proportionate approach in balancing the adequacy of the evidence with the requirements to prepare and adopt Local Plans.</p>	

Issue	Inspector's Question	Hyndburn Borough Council's Response
	4. Is the IIA decision making and scoring robust, justified and transparent?	Yes, the scoring framework is clearly set out in the IIA methodology, with each policy and site tested against SA objectives. The reasoned judgements are explained in the accompanying commentary and detailed assessments are set out in the appendices, ensuring transparency in how scoring was undertaken and how significant, neutral and negative effects were derived.
	5. Is it clear how the IIA has influenced the policies and allocations in the Plan and how mitigation measures have been taken into account?	<p>The IIA has formed an integral part of the plan making process, with recommendations informing each stage of its preparation:</p> <ul style="list-style-type: none"> <li>- Regulation 18 (1) SA core strategy review &amp; site allocations report (<a href="#">HBC2.007b</a>)</li> <li>- Regulation 18 (2) SA core strategy review &amp; Site allocations main report (<a href="#">HBC2.008a</a>) and associated appendices</li> <li>- Regulation 18 (3) SA core strategy review &amp; site allocation DPD (<a href="#">HBC2.009</a>)</li> <li>- Regulation 19 IIA of Hyndburn 2037 – The Local Plan (<a href="#">HBC2.010a</a>) and appendix (<a href="#">HBC2.010b</a>)</li> </ul> <p>The IIA has been used to inform the decision making process to facilitate the evaluation of alternatives and helped to demonstrate that the plan is appropriate, given the reasonable alternatives (also see the growth options and spatial options justification paper (<a href="#">H015</a>)).</p>
	6. Has adequate consideration been given to ecological, and heritage matters in determining IIA scores?	<p>Yes, the IIA has scored each of the 20 SA objectives which includes heritage and ecological matters through objectives 11-20. These have been weighted equally within the IIA process. The housing growth options identify that there are mixed potential effects, as shown in table 4.1 of the Integrated Impact Assessment (IIA) (<a href="#">HBC2.010a</a>).</p> <p>The decision on the final spatial and growth option were set out in the Growth Options and Spatial Options justification paper (<a href="#">H015</a>), which takes account of wider considerations including aspirations and other strategies. In this paper the Council has attributed numerical scores to the proposed effects, based of the findings in the IIA. In paragraphs 2.5 and 2.6 the council sets out how it has balanced economic, social and environmental objectives. The Council has recognised that the within the IIA half of the matters primarily relate to the environment, around a third relate to social objectives, with the remaining few relating to</p>

Issue	Inspector's Question	Hyndburn Borough Council's Response
	<p>7. Low, medium and high employment and housing growth options were considered at Regulation 18 stage. Why are the high employment growth and the medium housing growth options preferred? What evidence supports these conclusions?</p>	<p>economic objectives. The Council has therefore reweighted the scoring to reflect an equal weight between the three objectives of sustainable development and these weighted scores are set out in table 2 (<a href="#">H015</a>).</p> <p>The Council's rationale for selecting the high employment growth and medium housing growth options is set out in Growth Option and Spatial Option Justification paper (<a href="#">H015</a>). This paper takes a wider consideration of the options considering the findings of the IIA process, Council housing strategies and ambitions and other relevant evidence base findings. Through this the Council has selected what it believes to be the an appropriate option for housing and employment respectively as set out in tables 4 and 8 of the Growth Option and Spatial Option Justification paper (<a href="#">H015</a>).</p> <p>Taking the findings of the IIA in isolation, for housing and employment growth options it can be seen that both options are considered to provide no negative effect when considered against the requirements of the Local Plan. The Council therefore considers the options pursued through the plan to be appropriate and reasonable and therefore justified.</p>
<p><b>Habitat Regulations Assessment</b></p>	<p>8. Has the HRA been undertaken in accordance with the Regulations and is it robust?</p>	<p>Yes, the HRA has been undertaken in accordance with the Habitats Regulations and Habitats directive. The HRA Screening report (<a href="#">HBC2.004</a>) is adequate, appropriate and robust in its scope, analysis and findings. In summary, the HRA found that there are no likely significant effects on European sites which would result from the proposals in the Hyndburn Local Plan. It is therefore considered that an Appropriate Assessment is not required.</p> <p>Natural England reviewed the HRA as part of their Regulation 19 representation on the plan, but they had no comments to make. There is no substantive evidence to indicate that the HRA is not robust.</p>
<p><b>Consultation</b></p>	<p>9. Has the Plan been prepared in accordance with the Council's Statement of Community Involvement (HBC1.003) and statutory consultation requirements? Has all relevant and available evidence been made available for consultation, at the various stages of Plan preparation?</p>	<p>The Council considers that the Plan has been prepared in accordance with the Council's Statement of Community Involvement (SCI) (<a href="#">HBC1.003</a>) (March 2022) and met the minimum consultation requirements in the Regulations. The Regulation 22 (1) (c) Consultation Statement (<a href="#">HBC1.007a</a>) provides full details of the consultation undertaken to date,</p>

Issue	Inspector's Question	Hyndburn Borough Council's Response
		<p>demonstrating full accordance with the adopted SCI, and meeting the requirements of legislation.</p> <p>As set out in the Consultation Statement (<a href="#">HBC1.007a</a>), the Council acknowledges that there was a deficiency in the first regulation 19 consultation. This related to the lack of an updated sustainability appraisal and inconsistencies in notification of relevant stakeholders. The Council rectified this through reconsulting on Regulation 19 ensuring that all requirements in the regulations have been met.</p>
	10. What evidence is there that representations submitted in response to the submission Plan have been taken into account as required by Regulation 18(3)?	The Regulation 22 Consultation Statement ( <a href="#">HBC1.007a</a> ) and interim consultation statements ( <a href="#">HBC1.007b</a> , <a href="#">c</a> , <a href="#">d</a> ) from earlier engagement rounds provides evidence that all representations submitted in response to the Draft Local Plan consultations have been considered as required by Regulation 18(3). These documents set out the Council's response and where appropriate set out the changes proposed to be made to address points raised.
	11. Were adequate opportunities made available for participants to access and make comments on the Plan, and other relevant documents, in different locations and using different means both digital and non-digital?	<p>The Council considers that adequate opportunities were given for participants to access the plan and other relevant documents and respond to the consultations. The Regulation 22 Consultation Statement (<a href="#">HBC1.007a</a>), in addition to Appendix A – Diii (<a href="#">HBC1.007b</a>, <a href="#">c</a>, <a href="#">d</a>, <a href="#">f</a>, <a href="#">g</a>) of the report, outlines the methods used through the consultation. Such methods ensured the consultation material could be accessed in different locations and using different means, both digital and non-digital.</p> <p>As noted in response to Matter 1, Question 9 (EL3.001) the Council notes deficiencies in the first Regulation 19 consultation. The Council rectified this through the running of a second Regulation 19 consultation.</p>
<b>Equality</b>	12. Have the requirements of section 149 of the Equality Act 2010 been met?	Yes, the Council considers that the requirements of section 149 of the Equality Act 2010 have been met. An Equality Impact Assessment has been prepared for the publication of the Local Plan as part of the Integrated Impact Assessment (IIA), the findings of which are set out in Appendix I ( <a href="#">HBC2.010b</a> ).

Issue	Inspector's Question	Hyndburn Borough Council's Response
		<p>The conclusions of the assessment highlight that the proposed Local Plan is not considered to impose any negative or adverse impacts on residents generally and/or those people with any of the nine protected characteristics set out in the Equality Act 2010.</p>
<p><b>Climate change</b></p>	<p>13. Does the Plan, taken as a whole, include policies designed to ensure that the development and use of land in Hyndburn contributes to the mitigation of, and adaptation to, climate change in accordance with Section 19(A) of the Planning and Compulsory Purchase Act 2004 (as amended)?</p>	<p>Yes, the Council considers that the Local Plan contributes to the mitigation of, and adaptation to, climate change in accordance with the requirements of Section 19(A) of the Planning and Compulsory Purchase Act 2004 (as amended). The plan incorporates its response and strategy to climate change through the vision of the local plan and within Strategy Objective 4.</p> <p>Planning policies to address these issues are covered throughout the Local Plan and its wider strategy, including the site selection process and spatial strategy (Policy SP1). In particular, policies which help to tackle climate change are throughout the plan, such as those relating to flood risk (Policy SP13), sustainable transport and accessibility (Policy SP23), green infrastructure (Policy SP14, SP8 and SP16), energy efficiency (Policy SP13), decarbonising development (Policy SP13, SP17 and SP18), habitat enhancement and biodiversity net gain (SP13 and SP18) and sustainable design (SP13, SP17 and SP18).</p> <p>The Council also acknowledges the balance that needs to be made between meeting the needs of Section 19(A) of the Planning and Compulsory Purchase Act 2004 (as amended) and the requirements of deliverability of the plan from a viability perspective. The Council has ensured an appropriate balance on climate change requirements to ensure that the plan is compliant and deliverable.</p>
<p><b>Neighbourhood Plans</b></p>	<p>14. Does the Plan set an appropriate framework, and allow an appropriate role, for any neighbourhood plans that may be prepared in the Borough?</p>	<p>The Council considers that the NPPF provides the appropriate framework for any neighbourhood plans that may be prepared in the borough and therefore does not consider that the plan would be required to restate this to be sound. However to ensure clarity the Council proposes a main modification, set out below, to the supporting text for the introduction to provide clearer detail of the role of neighbourhood plans.</p> <p><i>Add new text at the end of paragraph 1.4:</i></p>

Matter 1: Compliance with statutory procedures and legal matters

Issue	Inspector's Question	Hyndburn Borough Council's Response
		<p><i><u>"Where a simple majority of people voting in a public referendum are in favour of adopting a neighbourhood plan, it will become part of the Development Plan. Its policies can then be used to determine applications for planning permission within the area it covers."</u></i></p>