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Dear Kerry

Examination of the Central Lancashire Local Plan - Matter 1 - Legal and Procedural Matters

1. Further to your email dated 21 January 2026, I write to you to set out the Home Builders Federation's (HBF's) views on the implications of the recent Written Ministerial Statement (WMS) in relation to the Duty to Cooperate legal test and the Central Lancashire Local Plan (CLLP).

Background

2. On 27 November 2025, the Minister of State for Housing and Planning (Matthew Pennycook MP) published a WMS outlining the Government's reforms to local plan-making (reference: UIN HCWS1104).
3. The WMS details how the Government intends to move towards a new plan-making system and how transitional arrangements will work which will allow plans that are already advanced to continue to emerge under the current plan-making system.
4. The new plan-making system provided by the Levelling Up and Regeneration Act 2023 does not include the Duty to Cooperate legal test and instead it is intended that this will eventually be replaced by a new tier of strategic planning (through Spatial Development Strategies). The WMS also outlines that to help drive local plans towards adoption as soon as possible, the Duty to Cooperate legal test will also be removed as a requirement for those plans progressing under the current plan-making system.
5. Further clarification has been provided in a letter sent by Matthew Pennycook MP to the Chief Executive of the Planning Inspectorate on 27 November 2025. Of particular relevance is the following extract:

“The Duty will therefore cease to apply when the Regulations come into force early next year, including for plans at examination at that point. On the basis of the government’s firm intention to abolish the Duty for the current system, examining Inspectors may wish to begin any necessary dialogue with LPAs in advance of the Regulations coming into effect, with reference to this letter. Of course, LPAs should continue to collaborate across their boundaries, including on unmet development needs from neighbouring areas and Inspectors should continue to examine plans in line with the policies in the NPPF on ‘maintaining effective co-operation.’”

6. This clarifies that whilst it is the intention of the Government to abolish the Duty to Cooperate as a legal test (as per the WMS), it will technically remain in place until the new plan-making regulations come into force. These regulations are intended to be published shortly. However, it is clear from the letter that the Government wishes for Inspectors to prepare for the abolition of the Duty to Cooperate legal test now.

Implications for the Central Lancashire Local Plan Examination

7. For the CLLP and its timeline, it has been prepared and submitted for examination on the basis that it needed to pass the Duty to Cooperate legal test. Given that the Councils submitted the CLLP on the basis that it considered it to be sound and legally compliant then *prima facie* it should be examined as such.
8. This is further confirmed by the fact that whilst there is a clear intention by the Government to abolish the legal test, until the Regulations actually come into force, the legal test remains and therefore should be used as the basis for assessing the Duty to Cooperate alongside the tests of soundness in terms of the relevant requirements contained in paragraphs 24 – 27 of the December 2023 National Planning Policy Framework (NPPF).
9. It is only once the Regulations come into force that the Inspectors should cease to apply the legal test, with then the Duty to Cooperate being solely assessed with reference to the tests of soundness.
10. I trust that the Inspectors will find these comments useful. I would be happy to discuss these issues in greater detail if required.

Yours faithfully,

Chris Martin

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