

1 May 2026

By email only

E: planningpolicy@hyndburnbc.gov.uk

Hyndburn Borough Council
Scaitcliffe House
Ormerod Street
Accrington
BB5 0PF

Our ref: 04611

Dear Sir or Madam

**HYNDBURN LOCAL PLAN (STRATEGIC POLICIES AND SITE ALLOCATIONS):
MAIN MODIFICATIONS CONSULTATION**

On behalf of Keepmoat Homes Ltd, we are pleased to submit representations to the Hyndburn Local Plan (Strategic Policies and Site Allocations) Main Modifications.

Background

The Council is progressing the Hyndburn Local Plan 2040, which was submitted for Examination on 10 March 2025. Upon adoption, the Local Plan 2040 will replace the Core Strategy 2012 with updated strategic policies and new site allocations. The Council is now consulting on a schedule of Main Modifications ('MM') to 1 May 2026. These modifications are required to ensure that the Plan is sound and legally compliant, having regard to the issues identified during the Examination process.

Keepmoat Homes have land interest at Brookside Lane, Oswaldtwistle ('the Site'). Part of the land (Phase 1) is proposed as a housing allocation in the Regulation 22 Submission Draft Local Plan (Ref: H17 – Land off Brookside Lane / Nook Lane, Oswaldtwistle) under draft Policy HP8, with an estimated capacity of 62 dwellings. The draft allocation supports residential development, subject to policy requirements relating primarily to access and environmental considerations.

Keepmoat Homes recently acquired the land and therefore did not promote the Site during the Regulation 19 stage of plan preparation. However, Keepmoat Homes has since commenced work to bring the Site forward and has entered into pre-application discussions with both Hyndburn Borough Council and Lancashire County Council, in its roles as Local Highway Authority and Lead Local Flood Authority.

Keepmoat Homes' land interests extend beyond the draft allocation to include land to the west and south (SHLAA reference HYDB1020 ('Phase 2')). Whilst this land is not currently included within the Submission Draft Local Plan allocations and remains designated as Green Belt, Keepmoat Homes has been actively exploring its potential for development having regard to housing need, site characteristics and Green Belt contribution. The land addressed

Turley (Manchester)
Level 5, Transmission
6 Atherton Street
Manchester M3 3GS

T 0161 233 7676 turley.co.uk

Turley is the trading name of Turley Associates Limited, a company (No. 2235387) registered in England & Wales. Registered office: 6 Atherton Street, Manchester, M3 3GS.

by H17 and the additional adjacent land under the control of Keepmoat is shown in the enclosed Colour Site Layout P2.

The proposed MM to the Submission Draft Local Plan include amendments to projected housing delivery and allocations, most notably the removal of two housing sites already under construction (H4 Hopwood Street and H10 Clayton Triangle). This reduces the overall capacity of allocations from 2,491 dwellings to 2,314 dwellings. Against this background, Keepmoat Homes consider that there is a clear opportunity to increase the capacity of H17, and extend the allocation to include the adjoining Phase 2 land, in order to maintain resilience of the housing land supply.

These representations also comment on MM that relate directly to the allocation Policy HP8, alongside other MMs of relevance.

Housing Provision (MM36)

MM36 relates to draft Policy SP10 and proposes the removal of two housing allocations:

- H4 – Land at Hopwood Street (50 dwellings); and
- H10 – Clayton Triangle (127 dwellings),

This results in the loss of 177 dwellings from the identified supply. It is understood that these sites have been removed on the basis that they are already under construction and no longer capable of contributing to the plan-period supply.

Housing Need

The UK continues to experience a significant and longstanding housing crisis, resulting from many years of sustained under-delivery. This has been acknowledged by successive governments, with recent national policy placing renewed emphasis on boosting housing supply both to address acute social impacts and to support long-term economic growth. In a Written Ministerial Statement dated 30 July 2024, the Deputy Prime Minister described the situation as the ‘most acute housing crisis in living memory’, underscoring the urgency of increasing delivery.

The December 2024 iteration of the National Planning Policy Framework (NPPF) reinforces this objective and introduces a revised standard method for calculating local housing need. However, as the Draft Local Plan was submitted for Examination under Regulation 22¹ prior to 12 March 2025, the policies contained in the December 2024 NPPF do not apply in accordance with the transitional arrangements (paragraph 234b). Accordingly, the Submission Draft Local Plan has planned for 3,686 dwellings over the period 2021-2040, equating to 194 dwellings per annum, based on the previous standard method.

Paragraph 236 of the NPPF is nevertheless clear that, where paragraph 234b applies and the adopted housing requirement represents less than 80% of local housing need, the local planning authority will be expected to commence preparation of a new plan under the revised plan-making system introduced by the Levelling-up and Regeneration Act 2023 to address the shortfall in housing need.

Application of the revised standard method indicates a local housing need of 301 dwellings per annum for Hyndburn, equating to 5,719 dwellings over the 19-year plan period. As such, the Submission Draft Local Plan requirement of 3,686 dwellings represents only around 65% of identified need, falling materially below the 80% threshold. This results in an identified shortfall of approximately 2,033 dwellings and confirms that work on a new

¹ Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

local plan will need to commence. This is also accepted by the Council within the Local Development Scheme (2022-2025) (February 2025), which confirms that the next Local Plan Review will commence immediately after adoption, anticipated for March 2027.

In this context, it is clear that the Council will need to consider the allocation of further land and it would be prudent of the Council to identify further housing supply beyond that currently identified within the Submission Draft Local Plan.

Claimed Housing Supply

The Submission Draft Local Plan's proposed housing supply relies primarily upon:

- Site allocations (2,314 dwellings); and
- Huncoat Garden Village, with Table 8 identifying 1,646 dwellings (including 18 completions which should not count towards future supply).

Though the allocations taken together comprise a theoretical supply of 3,942 dwellings, there is some uncertainty regarding the delivery trajectory of Huncoat Garden Village, with the Inspector having queried the Council's evidence base in relation to whether the site can be delivered within the timescales assumed². This is expressly acknowledged within the Submission Draft Local Plan itself. Paragraph 10.52 confirms that, due to the scale of the development, delivery at Huncoat Garden Village will extend beyond the plan period, while Policy SP2 states that the site will deliver "around 1,500–1,600 homes, some of which will be delivered beyond the plan period".

In response to the Inspector's Matters, Issues and Questions, the Council has indicated that the most recent phasing assumptions for Huncoat Garden Village (May 2025) suggest that approximately 791 dwellings would fall outside the plan period, including development on land currently identified as safeguarded land³.

More recent reporting by Place North West in March 2026⁴ also highlights delays in land acquisition for the 1.1km relief road required to unlock Huncoat Garden Village, prompting the need for a Compulsory Purchase Order. This provides further uncertainty over the trajectory of the strategic allocation.

In these circumstances, the Council should exercise considerable caution in placing reliance on a single strategic allocation to deliver circa 45% of the total Local Plan housing requirement. Large, infrastructure-dependent sites are inherently more complex and subject to delay, particularly where delivery is contingent on substantial upfront works that are outside the direct control of housebuilders. An over-reliance on Huncoat Garden Village therefore reduces the resilience of the housing supply and increases the risk of under-delivery across the plan period.

Planning Case for Phase 2 Brookside Lane

In the context of the above, it is essential that the Council identifies suitable, available and deliverable sites capable of contributing to housing supply in the short to medium term. Adjustments to existing allocations represent a pragmatic and proportionate response to the reduced capacity arising from MM36 and delivery risks associated with Huncoat Garden Village.

Keepmoat Homes therefore propose that the Council extend H17 to incorporate the Phase 2 land.

² MIQs 25 August 2025

³ EL3.009 Matter 9 Huncoat Garden Village

⁴ [Hyndburn pulls trigger on Huncoat Garden Village CPO - Place North West](#)

At present, the Phase 2 land remains designated as Green Belt. However, as currently drawn in both adopted and draft policy, settlement boundaries are tightly constrained around existing built form and proposed allocations. This leaves little realistic scope for meeting future housing requirements through non-Green Belt sites alone.

In these circumstances, it is evident that future release of Green Belt land will be unavoidable to address identified and emerging housing need. This will arise either through further modifications to the submission plan or through the early preparation of a new Local Plan, which the Council will be required to undertake to address the housing shortfall, as identified under paragraph 236 of the NPPF. As such, the question is not whether Green Belt land will need to be released, but which parcels represent the most appropriate, sustainable and policy-compliant options to come forward.

The authorities Green Belt boundaries were assessed as part of the Green Belt Assessment undertaken by Arup (2019) on behalf of the Council. Within this assessment, Parcel 9, within which the Phase 2 land is located, was found to make an overall weak contribution to the purposes of the Green Belt, comprising:

- a moderate contribution to Purpose 1(a);
- a weak contribution to Purpose 2(b);
- a weak contribution to Purpose 3(c); and
- no contribution to Purpose 4(d).

Purpose 5 was not assessed, as it was not considered to provide a useful mechanism for determining whether land should be released from the Green Belt.

Paragraph 148 of the NPPF states that, where it is necessary to release Green Belt land for development, plans should give priority to previously developed land, then consider grey belt which is not previously developed, then other Green Belt locations.

To meet the definition of 'grey belt', as set out at Annex 2 of the NPPF, land must be previously developed and/or, not contribute **strongly** to Green Belt purposes (a), (b) or (d). 'Grey belt' excludes land where the application of policies relating to the areas or assets of importance at footnote 7 of the NPPF (other than Green Belt) would provide a strong reason for restricting the overall scale, type or distribution of development.

Despite being undertaken in 2019 before the definition of grey belt was introduced, the Council's own technical assessment confirms that Green Belt Parcel 9 does not strongly contribute to Green Belt purposes, such that it meets the first part of defining grey belt land. It should also be noted that the Phase 2 land comprises a smaller portion of this wider parcel, such that the contributions would be even less. As such, the Phase 2 is considered to meet the first part of the definition of grey belt.

The second part of defining grey belt land relates to whether footnote 7 applies. The Site has therefore been reviewed against the areas/assets of particular importance identified in footnote 7 at Table 1 below. This assessment is based on available desktop information and provides a robust basis for concluding whether any such constraints are present, although it is recognised that specialist technical confirmation would be undertaken at a subsequent planning application stage.

Table 1: Assessment of NPPF Footnote 7 Area or Asset of Importance

Area or Asset of Importance	Comment
-----------------------------	---------

Habitats sites ⁵ (and those sites listed in paragraph 189) and/or designated as Sites of Special Scientific Interest	The Site is not covered by, or close to, any of the designations listed in paragraph 189 and it is not an SSSI. The West Pennine Moors SSSI is located c. 2.5km to the south.
Local Green Space	The Site is not designated (nor proposed) as Local Green Space.
Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast	The Site is not within, or close to, any of these designations.
Irreplaceable habitats	No 'irreplaceable habitats' have been identified on the Site.
Designated heritage assets (and other heritage assets of archaeological interest)	<p>The Site is not subject to any designated heritage assets.</p> <p>The nearest heritage assets comprise the Grade II Listed Church of Immanuel and the Grade II Listed Stanhill Hall, located c. 330m to the south and 450m to the north, respectively. The Stanhill Conservation Area is also located c. 450m to the north of the Site.</p> <p>Given the separation distances involved, together with the presence of intervening built development and established vegetation within the surrounding area, the Site does not form part of the immediate or sensitive setting of these heritage assets. As a result, any inter-visibility is limited and the Site does not make a meaningful contribution to the significance or appreciation of these designated assets. Accordingly, it is not considered that the proximity of these assets would provide a strong reason for restricting development.</p>
Areas at risk of flooding or coastal change	<p>The Environment Agency Flood Map for Planning confirms that the Site lies wholly within Flood Zone 1 and is therefore at the lowest risk of fluvial flooding. While the Site is mapped as having areas of surface water flooding, it is well established through planning appeal and judicial authority⁶ that surface water flood risk, in itself, does not constitute a prohibition on development where risks can be appropriately mitigated.</p> <p>Indeed, the Council's own Level 1 Strategic Flood Risk Assessment (April 2023) confirms that risk of surface water flooding presents a worst case scenario, therefore any sites identified to be at risk from surface water flooding should be assessed in more detail, either as part of a Level 2 SFRA or at the FRA stage as part of a planning application which should include an appropriate detailed drainage strategy.</p> <p>Accordingly, and consistent with both national guidance and established appeal and judicial precedent, surface water flood risk at the Site is a matter capable of being addressed through proportionate assessment and mitigation and would not, in principle, form a sound or determinative reason to restrict development.</p>

⁵ Habitat sites are defined in the glossary to the NPPF (December 2024) as 'Any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Protection Areas and any relevant Marine Sites.'

⁶ Holgate J in Mead Realisations Ltd v Secretary of State for Housing, Communities and Local Government

Based on the above high-level assessment, there is currently no evidence to suggest that the Site is affected by any areas or assets of particular importance identified in NPPF footnote 7 that would provide a strong reason for restricting development. However, it is acknowledged that this position would need to be confirmed through detailed technical assessment at the planning application stage, with input from suitably qualified ecological, heritage, flood risk and drainage consultants.

As such, it is considered that the Phase 2 land can be categorised as grey belt land and, in principle, represents a highly suitable and immediate opportunity for residential development to assist the Council in meeting identified housing needs. Importantly, the Phase 1 and Phase 2 land can be brought forward without reliance on any significant new or strategic infrastructure, enabling early delivery within the first five years of the plan period. When considered alongside the reduced allocation capacity arising from the proposed MM and the uncertainty surrounding delivery at Huncoat Garden Village, this presents a compelling case for including the Phase 2 land within allocation H17. Bringing this land forward would provide additional flexibility within the housing land supply and make a meaningful contribution towards addressing identified housing needs through the Local Plan.

Keepmoat Homes has been progressing technical and design work in respect of both the Phase 1 and Phase 2 proposals. Work undertaken to date indicates that Phase 1 can accommodate approximately 150 dwellings, with Phase 2 capable of delivering a further c.230 dwellings. This potential is illustrated on the accompanying Colour Site Layout P2. The increased extent of the H17 would allow for the provision of more generous areas of public open space, delivering clear benefits for future residents and contributing positively to the quality and sustainability of the development.

The Phase 2 land therefore represents a credible, deliverable and sustainable option for future growth which can be brought forward in tandem with Phase 1, without any significant infrastructure constraints. This approach would provide the Council with additional flexibility and resilience in its housing supply, and assist in meeting identified housing needs in the short term (within five years), while maintaining a planned and coordinated approach to development through the Local Plan.

Land off Brookside Lane/Nook Lane, Oswaldtwistle (H17) (MM133–137)

The proposed MM also include amendments to the wording of Policy HP8, relating specifically to allocation H17. Given Keepmoat Homes' direct land interest in the Site and their intention to deliver the allocation, it is appropriate to comment on the proposed amendments and any implications for the delivery of the allocation.

MM133

Keepmoat Homes support the proposed amendment to describe the number of dwellings as 'indicative', as this provides appropriate flexibility to finalise capacity through detailed masterplanning and technical assessment at the planning application stage. Keepmoat Homes also agree with the requirement for any trees within the Site to be assessed through an Arboricultural Impact Assessment, submitted in support of future planning applications.

MM134

Keepmoat Homes agree with the proposed amendment to clarify that the Site only partially lies within a Coal Authority Risk Area, and that any associated risks can be appropriately addressed through site-specific assessment where required.

MM135

As set out above, Keepmoat Homes are actively progressing technical work in respect of the Site and have commenced pre-application discussions with both Hyndburn Borough Council and Lancashire County Council (in its

capacity as Local Highway Authority). Technical work undertaken to date indicates that the proposed access from Brookside Lane is sufficient to serve the Phase 1 proposals. Further detailed design and assessment is required to confirm whether a secondary/emergency access is required to support the Phase 2 proposals.

In this context, Keepmoat Homes support the removal of the 100-dwelling capacity cap from the policy wording, as this would otherwise place a restriction on the Site's development potential and does not reflect current technical evidence.

MM136

While Keepmoat Homes agree with the principle that boundary treatments should be appropriate to the setting of the Site, it is considered that the wording of the proposed criterion would benefit from greater flexibility to reflect detailed design considerations and potential for Phase 2 to come forward. The criterion should be amended as follows:

*'Tree planting should be incorporated throughout the Site and along footpath corridors. Where existing post and wire fencing is removed to facilitate development, it should be replaced with native hedgerows **where appropriate and feasible**, particularly where adjacent to the wider countryside'*

It is important to recognise that while vegetative boundary treatments may often be preferred, there may be circumstances where alternative solutions are necessary or more appropriate. This could include considerations relating to future phases of development, boundary security for residential properties, or technical constraints. In addition, the provision of hedgerow planting should be subject to confirmation from a suitably qualified arboriculturist that sufficient space and soil conditions exist to ensure long-term establishment and viability.

MM137

Keepmoat Homes accept the requirement for an Archaeological Desk-Based Assessment to support future planning applications and agree that this represents a proportionate and appropriate approach to addressing archaeological considerations at the Site.

Other MMs

MM35

MM35 proposes that development on brownfield land should provide 10% affordable housing (reduced from 20%), with a requirement that at least 25% of affordable units are delivered as First Homes.

Keepmoat Homes support the principle of securing additional affordable housing within the Borough and welcome the reduced overall requirement on brownfield sites, which will assist viability and delivery. However, it is recommended that the requirement for 25% First Homes is removed from this modification.

The reason for this is that all new development proposals will, in any event, be required to have regard to the most up-to-date NPPF, which NPPF makes clear that the provision of First Homes is no longer a mandatory national requirement, and their delivery should be determined through local policy where justified by evidence of need.

Retaining a fixed First Homes requirement within the Local Plan risks unnecessarily constraining tenure flexibility and could adversely affect scheme viability and deliverability, particularly on smaller or brownfield sites. Removing this requirement would provide greater flexibility, allowing affordable housing to be tailored more effectively to identified local needs, while supporting the timely delivery of new homes across the Borough.

MM51

MM51 introduces a hierarchy for the delivery of Biodiversity Net Gain (BNG).

It is not considered necessary to include a local policy hierarchy for BNG provision, given that the approach to delivering BNG is already clearly established through the statutory BNG regime and associated regulations. These set out a defined national framework governing on-site, off-site and credit-based delivery, ensuring consistency and clarity for applicants and decision-makers.

Introducing a separate local hierarchy risks duplication and unnecessary complexity, without providing additional material benefit. A policy approach that aligns with, and relies upon, the existing statutory framework would be sufficient and would avoid potential conflicts or confusion at the decision-taking stage.

Summary

These representations have been prepared on behalf of Keepmoat Homes Ltd in response to the Hyndburn Local Plan (Strategic Policies and Site Allocations) Main Modifications Consultation.

In responding to the proposed Main Modifications, the representations identify the reduction in allocation capacity and the acknowledged uncertainty surrounding delivery at Huncoat Garden Village as matters which collectively highlight the importance of identifying additional deliverable housing land. In this context, extending allocation H17 to include the adjoining Phase 2 land represents a pragmatic, sustainable and policy-compliant response.

The Phase 2 land displays the characteristics of grey belt land, is not affected by any overriding constraints, and can be integrated with Phase 1 to deliver a high-quality, well-planned residential development. Bringing this land forward would strengthen the resilience of the housing land supply, reduce reliance on a single strategic allocation, and assist the Council in meeting identified housing needs in the short term, during the first five years of the Submission Draft Local Plan, and through the forthcoming plan review.

Yours faithfully



On behalf of Turley (Manchester)



M: +44 7966 387 267