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HYNDBURN LOCAL PLAN: 2040 (Strategic Policies and Site Allocations)

1. Thank you for consulting with the Home Builders Federation (HBF) on the Hyndburn Local Plan 2040 (Strategic Policies and Allocations).
2. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing.
3. The HBF would like to submit the following comments on selected questions posed within the Inspector's Matters, Issues and Questions.

Yours sincerely,



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Matter 2 The Vision and Spatial Development Strategy

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.

Policy SP1

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

- 1.1. Part 3 of the policy sets out the Council will make sufficient land available to meet the identified requirement for housing over the Plan period of at least 3,686 dwellings (equivalent to an average of 194 dwellings per year). The HBF generally supports the Council in using a housing figure above the local housing need (LHN) identified by the standard method that was in place at the time that this Plan was submitted. The Housing and Economic Needs Update (September 2021) identifies a need for 194 dwellings per annum (dpa) for Hyndburn based on the economic need, using a job-led scenario and commuting ratios based on the Census.
- 1.2. However, the HBF notes that the Growth Option and Spatial Option Justification Paper highlights that the medium housing growth option (246 dwellings per annum), was the preferred option based on the consultation responses. Table 4 of the same document suggests that based on the SA Findings, the Policy Ambitions, the Evidence Base, the Consultation responses, and flexibility and deliverability that Option 3 is the most positive option. The HBF also notes that the current standard method would see Hyndburn seeking to achieve a higher housing figure of 303 dwellings per annum).

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

- 2.1. The HBF considers that part 3 of the policy is not consistent with the Framework and should take a more positive tone, rather than providing 'sufficient' land. An amendment that looks to 'Increase the supply of land within the Borough to meet the identified needs for housing', would be an improvement, this would better reflect the NPPF requirements for plans to be 'positively prepared' and to 'boost significantly' housing supply.

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

4. *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?*

- 4.1. The HBF considers that this is a question for the Council. However, the HBF would expect the Council to have reviewed the settlement hierarchy to ensure that it remains appropriate, and would provide a logical hierarchy for development.

5. *Are the settlement boundaries illustrated on the Policies Map justified?*

6. *Does the spatial distribution of housing accord with the settlement hierarchy? Is it appropriate and justified, in particular,*
- 6.1. *should more housing be allocated in Great Harwood and Oswaldtwistle to support their future growth and ability to attract investment?*
- 6.2. *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?*
7. *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?*

Matter 5 Housing Requirement and Housing Policies SP10, SP11 and SP12

Issue 5.1: Has the Plan been positively prepared and is it justified, effective and consistent with national policy in meeting the housing needs of all groups in Hyndburn over the plan period?

Issue 1 Housing requirement

- 1. *The housing requirement set out in the Plan is an average of 194 dwellings per annum, much higher than the figure calculated using the standard method. Is this positively prepared, justified by proportionate up to date evidence and consistent with national planning policy?***
 - 1.1. This policy states that over the plan period 2021-2040 the Council will make provision for at least 3,686 dwellings (equivalent to an average of 194dpa). As previously set out, the HBF generally supports the Council in setting a housing requirement over the local housing need identified by the standard method, and in seeking to meet the economic led housing need.
 - 1.2. The HBF generally supports the Council in using a housing figure above the local housing need (LHN) identified by the standard method that was in place at the time that this Plan was submitted. The Housing and Economic Needs Update (September 2021) identifies a need for 194 dwellings per annum (dpa) for Hyndburn based on the economic need, using a job-led scenario and commuting ratios based on the Census.
 - 1.3. However, the HBF notes that the Growth Option and Spatial Option Justification Paper highlights that the medium housing growth option (246 dwellings per annum), was the preferred option based on the consultation responses. Table 4 of the same document suggests that based on the SA Findings, the Policy Ambitions, the Evidence Base, the Consultation responses, and flexibility and deliverability that Option 3 is the most positive option. The HBF also notes that the current standard method would see Hyndburn seeking to achieve a higher housing figure of 303 dwellings per annum).
 - 1.4. The HBF considers that the Council needs to be aware that the local housing need as identified by the standard method is increasing, and this may have implications for a review of the Plan and for the supply and delivery of housing going forward. For example, from 1st July 2026, for the purpose of decision making only, the Council will be expected to include a 20% buffer. The paragraph 234 of the 2024 NPPF is also clear that for the purpose of preparing local plans, the policies in this version will apply from 12 March 2025 other than where one or more of the following apply: . . . (b) the plan has been submitted for examination under Regulation 22 on or before the 12 March 2025. It goes on to state that where paragraph 234(b) applies if the housing requirement in the Plan to be adopted meets less than 80% of local housing need the local planning authority will be expected to begin work on a new Plan under the revised plan-making system, as soon as the relevant provisions are brought in to force, in order to address the shortfall in housing need.

2. What are the exceptional local circumstances that justify deviating from the standard method?

- 2.1. The PPG¹ in place at the time of Submission sets out when it might be appropriate to plan for a higher housing need figure than the standard method indicates. It states that the Government is committed to ensuring that more homes are built and support ambitious authorities who want to plan for growth. It goes on to state that the standard method provides a minimum starting point in determining the number of homes needed in an area, it suggests that there will be circumstances where it is appropriate to consider whether actual housing needs is higher than the standard method indicates. It suggests that these circumstances can include, but are not limited to, growth strategies for the area; strategic infrastructure improvements, an authority agreeing to take unmet need, previous levels of housing delivery or previous assessments of need.
- 2.2. The NPPF² states that to determine the minimum number of homes needed, strategic policies should be informed by local housing needs assessment, conducted using the standard method . . . unless exceptional circumstances justify an alternative approach. It also sets out that planning policies should . . . seek to address potential barriers to investment, such as . . . housing.
- 2.3. The Local Housing and Economic Needs Assessment sets out that growth strategies within the study area including the Pennine-Lancashire Housing Zone and the Pennine Lancashire Growth and Prosperity Plan both of which would justify the Council exceeding the standard method housing need figure.

3. Is the proposed level of housing supported by the planned economic growth ?

- 3.1. The Council are proposing to use an economic led housing need figure, which is greater than the level of need from the standard method that was in place at the time of submission.

Policy SP11 Suitable Range of Housing

4. Is the Policy justified, effective and consistent with national planning policy and the PPG in requiring accessible, adaptable and wheelchair friendly homes?

- 4.1. The HBF does not consider that this policy is justified, effective or consistent with national planning policy.
- 4.2. Part 1 & 1(b) of the policy currently states that '*new housing development should aim to provide an appropriate mix of dwellings based on the following . . . provision of housing for older people, people with disabilities and wheelchair users*'. It is not clear if part 1(b) of this policy is an aim, as set out in the final sentence of part 1 or a requirement. It is recommended that the Council consider the format of the policy and seek to improve the clarity.

¹ PPG ID: 2a-010-20201216

² NPPF Sept 2023 paragraphs 61 and 82

- 4.3. The HBF is generally supportive of providing homes that are suitable to meet the needs of older people and disabled people. However, if the Council wishes to adopt the higher optional standards for accessible, adaptable and wheelchair homes the Council should only do so by applying the criteria set out in the PPG. PPG³ identifies the type of evidence required to introduce such a policy, including the likely future need; the size, location, type and quality of dwellings needed; the accessibility and adaptability of the existing stock; how the needs vary across different housing tenures; and the overall viability. It is incumbent on the Council to provide a local assessment evidencing the specific case for Hyndburn which justifies the inclusion of optional higher standards for accessible and adaptable homes in its Local Plan policy. The HENA 2018 does provide some limited evidence in relation to the likely future need for housing for older people and disabled people it provides limited information in relation to the size, location, type or quality of dwellings needs and no evidence in relation to the accessibility and adaptability of the existing housing, and is now more than five years out of date. If the Council can provide the appropriate evidence and this policy is to be included, then the HBF recommend that an appropriate transition period is included within the policy.
- 4.4. It should also be noted that the PPG⁴ also identifies other requirements for the policy including the need to consider site specific factors such as vulnerability to flooding, site topography and other circumstances; and that policies for wheelchair accessible homes should only be applied to dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling.
- 5. *The Local Plan Economic Viability Assessment identified that affordable housing was not viable on sites delivering older persons housing. Is it therefore justified that such sites should be make a contribution towards the affordable housing requirement?***
- 5.1. The HBF considers that it would not be appropriate for the Council to include a policy requiring the provision of affordable housing from older persons housing where they know that this would not be viable.

³ PPG ID: 56-007-20150327

⁴ PPG ID: 56-008-20160519

Matter 6

Issue 6: Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for transport and infrastructure?

SP3 Planning Obligations

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

1.1. The HBF notes that the Policy states that the Council will seek to secure the provision through the use of planning conditions and / or S106 obligations or agreements in line with the tests set out in paragraph 57 of the NPPF. The HBF notes that in the 2024 NPPF this would no longer be the correct paragraph reference, and it may not be in future versions of the document. The HBF recommends that this element of the policy be amended.

2. *The Policy states that development proposals should meet the reasonable costs of new infrastructure, facilities or services needed as a direct result of the development. Is this appropriate in all circumstances for example where a contribution to a major piece of infrastructure may be justified rather than meeting the full costs?*

2.1. Development can only be required to mitigate its own impact and cannot be required to address existing deficiencies in infrastructure or services. Therefore, the HBF agree that it is possible that a development may only be making a contribution to the infrastructure costs. The HBF consider it is therefore essential for the Infrastructure Development Plan (IDP) to clearly show the existing and known deficiencies in the current infrastructure, before reaching any conclusion on the cumulative effects of new development, and any contribution that is needed from new development to mitigate any additional individual and/or cumulative impacts.

3. *Is the policy and supporting text effective in explaining what form a separate delivery mechanism for Huncoat may take?*

3.1. This policy sets out the Council's approach to planning obligations, within Parts 2 and 3 of the policy it states that the Council will identify specific obligations and that the Council may consider the introduction of a separate delivery mechanism for Huncoat Garden Village. The HBF is concerned by the lack of clarity in this policy and is concerned it does not provide sufficient detail or certainty for any developer.

4. *Is the policy sufficiently flexible to take account of individual scheme viability?*

4.1. The HBF does not consider that the policy is sufficiently flexible to take account of individual scheme viability and suggests that the policy wording should include the opportunity for negotiation around policy requirements for site specific reasons, to reflect viability challenges identified in the Viability Assessment, and to allow for any sites whose circumstances fall outside the parameters of the typologies tested, which may also be unviable under the proposed Local Plan policies.

5. *Is the Policy effectively worded to address individual scheme infrastructure requirements which may not be included in the Infrastructure Delivery Plan?*

Matter 8

Issue 8.1 Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its housing allocations for Hyndburn?

Housing Allocations

General

- 1. *In the interest of effectiveness should the indicated number of dwellings for each allocation be described as an indicative site capacity or an approximate yield, rather than an exact number?***
- 1.1. The HBF considers that it would be beneficial for the 'no. of dwellings' identified for each of the allocations to be an indicative site capacity, this would provide a level of flexibility for those looking to develop the site and would not appear misleading to the general public.

Matter 10

Issue 10: Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for the delivery of housing.

Housing Land Supply - Delivery

1. What evidence is there that the minimum housing requirement of 194 dwellings per annum will be achieved bearing in mind past delivery rates?

1.1. The HBF considers that this is a question for the Council. However, the HBF considers that if the Council allocates deliverable sites for housing development, has a Local Plan with supportive policies that take into consideration the viability of development, and works proactively with the home building industry this housing figure will be achievable.

2. The housing supply 2021-2040 is made up of a number of components as set out in Table 7 of HBC8.001.

a) Is there compelling evidence that small sites (windfalls) will be a reliable source of supply amounting to 280 dwellings?

b) What evidence is there to support the figure of 170 new dwellings (10 dwellings per annum), from housing in town centres/permitted development allowance?

c) Is it appropriate for a lapse rate/non implementation rate to be applied to sites with planning permission?

d) Is a buffer of 7% appropriate and justified to provide choice and competition in the market and make an allowance for the non-implementation of sites?

2.1. The Council propose to include a small sites allowance of 20 dwellings per annum from year 4 of the Plan, totalling 280 dwellings over the Plan period. The Council considers small sites as those that deliver less than 5 dwellings, the monitoring information shown in table 5 shows that in the period 2013 to 2023 201 small sites have come forward, giving an average of 20 dwellings per annum. The Council suggests that this trend will continue into the future. The NPPF⁵ is clear that where an allowance is to be made for windfall sites there should be compelling evidence that they will provide a reliable source of supply, and the allowance should be realistic having regard to the SHLAA, historic windfall delivery rates and expected future trends.

2.2. Whilst the HBF don't necessarily disagree with the evidence provided by the Council, the HBF is concerned that the historical evidence may be at least in part due to the dated nature of the Planning policy in the area, and the lack of recent allocations, limiting the availability of larger sites for development. The current statutory Development Plan for Hyndburn includes the Hyndburn Core Strategy (adopted 2012); the Accrington Area Action Plan (adopted 2012); the Hyndburn Development Management (DM) DPD (adopted 2018); and saved policies from the Hyndburn Local Plan (adopted 1996).

2.3. The Council propose to include a town centre allowance for 10 dwellings per annum, equating to 170 dwellings over the Plan period. The Council have based this on the sites

⁵ NPPF Sept 2023 paragraph 71

identified in the Accrington Area Action Plan (adopted in 2012) (AAAP) and the changes to pd rights including the new Use Class E. The Council have also suggested that this allowance does not include sites of less than five dwellings to avoid double counting. The HBF is concerned that this allowance is not fully evidenced, and is considers that if sites have not come forward from the AAAP that was adopted in 2012, it is likely because there are issues with the deliverability of the sites. Unless the Council have compelling evidence that these obstacles are being addressed the HBF recommends that this allowance is deleted.

- 2.4. The HBF recommends that a lapse rate is included within the supply for non-delivery from extant planning permissions or allocations. It is not unusual for the capacity of a site to change from original allocation to permission to completion, or for some sites not to come forward within the timescales expected, or for some sites not to come forward at all. This may be due to changes in policy, in viability, or in availability, a recent example could be the introduction of BNG which may have seen the capacity of sites reduced as onsite BNG is provided.
 - 2.5. The HBF does not consider that there is currently sufficient flexibility in the supply, and that it could only take the non-delivery of a small number of sites, or a slow down in the delivery of a few sites or a slowdown in the delivery of the Huncoat Garden Village, for the Council struggle to deliver the homes they need. The HBF recommends that the Council seek to include further allocations within their supply.
- 3. *Policy SP10 recognises the important contribution of Huncoat Garden Village to housing supply. It contributes around 1500 homes out of a Plan requirement of 3,686 dwellings. Is there over reliance on the delivery of this site? If the development of the site is delayed and it cannot provide the anticipated number of dwellings in the Plan period, are contingency measures required in the Plan?***
- 3.1. The HBF generally supports the Council in looking to deliver Huncoat Garden Village, and in recognising its significant contribution to the overall housing provision. However, the HBF is concerned that this does create an over reliance on the delivery of the site. The HBF recommends that the Council seek to include further allocations within their supply. The HBF also considers that it is important that the Council considers further contingency measures within the Plan to ensure that they are able to maintain a five year housing land supply.
- 4. *What assumptions have been made to inform the trajectory for the delivery of housing sites, in terms of lead in times for grant of full planning permission, outline and reserved matters, and conditions discharge; site opening up and preparation; dwelling build out rates; phasing; and number of sales outlets?***
- 4.1. The HBF considers that this is a question for the Council, but would expect the Council to ensure that they have the appropriate evidence to justify the build out rates and lead in times for each site.

Affordable Housing

5. For clarity for decision-makers, developers and local communities should the need for affordable housing over the plan period be clearly set out in the Plan?

- 5.1. The HBF does not consider that the policy needs to set out the level of need for affordable housing need over the Plan period. However, the HBF does consider that it is useful to set out the level of affordable housing need in the justification as identified in paragraph 6.8. This could have included the overall need for affordable housing.

6. What are the past trends in affordable housing delivery in terms of completions and housing type and tenure? How is this likely to change in the future?

- 6.1. Table 1011⁶ of the Government Live Tables sets out the additional affordable housing supply broken down by local authority, a summary of the information for Hyndburn is provided below in Table 1. It suggests that on average 34.5 affordable homes have been provided each year over the last 10 years, with the majority of these being provided as affordable rent.

Table 1: Affordable Housing Provision in Hyndburn												
	2014 / 15	2015 / 16	2016 / 17	2017 / 18	2018 / 19	2019 / 20	2020 / 21	2021 / 22	2022 / 23	2023 / 24	Total	Average
Social Rent	0	0	0	0	0	0	0	0	0	0	0	0
Affordable Rent	41	16	20	14	5	2	0	63	71	29	261	26.1
Intermediate Rent	0	0	0	0	0	0	0	5	10	2	17	1.7
Shared Ownership	0	0	0	0	0	12	4	5	37	0	58	5.8
Affordable Home Ownership	3	0	0	0	0	0	0	6	0	0	9	0.9
Grand Total	44	16	20	14	5	14	4	79	118	31	345	34.5

7. Part 2 of the policy states that a mix of affordable housing units should be provided in accordance with the most up to date assessment of need. Does the Plan provide clarity on what this is referring to and where this is available? Could a developer prepare their own assessment ?

- 7.1. This policy seeks to maximise the opportunities for the delivery of affordable housing where viable. It requires new housing developments of 10 or more dwellings or with a site area of 0.5ha or more to provide 20% affordable housing unless it can be demonstrated that this would not be viable. It also looks for a mix of affordable housing in accordance with the most up to date assessment of need, ensuring that a minimum of 25% of all affordable housing units secured through developer contributions are First Homes.
- 7.2. The HBF does not consider that the first sentence of part 2, which seeks 'to maximise the opportunities for the delivery of affordable housing' is necessary, it is an aspiration rather than a policy and could be interpreted to be more onerous than the remainder of part 2 of the policy.

⁶ <https://www.gov.uk/government/statistical-data-sets/live-tables-on-affordable-housing-supply>

- 7.3. The HBF notes that most up to date assessment of need at present is the 2018 Housing and Economic Need Assessment, and in relation to the housing mix it provides a snapshot in time, the HBF considers that this is already out of date. The HBF considers that it would be beneficial if the policy allowed for more up to date evidence to be provided by the applicant, to support an alternative mix.
- 8. *The Local Plan Economic Viability Assessment recommends in paragraph 12.85 a) that the affordable housing requirement on brownfield sites should be reduced to 10%. It is also stated that greenfield sites in lower value areas to the east of the Borough are not viable with 20% affordable housing. Is the requirement in Policy SP10 for 20% affordable housing on all sites of 10 or more dwellings justified by the evidence?***
- 8.1. The HBF is concerned that the Council have set a policy that states that all new housing developments of 10 or more dwellings should meet the 20% affordable housing requirement, as paragraph 12.85 of the Viability Assessment clearly states that *'residential development on brownfield sites is generally shown as being unviable even without affordable housing' and that 'the greenfield sites in lower value area . . . are not shown as viable with 20% affordable housing'*. It also goes on to state that *'generally viability and the scope for additional policy requirements are limited. The Council should be cautious in seeking higher policy requirements as this is likely to impact on delivery'*. As such the HBF considers that the Council should amend this affordable housing requirement to better reflect their own evidence, this is likely to mean reducing the requirement or to incorporating a range of requirements dependent on-site type and location. The HBF considers this would be more in line with the NPPF⁷ which states that contributions expected from development including the levels and types of affordable housing provision should not undermine the deliverability of the plan.
- 8.2. The NPPF⁸ is also clear that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership. The HBF is concerned that the proposed policy will not deliver this requirement, if this is to be the case the HBF recommends that the Council provide the appropriate evidence.
- 9. *Is it clear from the supporting text what the relationship is between Strategic Policy SP10 and Policy DM12 of the DM DPD and how they will be used in the consideration of planning applications?***
- 9.1. The HBF notes that Policy DM12 and SP10 are no longer consistent, particularly part 1 of Policy DM12. The HBF does not consider that the justification text is entirely clear how the two policies would be used in the consideration of a planning application, and further amendments may be needed.

Custom and Self Build Homes

- 10. *Paragraph 62 of the Framework states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning***

⁷ NPPF Sept 2023 Paragraph 34

⁸ NPPF Sept 2023 Paragraph 65

policies including for those who wish to commission or build their own homes. The Plan states that due to the low level of demand, suitable planning permissions for custom and self build homes can be provided through the Development Management function. What evidence is there to support this approach? Is the Plan consistent with the Framework in regard to custom and self build homes?

10.1. The HBF considers that this is a question for the Council.

Density

11. Are the density requirements in part 3 of Policy SP10 appropriate and justified? Is the policy sufficiently flexible to take account of the character and existing pattern of development in different parts of the Borough?

11.1. Part 3 of the policy sets out the density requirements, seeking provision of at least 40 dwellings per hectare (dph) in town centres and other locations well served by public transport or at least 30dph elsewhere unless specific circumstances exist to justify an alternate.

11.2. The HBF supports the efficient use of land and understands the inclusion of a density policy. The HBF considers that the inclusion of a level of flexibility to take account of specific circumstances is appropriate.

Five-year housing land supply

12. Is the Council able to demonstrate a 5-year supply of deliverable housing sites on adoption of the Plan and a rolling 5-year supply throughout the Plan period?

12.1. The HBF considers that it is important that the Council is able to demonstrate a five-year housing land supply upon adoption of the Plan and throughout the Plan period. The PPG⁹ is clear that in plan-making, strategic policies should identify a five-year housing land supply from the intended date of adoption of the Plan. Currently, Background Paper 1: Housing Land Requirement and Supply Position sets out the housing land supply in five-year periods, however, the first of these runs from the year 2023/24 to 2027/28, and the second from 2028/29 to 2032/22. Neither of these periods coincides with the likely adoption date of the Plan.

12.2. The Housing Trajectory provided within the same document does provide a summary of the supply by year, so this could allow for the five-year supply to be calculated but makes it difficult to interrogate the detail of the supply. Assuming that the Plan is adopted in 2026, the five year supply is likely to run from 2026/27 to 2030/31, using the housing trajectory, the Council's proposed supply for this period would deliver 1,024 dwellings. The HBF is concerned that given the Council's Housing Land Requirement and Supply Background Paper is based on an earlier period, it is highly likely that a number of dwellings included in the trajectory in the five year period from the adoption of the Plan are actually on sites that are considered 'developable' rather than 'deliverable' and this is likely to need to be amended.

⁹ ID: 68-004-20241212

- 12.3. Using a five percent buffer and the 194 dwellings per annum the five-year housing land supply requirement would be 1,019 dwellings. The HBF is concerned that it would only take one site to be deemed developable rather than deliverable for the Council to no longer be able to achieve the five-year housing land supply.
- 12.4. The HBF however, also notes that in relation to the buffer the NPPF 2024¹⁰ states that from 1 July 2026, for the purposes of decision-making only, 20% where a local planning authority has a housing requirement adopted in the last five years examined against a previous version of this Framework, and whose annual average housing requirement is 80% or less of the most up to date local housing need figure calculated using the standard method. Whilst this may only apply for decision making purposes, and would not prevent the Plan from being adopted, it does mean that the 20% buffer will apply for decision making as soon as the Plan is adopted. The current standard method identifies a local housing need for Hyndburn of 303dpa, the proposed Local Plan housing requirement of 194dpa is only 64% of this local housing need.
- 12.5. A 20% buffer on the 194dpa housing requirement would give a five-year housing land supply requirement of 1,164 dwellings. Given the limited supply of housing land supply currently identified this is likely to mean that the Council will not be able to identify a five-year housing land supply for decision-making, and would subsequently mean for determining planning applications involving the provision of housing the Plan would be considered out of date.

13. *Has the appropriate buffer been applied in accordance with paragraph 74 of the Framework?*

- 13.1. The Housing Delivery Test score for 2023 was not below 85% of the housing requirement, therefore in line with paragraph 74, the Council does not need to include a 20% buffer. However, as set out above, the HBF has concerned about how the Plan will be used based on the current NPPF, and the HBF recommends that it would be much more sensible to address this issue now, rather than adopt a Plan only for it to be out of date in relation to housing, as soon as it is adopted.

¹⁰ NPPF 2024 paragraph 78(c)

Matter 11

Issue 11: Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for climate change and the natural and built environment?

Protecting and enhancing the environment

Policy SP13 Climate Change and Sustainable development

1. *Is the policy effective, justified and consistent with national planning policy?*

- 1.1. This policy states that all development must mitigate against the likely effects of Climate Change on present and future generations and minimise negative impacts on the environment. Part A of the policy states that this will be achieved by adhering to any national or local policy or guidance on climate change measure or technical standards relating to energy use in place at the time of the proposed development, such as the Future Homes / Building Standard.
- 1.2. Whilst the HBF generally considers that it is appropriate for the Council to not set their own standards and to instead rely on the nationally set standards provided through Building Regulations and the Future Homes Standard. The HBF has concerns in relation to the reference to 'adhering to any national or local policy or guidance', the HBF does not consider it appropriate to require a development to meet any future national or local policy or guidance, as any requirements within these documents will not have been tested and examined in the same way as the Local Plan and should not therefore be elevated to having the same weight as the development plan. The HBF is also concerned about any unnecessary duplication of requirements and does not consider that this part of the policy is required.
- 1.3. The HBF generally supports sustainable development and considers that the homebuilding industry can help to address some of the climate change emergency challenges identified by the Council. However, the HBF recognises the need to move towards greater energy efficiency via a nationally consistent set of standards and timetable, which is universally understood and technically implementable.
- 1.4. Part L (conservation of fuel and power) and Part F (ventilation) of the Building Regulations were updated in 2021 and took effect from 15th June 2022. The Government Response to The Future Homes Standard: 2019 Consultation on changes to Part L (conservation of fuel and power) and Part F (ventilation) of the Building Regulations for new dwellings dated January 2021 provided an implementation roadmap. The 2021 Building Regulations interim uplift will deliver homes that are expected to produce 31% less CO2 emissions compared to current standards. The implementation of the Future Homes Standard 2025 will ensure that new homes will produce at least 75% lower CO2 emissions than one built to previous energy efficiency requirements. By delivering carbon reductions through the fabric and building services in a home rather than relying on wider carbon offsetting, the Future Homes Standard will ensure new homes have a smaller carbon footprint than any previous

Government policy. In addition, this footprint will continue to reduce over time as the electricity grid decarbonises.

1.5. The HBF considers that the Council should ensure that this policy is only implemented in line with the December 2023 Written Ministerial Statement¹¹ which states that *'a further change to energy efficiency building regulations is planned for 2025 meaning that homes built to that standard will be net zero ready and should need no significant work to ensure that they have zero carbon emissions as the grid continue to decarbonise. Compared to varied local standards, these nationally applied standards provide much-needed clarity and consistency for businesses, large and small, to invest and prepare to build net-zero ready homes'*. It goes on to state that *'the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale. Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale'*. The HBF considers as such it would be appropriate to make reference to the Future Homes Standard and the Building Regulations as the appropriate standards for development.

1.6. The Council will also be aware that the Future Homes and Buildings Standards: 2023 consultation¹² has been released covering Part L (conservation of fuel and power), Part F (ventilation) and Part O (overheating).

2. Is there duplication between parts a, b and d of the policy?

2.1. There may be duplication between Parts a, b, and d in relation to how they are delivered within development. These elements could potentially be streamlined into something more appropriate which does not give Development Plan weight to policies that have their own regimes, or give additional weight to local policies and guidance that are not being tested.

3. What is the justification for part a) of the Policy. Is it necessary or appropriate to reference standards to be introduced under other legislation?

3.1. The HBF does not consider that there can be justification for this element of the policy, it is not necessary and should be removed.

4. Does the policy comply with the Written Ministerial Statement concerning Local Energy Efficiency Standards, December 2023?

4.1. The HBF considers that this may depend on how the policy is implemented and the content of any local policy that part (a) currently suggests needs to be adhered to.

5. Is it clear from the policy how the Council will seek to achieve net zero carbon and how development proposals will be assessed?

¹¹ <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hcws123>

¹² <https://www.gov.uk/government/consultations/the-future-homes-and-buildings-standards-2023-consultation/the-future-homes-and-buildings-standards-2023-consultation>

5.1. The HBF does not consider it is clear.

6. *Part h of the policy encourages water efficiency. Whilst the Borough is not in water stress, is there evidence to support the higher optional water efficiency standards set through Building Regulations?*

6.1. The HBF does not consider that there is evidence to support the higher optional water efficiency standards.

6.2. The HBF does not consider that it is necessary for development to adopt, as a minimum, measures to limit water usage including the implementation of the optional technical standards for water efficiency. The optional water standard is 110 litres per person per day, the Building Regulations require all new dwellings to achieve a mandatory level of water efficiency of 125 litres per day per person, which is a higher standard than that achieved by much of the existing housing stock. This mandatory standard represents an effective demand management measure.

6.3. A policy requirement for the optional water efficiency standard must be justified by credible and robust evidence. If the Council wishes to adopt the optional standard for water efficiency of 110 litres per person per day, then the Council should justify doing so by applying the criteria set out in the PPG. PPG¹³ states that where there is a '*clear local need, Local Planning Authorities (LPA) can set out Local Plan Policies requiring new dwellings to meet tighter Building Regulations optional requirement of 110 litres per person per day*'. PPG¹⁴ also states the '*it will be for a LPA to establish a clear need based on existing sources of evidence, consultations with the local water and sewerage company, the Environment Agency and catchment partnerships and consideration of the impact on viability and housing supply of such a requirement*'. The Housing Standards Review was explicit that reduced water consumption was solely applicable to water stressed areas. The North West and Hyndburn are not considered to be an area of Water Stress as identified by the Environment Agency¹⁵. Therefore, the HBF considers that requirement for optional water efficiency standard is not justified nor consistent with national policy.

7. *Should the Policy consider development on land used for public water supply and potential mitigation measures to ensure that the development has no impact on water supply or quality?*

8. *Para 7.23 of the supporting text mentions safeguarding best and most versatile agricultural land. Should this be included in the Policy?*

9. *Does the viability appraisal assess the costs of meeting these policy requirements? Is the policy sufficiently flexible to take account of scheme viability?*

9.1. The Viability Appraisal has given some consideration to elements such as the use of the Future Homes Standard, however, this may not fully reflect the requirements of this policy.

¹³ PPG ID: 56-014-20150327

¹⁴ PPG ID: 56-015-20150327

¹⁵ 2021 Assessment of Water Stress Areas Update: <https://www.gov.uk/government/publications/water-stressed-areas-2021-classification>

The HBF considers that there are significant opportunities to increase the flexibility of this policy, including flexibility in relation to the viability of development.

Policy SP14

10. *Is the policy effective, justified and consistent with national planning policy?*

11. *Should the Policy give greater recognition to the Local Nature Recovery Strategies to highlight its function to help direct the location of Green infrastructure through the Local Plan?*

Policy SP15 Landscape character

No questions

Policy SP16 Natural Environment Enhancement

12. *Is the policy effective, justified and consistent with national planning policy? In particular,*

- a) *Bearing in mind the advice in the PPG, should the policy support the statutory framework for biodiversity net gain rather than include reference to the detailed requirements, ie. a minimum 10% Biodiversity Net Gain (BNG)?***
- b) *In the event that BNG cannot be provided on site, should it be clear in the policy and or supporting text that an appropriate mechanism to secure an offsite site contribution would be required and how this would be expected to be achieved?***

12.1 The HBF considers that the policy should support the statutory framework for BNG rather than include its own references. This policy states that natural environment enhancement will be secured by ensuring that all development affecting ecological or geological resources secures a minimum of 10% measurable biodiversity net gain and ensure ongoing management of measures are in place.

12.2 Biodiversity net gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a biodiversity net gain of 10%. There are specific exemptions from biodiversity net gain for certain types of development. The exemptions are set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024. The HBF considers that this policy is not consistent with national policy, and will need to be updated to reflect the recent guidance, policy and legislation. The PPG has recently been updated to provide more information on BNG which may assist the Council as they consider this policy. The PPG¹⁶ states that plan-makers should be aware of the statutory framework for biodiversity net gain, but they do not need to include policies which duplicate the detailed provision of this statutory framework. It also states that it would be inappropriate to include policies which are incompatible with this framework.

¹⁶ PPG ID: 74-006-20240214

12.3 The HBF considers that it would be appropriate to refer in the justification text to the alternatives to onsite provision, it would also be useful if this could refer to the guidance available in the PPG and on gov.uk, to avoid any inconsistencies.

13. *Should the Policy give greater recognition to the Local Nature Recovery Strategies to highlight its function to help direct the location of Green infrastructure through the Local Plan?*

13.1. The HBF considers that recognition of the role of the Local Nature Recovery Strategy(ies) and their links to the Local Plan can be beneficial.

Policy SP17 Renewable energy

14. *Is the policy effective, justified and consistent with national planning policy? Specifically, should it ensure that the risk to water catchment land should be assessed and mitigated?*

Policy SP18 High Quality Urban Design

15. *Is the policy effective, justified and consistent with national planning policy?*

15.1. This policy looks for high quality design consistent with the principles set out in other relevant policies of the Local Plan, Design Codes and more specific guidance documents.

15.2. The HBF has concerns in relation to the reference to Design Codes and more specific guidance documents, the HBF does not consider it appropriate to require a development to meet any future Design Code or more specific guidance documents, as any requirements within these documents will not have been tested and examined in the same way as the Local Plan and should not therefore be elevated to having the same weight as the development plan.

Policy SP19 Heritage

16. *Is the policy effective, justified and consistent with national planning policy?*

17. *Is the Policy sufficiently strategic in nature and should it be more Hyndburn specific?*

18. *In the Schedule of proposed minor modifications (HBC1.006) it is proposed to add a new part 6 to the policy to require Archaeological Desk base Assessments with any planning applications on certain identified sites. What is the justification for this addition?*

Policy SP20 Environmental Amenity and Air Quality

No questions

Policy SP21 The Leeds and Liverpool Canal.

19. *Should the policy seek to conserve and enhance the heritage assets which form part of the canal and its corridor*

Matter 12

Issue 12: Is the monitoring framework of the Plan effective and consistent with national policy?

Implementation and monitoring

1. *Is the proposed Monitoring Framework set out in document HO14 appropriate and robust?*

- 1.1. The HBF considers that the Monitoring Framework should be included within the Plan. The proposed framework currently includes the policy, monitoring indicators, targets and a data source. However, the Plan does not set out what happens if the targets are not met, or how frequently or how persistently or significantly the targets not being met would mean that action should be taken. The HBF considers therefore that it would be appropriate for the Monitoring Framework to include triggers eg if the target is not met for 3 years, or if less than 50% of the target is not met, along with an action, in order to address this issue. So for example in relation to the provision of affordable housing the Monitoring Framework suggests that the target is to meet the affordable housing needs of the Borough, it currently does not set a figure, this would need to be included, but a trigger could be that the average delivery over a three year does not meet this target, and if that happened that Council would look again at the viability of development, or seek to allocate more sites, or seek to work with Homes England, or seek to work with Registered Providers or work to bring in more funding etc etc. Without clear targets, triggers and actions, it is not clear how the Council would actually use their monitoring framework to determine if the Plan is delivering or to determine how any issues can and will be addressed.

2. *Are the proposed indicators and targets appropriate and measurable? Are any others necessary for monitoring to ensure the soundness of the Plan?*

- 2.1. The HBF considers that there needs to be additional indicators and targets, particularly in relation to housing delivery, where there appears to be limited monitoring in terms of the number of homes, the size and types of homes, the location of homes, the types of sites brought forward, the five year housing land supply etc. The HBF also considers that the proposed indicators and targets are not measurable as set out above, as limited target numbers or timescales are provided. The HBF would continue to recommend that not only should targets be included there should also be triggers and actions. In terms of housing such triggers for action could include the lack of a five-year supply or delivery which is below the anticipated housing trajectory, potential actions could include working with developers, producing masterplans, allocating further sites, reducing Local Plan requirements or preparing a new Local Plan.

