

Oldham Replacement Unitary Development Plan

Inspector's Report

OLDHAM REPLACEMENT UNITARY DEVELOPMENT PLAN

INSPECTOR'S REPORT

CONTENTS

PRELIMINARY NOTE	page 3
Chapter 1 INTRODUCTION	page 4
Chapter 2 PLANNING STRATEGY	page 5
Chapter 3 THE DESIGN OF NEW DEVELOPMENT	page 7
Chapter 4 TRANSPORT	page 17
Chapter 5 BUSINESS, INDUSTRY AND THE LOCAL ECONOMY	page 32
Chapter 6 HOUSING	page 74
Chapter 7 RETAIL AND LEISURE DEVELOPMENT	page 117
Chapter 8 OLDHAM TOWN CENTRE	page 126
Chapter 9 COMMUNITY AND EDUCATION FACILITIES	page 128
Chapter 10 OPEN SPACE, SPORT AND RECREATION FACILITIES	page 136
Chapter 11 OPEN ENVIRONMENT	page 155
Chapter 12 CONSERVATION OF THE HISTORIC ENVIRONMENT	page 224
Chapter 13 NATURAL RESOURCES AND ENVIRONMENTAL QUALITY	page 229
Chapter 14 WASTE MANAGEMENT	page 244
LIST OF PROPOSED TECHNICAL CHANGES	page 247
POLICY CHANGES PROPOSED THROUGH INQUIRY APPEARANCES OR WRITTEN RESPONSES TO REPRESENTATIONS	page 248

APPENDICES – SEE SEPARATE DOCUMENTS

Appendix A – List of objectors

Appendix B – Programme

Appendix C – List of Inquiry participants

Appendix D – Core Documents

Appendix E – Documents submitted at Inquiry

Appendix F – Notes of the pre-Inquiry Meeting and the Round Table Sessions

PRELIMINARY NOTE

I have referred to the sections of the Plan as “chapters” throughout my report. I consider this to be more “user-friendly”. Whilst not making a recommendation on this I would suggest that the Council might consider changing to this approach.

The objections have been checked against the Council’s schedule of objections by policy. I am satisfied that I have responded to all duly made objections although not always in the same sequence. In one or two instances the Council has made submissions in respect of “supports”. I have not concluded on these.

Chapter 1: Introduction

The objectors:

0008/1/011/O	Countryside Agency
0008/1/015/O	Countryside Agency
0008/1/016/O	Countryside Agency
0021/1/020/O	Government Office for the North West
0021/1/033/O	Government Office for the North West
0036/1/002/O	Peak District National Park
0117/1/007/O	North West Tourist Board
0815/1/006/O	Mrs E. Bissill's Fund, Trustees/SDL
0828/2/026/O	Saddleworth Civic Trust
1777/2/003/O	Delph Community Association

Summary of objections

- The Countryside Agency seeks the inclusion of the Council's vision for the Borough. The Plan should explain how provision is made for meeting the needs of rural and urban fringe areas. The Introduction should include a section explaining how sustainable development is an over-arching principle of the Plan and how it links to spatial strategy.
- GONW states that the reference to "other material considerations" in paragraph 1.2 should be clarified. References to draft Regional Planning Guidance will need to be updated when it is published.
- The Peak Park wants the Plan to indicate the need to support the Park Authority.
- The Tourist Board seeks the inclusion of "for the benefit of residents and visitors" in objective e.
- The Fund states that SPG should not be used to determine details of planning policy.
- The Trust and the Community Association objects to the lack of cross-referencing.

Inspector's Reasoning and Conclusions

- 1.0 As amended by the Council, the introduction is comprehensive, helpful and consistent with government guidance. There is no reason to modify objective e. as its intentions are quite clear. I note the general need to up-date various references to Planning Legislation. I am satisfied with the Council's approach to the introduction of some cross-referencing and with the intention to prepare Supplementary Planning Documents to explain further certain policies. The suggested pre-Inquiry change making clear the Council's duty to have regard to the purposes of the Peak District National Park is obviously necessary. I note that this was partly a response to other objections made by the Park Authority upon which I conclude in responding to objections to Policies OE2 and OE2.1

Recommendation

- 1.1 **I recommend that the RUDP be modified by making the change set out as PIC1 in the Council's Schedule of pre-Inquiry Changes dated 29 November 2004.**

Chapter 2: Planning Strategy

Policy GS0 : Planning Strategy and former GS1 and GS2.

The objectors:

0008/1/017/O	Countryside Agency
0008/1/019/O	Countryside Agency
0113/1/013/O	Roland Bardsley Homes Ltd
0113/2/033/O	Roland Bardsley Homes Ltd
0045/1/022/O	Wiggett Construction Ltd.
0110/1/011/O	Paul Speak Properties Ltd.
0108/1/010/O	House Builders' Federation
0828/2/025/O	Saddleworth Civic Trust
1616/2/005/O	The National Trust
1777/2/002/O	Delph Community Association
0023/1/005/O	P. Wilson & Company
0815/1/004/O	Mrs E. Bissill's Fund, Trustees/SDL
0815/1/008/O	Mrs E. Bissill's Fund, Trustees/SDL
0243/1/008/O	Mr A. Roughley
0243/1/003/O	Mr A. Roughley

Summary of objections

- The Countryside Agency wishes to see a section included which describes the characteristics of Oldham and identifies its needs particularly in the rural areas. Specific rural issues and those of the urban fringe should be addressed. The Plan should indicate how objectives are translated into policies. Policy GS3 should expressly enable development in rural areas if need is demonstrated.
- Roland Bardsley Homes consider that GS1 is too prescriptive as is paragraph 2.4. The latter could lead to potential development sites remaining vacant and the objectors seek clarification.
- Wiggett Construction and Paul Speak Properties seek the deletion of GS1. HBF suggested that GS1 should be re-written and the Trustees sought additions to the policy.
- Saddleworth Civic Trust is concerned that the statement regarding the Green Belt in 2.3f is not sufficiently strong. The National Trust state that 2.3f does not reflect national Green Belt policy and seeks the deletion of the reference to renewable energy. The Delph Community Association seek deletions from 2.3f.
- P. Wilson & Company state that the link between agricultural land grade and landscape value should be deleted.
- Mrs Bissill's Fund says the reference to nature conservation is too generalized.
- Mr Roughley is concerned that SPG's could release lower grade agricultural land for housing development, making the Green Belt irrelevant and considers that SPG's should be subject to the same degree of scrutiny as the UDP. He also considers that the protection of recreational open space is weakened by the use of the words "exceptional circumstances".

Inspector's Reasoning and Conclusions

- 2.0 I have noted that the Council has made significant changes to the First Deposit Draft. The various concerns have been met in paragraphs 2.2, 2.3 and 2.5, policies D1.1, OE1 and OE2.3, and by the deletion of Policies GS1, GS2 and GS3. I am satisfied that with the deletion of GS1 and the re-written paragraph 2.4 there is an appropriate degree of flexibility. I also agree that it is not realistic to attempt to define a material consideration, a matter raised by Roland Bardsley Homes. On the matter of monitoring, I have some reservations regarding the comprehensiveness of sections 2.10 and 2.11 but have come to the conclusion that it would be somewhat onerous of me to seek to strengthen this section which in any event is very similar to the example contained in the former Department of the Environment's "Development Plans: A good practice guide." If the Plan is effectively and continuously monitored, there should not be delays as is alleged by the objectors. As far as the Green Belt is concerned, I have indicated that Policy OE1.1 is appropriate and the proposed change to criterion f of paragraph 2.3 (PIC2) means that it now accords with national policy. As the Council submits, it is not necessary to enter into great detail in this chapter as there are more detailed and specific policies elsewhere in the Plan. As far as GS2 is concerned, I am satisfied that its deletion and the move of Clauses A, D, E and F to form Policy OE1 is appropriate and that the amended Clause A accords with revised government guidance. Policy OE2.3 now covers habitat and nature conservation and I discuss this policy in paragraph 11.219. On the matter of SPD's, PPS12 provides clear guidance and indicates that whilst they will not be part of the statutory development plan they should be subjected to rigorous procedures of community involvement. As far as recreational open space is concerned, I am satisfied that the Council's changes together with the policies in Chapter 10 address the objector's concerns.

Recommendation

- 2.1 **I recommend that the RUDP be modified by making the change set out in PIC2 of the Council's Schedule of pre-Inquiry Changes, dated 29 November 2004.**

Chapter 3: The Design of New Development

Introduction :

The objectors:

0008/1/012/O

Countryside Agency

Summary of objection

- A wider definition of “quality of life” should be encouraged as there are also wider economic and social dimensions.

Inspector's Reasoning and Conclusions

3.0 Paragraph 3.1 specifically refers to the economic, social and environmental benefits of good urban design and I see no need to expand on these matters. The Countryside Agency’s fundamental concerns are set out in the summary of its objection to D1. Acknowledging these, I consider that it would be more satisfactory to delete the word “urban” from the introduction to this chapter, even though “urban design” may be the accepted generic term. This would relate more accurately to the title of the chapter. Elsewhere, the term “urban design” seems appropriate. In coming to this conclusion, I have borne in mind paragraphs 33 and 34 of PPS1 which state that good *design* is indivisible from good planning and planning authorities should plan positively for high quality and inclusive *design* for all development.

Recommendation

3.1 I recommend that the RUDP be modified by deleting the word “urban” from the second lines of paragraphs 3.1 and 3.5.

Policy D1 : Design of New Development

The objectors:

0008/1/013/O

Countryside Agency

0429/1/001/O

Friends, Families and Travellers

Summary of objections

- The Countryside Agency wishes it to be made clear that the policy applies to both urban and rural parts of the Borough.
- There is a strong element of support in the second objection. It is hoped that the points in paragraph 3.9 include the Gypsy and Traveller community. The objectors would like to encourage a more diverse approach to housing and accommodation needs.

Inspector's Reasoning and Conclusions

3.2 I am satisfied that Policy D1 applies to both urban and rural parts of the Borough.

Paragraph 3.10 provides a comprehensive definition of “urban design” which clearly indicates that it encompasses open settings. The paragraph also specifically refers to urban and rural situations. In so far as the other objection relates to Policy D1, I am satisfied that the concerns of the Friends, Families and Travellers are met in paragraphs 3.9 and 3.12.

Recommendation

3.3 I recommend that no modification be made to the RUDP.

Policy D1.1 : General Design Criteria

The objectors:

0008/1/014/O	Countryside Agency
0021/1/016/O	Government Office for the North West
0021/2/114/O	Government Office for the North West
0038/1/013/O	Greater Manchester Ecology Unit
0045/1/011/O	Wiggett Construction Ltd
0110/1/004/O	Paul Speak Properties Ltd
0815/1/009/O	Mrs E. Bissill's Fund, Trustees/SDL
0263/1/017/O	CPRE - Lancashire
1827/2/011/O	Tesco Stores Ltd
0006/1/009/O	Highways Agency

Summary of objections

- The Countryside Agency requests that the reference to an urban design checklist should be replaced by a good design checklist as the policy should apply equally to urban and rural locations.
- GONW considers that thought should be given to reducing the level of detail; that minor amendments are needed in relation to criteria and wording; the last paragraph of the policy should be moved to the reasoned justification.
- The Ecology Unit seeks a minor change of wording.
- Wiggett Construction and Paul Speak Properties consider that the wording of the policy should be less onerous and more compatible with PPG1.
- Mrs Bissill’s Fund requests that criterion d. should make explicit reference to the fact that other considerations might conflict with the requirement to accommodate desire lines.
- The CPRE states that housing developers should be required to demonstrate why a “home zone” approach would be inappropriate when it is not part of a design scheme for a proposal.
- Tesco objects to the level of detail and to the requirement for the submission of design statements for all planning applications. It is suggested that it would be preferable if design requirements were set out in an SPG.
- The Highways Agency asks whether there is a need for additional wording in criterion k. to promote less dependency on car travel and to require a transport assessment to be included with design statements.

Inspector's Reasoning and Conclusions

- 3.4 The Council has made minor changes which meet the objections of the Countryside Agency and the Greater Manchester Ecology Unit. It has also made changes to the criteria suggested by GONW and has also proposed the deletion of “etc” from criterion b., together with the moving of the requirement for the submissions of design statements from the policy to the reasoned justification. I consider that all these changes are reasonable and acceptable.
- 3.5 GONW suggests that the level of detail should be reduced. In addition to the minor changes mentioned in the previous paragraph, the Council has altered the first sentence of the policy to make it clear that not all criteria may be applicable in all cases. This will be dependent on type, scale or location. The criteria as now set out in policy D1.1 accord with the approaches set out in PPS1 and “By Design”. In view of what I consider to be the poor quality of much recent development, there is no doubt in my mind that the general design criteria are appropriate and necessary.
- 3..6 It follows from the previous paragraph and my conclusions relating to the introduction to Chapter 3 that I do not consider that the policy should be re-worded in order to make it less onerous. I also accept the Council’s submission that the words “where possible” in criterion d. provide an acceptable degree of flexibility. Similarly the policy is sufficiently robust without the need to strengthen the “home zone” approach. As far as the objection by Tesco is concerned, I am satisfied that the requirement for design statements for certain categories of planning applications accords with current national guidance. As the Council indicates, the requirement does not apply to all applications. I have noted the proposal to prepare an SPD on urban design. As far as the Highways Agency is concerned, I consider that these matters are adequately dealt with in Chapter 4 of the Plan and that there is no need for additional statements in this chapter.

Recommendation

- 3.7 I recommend the RUDP be modified by deleting “etc” from criterion b. and by making the change set out as PIC3 in the Council’s Schedule of pre-Inquiry Changes dated 29 November 2004.**

Policy D1.2 : Designing for energy efficiency

The objectors:

0021/1/011/O	Government Office for the North West
0021/2/102/O	Government Office for the North West
0045/1/014/O	Wiggett Construction Ltd
0045/2/036/O	Wiggett Construction Ltd
0108/1/002/O	The House Builders Federation
0110/1/006/O	Paul Speak Properties Ltd
0113/1/003/O	Roland Bardsley Homes Ltd
1827/2/012/O	Tesco Stores Ltd
0289/3/005/O	BT Group PLC

Summary of objections

- GONW submits that, if proposals for development would be refused if they did not achieve high levels of performance, then the policy should include appropriate criteria.

Is Policy D1.2 consistent with criterion 1 of Policy D1.1? The criteria which should be met if planning permission is to be granted should be included in the policy.

- Wiggett Construction, Paul Speak Properties and the HBF state that the Policy should be deleted or substantially re-worded to reflect matters that are material in the planning process and not those which are the subject of non-planning legislation and regulations.
- Roland Bardsley Homes claim that para. 3.24 is too restrictive.
- Wiggett Construction states that it is not clear that there are other considerations which could override energy efficiency in development layouts.
- Tesco considers that the policy requirements should be switched to an SPG.
- BT states that the policy is overly prescriptive. In the absence of national planning guidance on the matter, the criteria and threshold details should be deleted and the original wording re-instated.

Inspector's Reasoning and Conclusions

- 3.8 This policy has been the subject of a number of changes and the Council has put forward significant pre-Inquiry changes following discussions with GONW. I am satisfied that the version set out in the Council's Schedule of pre-Inquiry Changes together with paragraphs 3.29 and 3.30 of the Revised Deposit Draft is sound, reasonably flexible and in accord with government advice. I also agree that it would not be appropriate to include the requirements referred to by Tesco which are essential to the policy in an SPG (SPD) nor to return to the original text as advocated by BT. On the latter, as the Council suggests, the RUDP version would have been more onerous as no minimum qualifying threshold was included.

Recommendation

- 3.9 I recommend that the RUDP be modified by making the changes set out as PIC's No's 4-9 in the Council's Schedule of pre-Inquiry Changes, dated 29 November 2004.

Policy D1.3 : Inclusive access

The objectors:

0021/1/017/O

Government Office for the North West

Summary of objection

- It should be clear which criteria of the policy must be met if planning permission is to be granted.

Inspector's Reasoning and Conclusions

- 3.10 The re-wording clarifies the situation and the suggested change provides consistency and appropriate cross referencing in relation to the proposed urban design SPD.

Recommendation

- 3.11 I recommend that the RUDP be modified by making the change the Council set out as PIC10 in the Council's Schedule of pre-Inquiry Changes, dated 29 November 2004 .**

Policy D1.4 : Habitat & Wildlife on Development Sites

The objectors:

0038/1/014/O	Greater Manchester Ecology Unit
0038/2/062/O	Greater Manchester Ecology Unit
0045/1/010/O	Wiggett Construction Ltd
0110/1/007/O	Paul Speak Properties Ltd
0124/1/003/O	Lancashire Wildlife Trust
0815/1/010/O	Mrs E. Bissill's Fund, Trustees/SDL

Summary of objections

- The Ecology Unit recommends the use of the word “substantive” rather than “significant”. It also suggests that the policy should clarify that habitat surveys will be required where legally protected species exist on a site. It also objects to subsequent changes in that they weaken the policy.
- Wiggett Construction and Paul Speak Properties consider that the policy should only apply to formally designated sites and it should be made less onerous.
- The Trust considers that the policy is not sufficiently onerous and does not give due regard to adjoining land which may be affected by development.
- Mrs Bissill’s Fund seeks reference to designated sites only.

Inspector's Reasoning and Conclusions

- 3.12 It seems to me that the policy, as it now stands, accords with national planning policy and guidance. It has a satisfactory balance between the needs of conservation and protection and the need for flexibility. The proposed pre-Inquiry change clarifies the position in relation to the preparation of an SPD.

Recommendation

- 3.13 I recommend that the RUDP be modified by making the change set out as PIC11 of the Council's Schedule of pre-Inquiry Changes dated 29 November 2004.**

Policy D1.5 : Protection of Trees on Development Sites

The objectors:

0038/1/015/O	Greater Manchester Ecology Unit
0045/1/013/O	Wiggett Construction Ltd
0109/1/003/O	Austin Timber Company Ltd (ref 4110)
0110/1/005/O	Paul Speak Properties Ltd
0113/1/002/O	Roland Bardsley Homes Ltd
0243/1/001/O	Alan Roughley
0723/1/001/O	Forestry Commission
0815/1/011/O	Mrs E. Bissill's Fund, Trustees/SDL

Summary of objections

- The Ecology Unit seeks a minor re-wording.
- Both Wiggett Construction and Paul Speak Properties consider the policy to be too onerous.
- Austin Timber and Roland Bardsley Homes consider the re-planting ratio to be unreasonable and that the requirement for off-site planting could be problematic if land is in private ownership.
- Alan Roughley suggests that a definition of native trees should be included and the height of replacement trees specified.
- The Forestry Commission requests reference to Oldham's Woodland Strategy, the Pennine Edge Forest and the felling controls administered by the Commission.
- The Bissill Fund seeks a clearer definition of a semi-mature tree.

Inspector's Reasoning and Conclusions

3.14 As with the previous Policy D1.5, I find that the amended policy achieves a satisfactory level of detail and an appropriate balance between flexibility and protection. I find the opening of paragraph 3.49 a little disconcerting. It reads as though it is "a good thing" to have relatively little woodland and only a few trees. It seems to me that the irony is not entirely suitable in a document such as the RUDP and I am recommending a minor modification.

Recommendation

3.15 I recommend that Policy D1.5 be modified by replacing the words "Thanks to" by "Because of". No other modifications to be made in response to these objections.

Policy D1.6 : Landscape Design & Tree Planting

The objectors:

0021/1/018/O	Government Office for the North West
0038/2/059/O	Greater Manchester Ecology Unit
0108/1/003/O	The House Builders Federation
0263/1/001/O	CPRE - Lancashire
0723/1/002/O	Forestry Commission

Summary of objections

- GONW suggests that the justification should explain how landscape design and tree retention will contribute to energy conservation.
- The Ecology Unit considers that landscape design should be an integral part of all new development.
- HBF considers that landscaping and tree planting may not be relevant or reasonable in respect of all new development.
- The CPRE requests an addition to the policy.
- The Forestry Commission requests a reference to the Oldham Woodland Strategy and the Pennine Edge Forest.

Inspector's Reasoning and Conclusions

3.16 As amended by the Council, Policy D1.6 is comprehensive and accords with government guidance. I note that local distinctiveness is already referred to in paragraph 3.58. The suggested reference to an SPD is helpful.

Recommendation

3.17 I recommend that the RUDP be modified by making the change set out as PIC12 of the Council's Schedule of pre-Inquiry Changes dated 29 November 2004.

Policy D1.7 : Designing for Safety & Security

The objectors:

0270/1/001/O

Greater Manchester Police Architectural Liaison Unit

0270/2/002/O

Greater Manchester Police Architectural Liaison Unit

Summary of objections

- The objector seeks an addition to the first sentence to take account of the principles of Crime Prevention Through Environmental Design. At Revised Deposit a further amendment was requested to include a requirement that all buildings should be designed to meet the police "Secured by Design Award".

Inspector's Reasoning and Conclusions

3.18 The new paragraph included by the Council makes the Policy acceptable. I agree with the Council that it is not appropriate that there should be a further requirement to meet a particular award scheme. As is submitted on behalf of the Council, to assess whether or not requirements have been met is a matter of judgement for the LPA advised where necessary by the Police. The suggested pre-Inquiry change is appropriate.

Recommendation

3.19 I recommend that the RUDP be modified by making the changes set out as PIC13 in the Council's Schedule of pre-Inquiry Changes dated 29 November 2004.

Policy D1.8 : Shop front design

The objectors:

0825/1/002/O

English Heritage

Summary of objection

- English Heritage requests an additional paragraph to the reasoned justification.

Inspector's Reasoning and Conclusions

3.20 As requested, the Council has added the sentence, “See Policy C1.5 in respect of historic shop fronts” at the end of the reasoned justification. I consider the amended policy of the RUDP to be entirely acceptable including the pre-Inquiry change relating to an SPD.

Recommendation

3.21 I recommend that the RUDP be modified by making the change set out as PIC14 in the Council’s Schedule of pre-Inquiry Changes, dated 29 November 2004.

Policy D1.9 : Advertisements on Business Premises

The objector:

0006/1/010/O

Highways Agency

Summary of objection

- The objector requests that it should be consulted on all proposals for advertisement hoarding that might have an impact upon the safe operation of the trunk road network.

Inspector's Reasoning and Conclusions

3.22 This is clearly a sensible request and the Council has acceded to it by making an appropriate change. I am recommending that the pre-Inquiry change no.15 be added.

Recommendation

3.23 I recommend that that the RUDP be modified by making the change set out as PIC15 in the Council’s Schedule of pre-Inquiry Changes, dated 29 November 2004.

Policy D1.11 : House Extensions

The objectors:

0006/1/008/O Highways Agency

Summary of objection

- The Highways Agency should be consulted on all proposals for house extensions where they may have an implication for highway safety on trunk roads in respect of criterion e. of the policy.

Inspector's Reasoning and Conclusions

3.24 The Council has made a change to criterion e. of Policy D1.11 which meets the objection. I am satisfied that the policy is now acceptable.

Recommendation

3.25 I recommend no modification to the RUDP

Policy D1.12 : Telecommunications

The objectors:

0021/1/019/O	Government Office for the North West
0038/1/002/O	Greater Manchester Ecology Unit
0082/1/001/O	Crown Castle UK Ltd
0264/1/001/O	Vodafone Ltd
0820/1/001/O	One 2 One Personal Communications Ltd
1945/2/003/O	Mobile Operators Association

Summary of objections

- GONW seeks a minor amendment to the wording of paragraph 3.90.
- The Ecology Unit states that there is no reference to sites of nature conservation value.
- Crown Castle suggests that telecommunication sites should be listed and major sites should be shown on the Proposals Map. More visually intrusive masts should be allowed in certain circumstances. Crown Castle and Vodafone suggest the removal of the last sentence of the policy requiring the removal of redundant apparatus.
- Vodafone states that the requirement to demonstrate need conflicts with PPG8. The objector also considers that the reference to “areas of particular environmental importance” in criterion c. conflicts with PPG8.
- One 2 One considers that a more flexible approach to applications is necessary.
- Mobile Operators suggest that the second half of criterion c.i should be deleted.

Inspector's Reasoning and Conclusions

3.26 I agree with the Council that the policy as amended is clear, concise and comprehensive and accords with government guidance. I accept that it is essentially supportive of system development. Criteria b. and c. do make provision for more

visually intrusive masts in certain circumstances. As far as the second part of Vodafone's objection is concerned, I am satisfied that the areas of environmental importance set out in paragraph 3.89 of the reasoned justification are all designated areas.

Recommendation

3.27 I recommend no modification.

Policy D1.13 : Design of Development Adjoining Main Transport Corridors & at Gateway Locations in Town & District Centres

The objectors:

0045/1/012/O

Wiggett Construction Ltd

Summary of objection

- The objector seeks to make the policy less onerous. The requirement that a development must optimize potential for enhancement is of particular concern.

Inspector's Reasoning and Conclusions

3.28 Paragraph 17 of PPS1 clearly states that planning policies should seek to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole. The Council in its written response has helpfully included the definition of "optimize", as "to make the most of". PPS1 makes it clear that this should be the fundamental approach not only to transport corridors but to the planning process generally. I consider that this is particularly the case with important approaches to a town in order to create, in the words of the Council, the "sense of arrival". D1.13 clearly accords with the overall objectives of the RUDP including that of urban renaissance.

Recommendation

3.29 I recommend that no modification be made to the RUDP.

Chapter 4: Transport

Introduction to Transport Section

The objectors:

0006/1/013/O	Highways Agency
0021/1/021/O	Government Office for the North West
0037/1/001/O	Network Rail

Summary of objections

- The Highways Agency seeks an emphasis on the sustainability of transport modes.
- GONW wants a correction to the title of PPG6.
- Network Rail requests the addition of an objective encouraging the transfer of goods from road to rail.

Inspector's Reasoning and Conclusions

- 4.0 Paragraph 4.3 emphasises the sustainability of transport modes. I consider that it satisfactorily meets the objection, which has been conditionally withdrawn. The title of PPG6 has been corrected. In any event PPG6 has now been replaced by PPS6 as reflected in the Council's proposed technical changes.
- 4.1 Within the Borough there are technical problems in transferring freight from road to rail. I am therefore satisfied that it is appropriate for the Plan to restrict itself to the more general objective of supporting sustainable modes of transport.

Recommendation

- 4.2 **I recommend that no change be made to the RUDP in response to these objections.**

Policy T1: The Transport Network

The objectors:

0005/1/001/O	Manchester Airport plc
0006/1/002/O	Highways Agency

Summary of objections

- The Highways Agency seeks a definition of “convenient” and a reference to public transport.
- Manchester Airport asks for a change in the policy wording to refer to the improvement of the accessibility of major developments, such as Manchester Airport.

Inspector's Reasoning and Conclusions

- 4.3 Paragraph 4.7 in the reasoned justification now defines convenient and refers to public transport. I consider that it satisfactorily meets the objection, which has been conditionally withdrawn. I agree with the Council that amending the wording to refer to major destinations would limit the scope of the policy. To my mind the addition of paragraph 4.8 in the reasoned justification at the Revised Deposit stage meets the objection's aim without compromising the policy's general thrust.

Recommendation

- 4.4 I recommend that no modification be made to the RUDP in response to these objections.**

Policy T1.1: Transport Infrastructure

The objectors:

0006/1/003/O	Highways Agency
0008/1/032/O	Countryside Agency
0016/1/004/O	STORM
0016/1/008/O	STORM
0021/1/009/O	Government Office for the North West
0021/1/010/O	Government Office for the North West
0152/1/001/O	Oak Street Area Community Group
1939/2/005/O	Strategic Railway Authority
0180/1/001/O	Siemen's Real Estate Ltd
0653/1/001/O	Mr G & Mrs J Horn
0747/1/001/O	King Street Baptist Church, Trustees
0794/1/001/O	Mossbridge Mill Co Ltd
0796/1/001/O	Shaw and Royton Area Committee
0184/2/002/O	Groundwork Oldham & Rochdale
0026/3/035/O	GMPTE

Summary of objections

- GONW asks for a reference to Greater Manchester Local Transport Plan (GMLTP) rather than draft Regional Planning Guidance (now Regional Spatial Strategy) with respect to increasing rail capacity and building a new station on the Trans-Pennine rail route.
- The Highways Agency requests the addition of references to the implications of Metrolink park and ride at Hollinwood and Quality Bus Corridors on trunk roads and the need for the Council to liaise with the Highways Agency in relation to both.
- GONW want the policy to expand on the possible implications of the Quality Bus Corridors on land beyond the highway boundaries.
- Siemens seek the deletion of the Hollinwood Park and Ride. Alternatively, if the need is demonstrated, the facility should be located on land to the north west of the railway.
- Mossbridge and Groundwork ask for the deletion of the park and ride facility at the Derker Metrolink stop. Groundwork also requests its relocation.
- STORM, the Community Group and the Area Committee seek the identification of a Metrolink stop at Wren's Nest, Shaw.

- Mr & Mrs Horn request the relocation of the South Chadderton Metrolink stop.
- The Baptist Church objects to the location of the King Street Metrolink stop.
- The Strategic Rail Authority (SRA) and GMPTE seek clarification of the status of the Diggle Station proposal and the addition of a reference to the involvement of the SRA.
- STORM asks for a full appraisal of an alternative site for Diggle Station.
- The Countryside Agency encourages the Council to promote rural bus services rather than rely on park and ride.

Inspector's Reasoning and Conclusions

- 4.5 The wording of the policy has been changed in the Revised Deposit Draft. It now refers to the GMLTP. I consider that the change meets GONW's objection, which has been conditionally withdrawn. Wording has been added to paragraph 4.9 of the reasoned justification to say that the Highways Agency will be consulted on any infrastructure schemes likely to affect the trunk road network. Wording has also been added to 4.12 to give examples of the way in which the implementation of Quality Bus Corridors can have implications for land beyond the highway boundaries. I consider that the changes meet the relevant objections, which have been conditionally withdrawn.
- 4.6 Although no detailed justification for a park and ride facility at Hollinwood has been presented in evidence I read that the proposal has been developed in conjunction with the GMPTE. Moreover the location at the junction of the M60, A62, A6104 and close to a planned Metrolink stop appears intrinsically suitable. A change made at the Revised Deposit stage clarifies that what is indicated on the Proposals Map is a general rather than a precise location. I consider that there is justification for showing a general park and ride location in the vicinity of Hollinwood Station. In addition I am satisfied the wording of the reasoned justification now meets the objector's concerns insofar as they relate to detailed siting.
- 4.7 A change made at the Revised Deposit stage clarifies that what is indicated on the Proposals Map as a Derker Park and Ride is a general rather than a specific location. In addition the position of the park and ride symbol has been moved on the Proposals Map. In any event full planning permission has now been granted for the park and ride facility. The relevant objection has therefore been partly superseded. The approved site is different from that assumed by one objector, and the landscaping proposals for the approved scheme goes as far as can be reasonably expected towards meeting the concerns of a second objector about the use of a green corridor.
- 4.8 It would be inappropriate to show a Metrolink stop at Wren's Nest unless or until there is a firm intention to provide it. As the lead authority in taking forward the Metrolink programme the GMPTE selected the stops they considered best met a range of criteria. A South Chadderton stop in the position shown on the Proposals Map was included in the tender document for building the Metrolink extensions, although the winning bidder will have discretion over which stations to build. In these circumstances it would be inappropriate for the RUDP to show a stop in a different location.
- 4.9 The Baptist Church considers that their land at King Street on the proposed Metrolink alignment is covered by the protective provisions of the Greater Manchester (Light

Rapid Transport) Act 1994. These provisions lie outside the scope of the RUDP. In addition an agreement between the relevant parties appears to have met the objection.

- 4.10 I consider that PIC17 adequately expresses the uncertainty concerning a new station at Diggle and the role of other agencies in the eventual decision. Feasibility studies undertaken by the GMPTE have suggested an alternative location which is shown on the Revised Deposit Draft. I consider that the change meets the relevant objections.
- 4.11 The RUDP focuses on land use. It is not the appropriate framework for promoting rural bus services even though these could be implemented as part of the Greater Manchester Quality Bus Corridor Programme.

Recommendation

- 4.12 I recommend that the RUDP be modified by making the changes set out as PICs No's 16, 17 and 18 in the Council's Schedule of pre-Inquiry Changes dated 29 November 2004.**

Policy T1.2 : The Road Network

The objectors:

0006/1/004/O	Highways Agency
0036/1/001/O	Peak District National Park
0175/1/008/O	West Pennine Bridleways Association

Summary of objections

- The Highways Agency looks for a statement on its role.
- The National Park requests wording to draw attention to the impact of traffic crossing the Park.
- The Bridleways Association does not want horse riders to be excluded from multi-modal traffic lanes.

Inspector's Reasoning and Conclusions

- 4.13 As amended in the Revised Deposit Draft the Plan includes a statement on the role of the Highways Agency and a reference to the impact of highway schemes on the National Park. I am satisfied that the changes meet the objections, which have been conditionally withdrawn.
- 4.14 The Plan does not exclude horse riders from multi-modal traffic lanes. A decision on whether to allow horse riders in traffic lanes is a decision for the Council in its role as highway authority. The RUDP is not the appropriate plan for a detailed traffic policy.

Recommendation

- 4.15 I recommend that no modification be made to the RUDP in response to these objections.**

Original Policy T1.2 (now deleted) and T3.3 Paragraph 4.55 :

The objectors:

0008/1/033/O	The Countryside Agency
0016/1/003/O	STORM
0016/1/005/O	STORM
0021/1/012/O	GONW
0180/1/002/O	Siemens Real Estate
0040/1/001/O	Saddleworth Parish Council
0263/1/018/O	Council for the Protection of Rural England (CPRE)
0026/2/023/O	GMPTE
0026/2/035/O	GMPTE
1939/2/004/O	The Strategic Rail Authority

Summary of objections

- The Countryside Agency encourages the Council to promote rural bus services rather than rely on park and ride.
- STORM seeks a commitment to providing a park and ride at every rail and Metrolink station, objects to the reference to park and ride facility on the Quality Bus Corridor in Waterhead and seeks park and ride at Oldham Mumps.
- GONW requests either the movement of the original policy to the introduction or the addition of detail to indicate the criteria that will be employed to gauge the acceptability of park and ride development.
- Siemens seek an amendment to the policy to indicate that a park and ride will only be provided where there is proven need and provision does not prejudice other planning objectives with higher priority.
- The Parish Council seeks the identification of Greenfield Station as park and ride site
- CPRE would prefer a slightly more cautious approach to park and ride to avoid the encouragement of additional car use.
- GMPTE objects to the deletion of T1.2. It seeks a new policy dealing with park and ride or additional text within T3.3.
- The SRA seeks wording to indicate that parking will be encouraged near Metrolink, rail and bus stops and that parking levels at rail stations will be determined by operators, Network Rail and the SRA.

Inspector's Reasoning and Conclusions

- 4.16 The Revised Deposit Draft and PIC23 delete Policy T1.2 and substitute paragraph 4.55 in the reasoned justification. The context within which the objections need to be assessed is now significantly different from that in which the objections to the First Deposit Draft were made.
- 4.17 Since the RUDP focuses on land use, it is not the appropriate framework for promoting rural bus services. On the other hand, other RUDP policies may require developers to contribute to their improvement. Commitments to specific park and ride facilities would be unrealistic when the Council does not have the ability to provide them. I consider that the wording now in paragraph 4.55 is appropriate in that it indicates a generalized support for such facilities without raising unrealistic

expectations. Since the wording no longer identifies individual sites, the merit or otherwise of locations at Waterhead, Mumps and Greenfield is no longer an issue.

- 4.18 In PIC23 the Council proposes wording to indicate that potential park and ride schemes will be assessed in line with GMPTA's evaluation criteria. I consider that this adequately meets GONW's objection, which has been conditionally withdrawn. I also find that the policy changes meet Siemens' objection. With regard to the need to weigh the benefits of park and ride against other planning considerations, this is a normal part of the development control process and does not require a specific policy statement.
- 4.19 The amendment proposed in PIC23 satisfies the concern about encouraging additional car use by referring to GMPTA principles which address competition between modes. Besides offering support for the principle of park and ride, paragraph 4.55, as amended by PIC23 provides a framework for the evaluation of specific proposals. However, I agree with the Council that the Strategic Rail Authority, Network Rail and operators should not be the sole arbiters of parking levels at rail stations.

Recommendation

- 4.20 I recommend that the RUDP be modified by making the change set out as PIC No 23 in the Council's Schedule of pre-Inquiry Changes dated 29 November 2004.**

Policy T1.3 : The Network of Routes for Non Motorised Travel

The objectors:

0015/1/001/O	Leesfield Parish Schools
0182/1/001/O	Oldham Friends of the Earth
0182/1/002/O	Oldham Friends of the Earth

Summary of objections

- Leesfield Parish Schools seek additional wording in the reasoned justification to ensure that all schools have adequate pavement access.
- Friends of the Earth seek reference to the Walking Bus scheme for school travel.
- Friends of the Earth want the Plan to do more to encourage cycling.

Inspector's Reasoning and Conclusions

- 4.21 I am satisfied that the paragraphs 4.20, 4.21 and 4.25 already emphasise the importance of pedestrian routes, including those to schools, and explain how they can be improved and created through the development control process. Similarly I am satisfied that several policies already support improvements to cycleways. Elsewhere in my Report I have supported the Council's suggestion that wording should be added to Appendix B to indicate that improvements to the pedestrian access to St Agnes School will be required as a condition of future housing development at Knowls Lane.

- 4.22 I note that the Council might refer to Walking Bus schemes in their intended SPD on travel plans and transport assessments. Even so I agree with the Council that the Greater Manchester Local Transport Plan is better suited to influencing use of the car for the school run than is the RUDP.

Recommendation

- 4.23 I recommend that no modification be made to the RUDP in response to these objections.**

Policy T1.4 : Canal Corridors

The objectors:

0007/1/004/O	Uppermill Residents Association
0038/1/001/O	Greater Manchester Ecology Unit
0149/1/001/O	English Nature
0117/1/005/O	North West Tourist Board
0771/1/001/O	The Inland Waterways Association - NW

Summary of objections

- The Residents Association says that the matter of cyclists on the canal towpaths is not addressed.
- The Ecology Unit and English Nature say that the policy should mention the canals' importance for conservation and seek reference to consultation with both bodies.
- The Tourist Board ask for a policy maximizing the tourism potential of canals.
- The Inland Waterways Association looks for the encouragement of niche transport on navigable canals.

Inspector's Reasoning and Conclusions

- 4.24 It is not clear what change the Residents Association is seeking. However, on the assumption that it is concerned with possible conflict between cyclists and pedestrians, I agree with the Council that this lies outside the RUDP remit and is best addressed through the Oldham Cycling Forum. I am satisfied that additions to the text of paragraph 4.26 in the reasoned justification meet the objections made by the Ecology Unit and English Nature. Both bodies have conditionally withdrawn their objections.
- 4.25 Since the policy is concerned with canals as a means of transport I do not think it appropriate for it to refer to their tourism potential. In my view this is adequately covered in other parts of the Plan. The policy protects canal corridors from developments that would prejudice navigation for freight purposes. Also, the reasoned justification says that the potential for local water-borne transport of goods exists. I believe that the policy would achieve what the Inland Waterways Association is seeking.

Recommendation

4.26 I recommend that no modification be made to the RUDP in response to these objections.

Policy T1.5 : Disused Rail Infrastructure

The objectors:

0016/1/001/O	STORM
0016/1/002/O	STORM
0026/1/001/O	GMPTE
0040/1/002/O	Saddleworth Parish Council
0112/1/002/O	Mr G Bayley
0112/1/003/O	Mr G Bayley
0112/1/004/O	Mr G Bayley
1372/2/005/O	D.J.W Harrison
1879/2/002/O	Richard Darlington

Summary of objection

- GMPTE, STORM, Mr Bayley and DJW Harrison call for the protection of the section of the Oldham Loop Line between Werneth and Mumps.
- Mr Bayley wants protection of the disused railway from Mumps to Delph for transport use, preferably rail, and the listing or preservation of bridges at Mumps. He also argues that the policy should protect rail lines other than those proposed in the Regional Transport Strategy and the Greater Manchester Local Transport Plan.
- Saddleworth Parish Council considers that all disused railway lines, which have the potential for sustainable transport schemes, should be identified and protected.
- Mr Darlington requests that old railway tracks should be preserved for footways and for the future possibility of reintroducing rail transport.
- STORM seeks identification of former and potential sites for rail freight facilities.

Inspector's Reasoning and Conclusions

4.27 The wording of the policy was changed at Revised Deposit stage to reflect uncertainty about the future of the section of the Oldham Loop Line between Werneth and Mumps. I consider that this meets the substance of the objections. The RUDP is not the appropriate vehicle for listing buildings. The desirability of protecting unlisted buildings may however be a relevant consideration in making development control decisions.

4.28 With regard to the protection of disused railways for transport use, government guidance requires that they be protected only when there is a reasonable prospect of re-use. In this context I accept that the GMLTP and RSS are the appropriate plans for determining which disused railways should be promoted for re-use. The July 2004 Annual Progress Report of the GMLTP says that the Rail Plan for Greater Manchester indicates that there are limited prospects for investment in new infrastructure. Moreover, I read that the GMPTE has informed the Council that the position will remain the same in the new GMLTP2. In these circumstances I consider that the RUDP's limited approach of protecting some disused rail lines for walking, cycling and horse riding under T1.3 and as recreational routes under R1 is an appropriate strategy. In the specific case of the disused railway between Mumps and Delph the

Plan protects parts as recreational routes and one part as a Local Green Gap. These allocations should in any event prevent developments which would form a significant obstacle to re-use.

- 4.29 Given the network capacity problems on the TransPennine Route and the loading gauge restrictions on the Calder Valley Line, I agree with the Council's analysis that a major freight interchange within the Borough is not at present a realistic prospect. I have no evidence of any proposals for smaller interchanges and have noted that grants are subject to stringent government criteria. I conclude that it would be inappropriate for the Plan to indicate a site for an interchange.
- 4.30 A minor amendment to the policy, as set out in the Council's List of Technical Changes is required to reflect the delay in the award of the Metrolink extension contract. Since I have recommended the adoption of the changes in this list 'en bloc' I recommend no specific change to the policy.

Recommendation

- 4.31 I recommend that no modification be made to the RUDP in response to these objections.**

Policy T2 : The Accessibility of New Development (incorporating GS5, paragraph 2.22 and GS6, clause B)

The objectors:

0021/1/030/O
0006/1/014/O

Government Office for the North West
Highways Agency

Summary of objections

- GONW recommends consultation with the Highways Agency.
- The Highways Agency considers that there should be more emphasis on public transport.

Inspector's Reasoning and Conclusions

- 4.32 I consider that the way the re-numbered policy has been reworded and supplemented by T2.1 in the Revised Deposit Draft meets the Highways Agency's objection. The policy specifically allows planning considerations other than accessibility to be taken into account. Thus it incorporates flexibility. GONW's objection has been conditionally withdrawn.

Recommendation

- 4.33 I recommend that no modification be made to the RUDP in response to these objections.**

Policy T2.1 : Public Transport Accessibility

The objectors:

0008/1/020/O	The Countryside Agency
1827/2/007/O	Tesco Stores Ltd
0243/1/002/O	Mr A Roughley
0243/2/025/O	Mr A Roughley

Summary of objections

- The Countryside Agency is concerned that a rigid interpretation of the policy could adversely affect rural diversification.
- Mr Roughley requests additional wording in paragraph 4.36 to preclude exceptions being made for housing development.
- Tesco Stores say that the requirement for all major developments generating a significant number of trips to have at least good access to public transport is overly stringent.

Inspector's Reasoning and Conclusions

- 4.34 The revised wording in paragraph 4.36 of the reasoned justification meets the substance of the Countryside Agency's objection, which has been conditionally withdrawn. The policy envisages other planning objectives being weighed against public transport accessibility. Mr Roughley would exclude this as a possibility in the case of housing development. I consider that such an exclusion would be unduly rigid. As worded, the paragraph allows the commuting implications of new housing to be taken into account.
- 4.35 Tesco Stores are correct in saying that the requirement for all major developments generating a significant number of trips to have at least good access to public transport is not specified in PPG13. Equally, I consider that the Council are correct in saying that it is not against national policy. To my mind the RUDP policy is consistent with the spirit of current government guidance even though it is more specific than PPG13. A necessary degree of flexibility is imported to the policy by the final sentence which explicitly recognizes that other planning objectives might override the need for good access to public transport.

Recommendation

- 4.36 I recommend that no modification be made to the RUDP in response to these objections.**

Policy T2.3 : Developer Contributions for Sustainable Transport (now deleted)

The objectors:

0045/1/009/O	Wiggett Construction Ltd
0110/1/003/O	Paul Speak Properties Ltd
0180/1/004/O	Siemens Real Estate Ltd
0815/1/003/O	Mrs E Bissill's Trust Fund, Trustees

Summary of objections

- Wiggett Construction, Paul Speak Properties and Siemens Real Estate request that the policy should more closely reflect Circular 1/97.
- The Trustees consider that the policy should incorporate a definition of ‘major development’.
- The SRA seeks reinstatement of the original policy (following its deletion at the Revised Deposit stage).

Inspector's Reasoning and Conclusions

4.37 The deletion of the policy makes the first two objections redundant. The SRA argues that, in principle, developers should make a financial contribution towards improving public transport. However, the original policy appears to have required developers to contribute to measures which go beyond what was directly related to their proposal. That approach went further than government advice in Circular 1/97 and now in Circular 5/05. I agree with the Council that policies T3.1 and T3.2 provide for the imposition of planning obligations to secure transport measures which are directly linked to proposed developments. I also accept that it is appropriate to set out the details of contributions in a Supplementary Planning Document, which can reflect up-to-date national policy. I note that PIC19 (which I consider in relation to policy T3.1) would indicate the Council’s intention to produce this SPD.

Recommendation

4.38 I recommend that no modification be made to the RUDP in response to these objections.

Policy T3 : Transport and Developments

The objectors:

0006/1/005/O	Highways Agency
0006/1/015/O	Highways Agency
0021/1/030/O	Government Office for the North West
0138/1/001/O	Lawrence Watson
0815/1/002/O	Mrs E. Bissill's Fund, Trustees/SDL

Summary of objections

- GONW recommends that the Highways Agency be consulted.
- The Highways Agency seeks additional wording to protect the safe and efficient operation of the trunk road network by considering the cumulative effects of the allocation and development of sites.
- Mr Watson seeks greater consideration of the cumulative impact of HGV traffic on noise and air pollution.
- The Trustees seek an amendment to the policy to allow development that is not accessible by public transport but is appropriate in terms of other relevant planning considerations.

Inspector's Reasoning and Conclusions

- 4.39 I consider that the changes made to the policy and its reasoned justification meet the substance of the Highways Agency's objections. Whilst the policy does not refer specifically to trunk roads, it applies to all roads in the Borough and therefore includes them. These objections have been conditionally withdrawn. The policy as it now appears in the Revised Deposit Draft allows the flexibility sought by the Trustees.
- 4.40 Clause A, added at Revised Deposit stage, makes provision for the cumulative impact of developments to be taken into account. Moreover other plan policies provide an adequate framework for considering noise and air pollution.

Recommendation

- 4.41 I recommend that no modification be made to the policy in response to this objection.**

Policy T3.1 : Access to Developments

The objectors:

0006/1/006/O	Highways Agency
0006/1/016/O	Highways Agency
0045/1/008/O	Wiggett Construction Ltd
0110/1/002/O	Paul Speak Properties Ltd
0026/3/036/O	GMPTE

Summary of objections

- The Highways Agency seeks an addition to indicate that it may carry out improvements to trunk roads under Section 278 agreements.
- The Agency also seeks revised wording to cover developments near motorways and trunk roads.
- Wiggett Construction and Paul Speak Properties consider that the requirement for pedestrian access from development sites to canal towpaths is too onerous.
- (In relation to PIC19) GMPTE seeks wording to indicate that the SPD on planning obligations will be produced in consultation with GMPTE and other transport agencies.

Inspector's Reasoning and Conclusions

- 4.42 The revisions sought by the Highways Agency are addressed by changes made at the Revised Deposit stage, the change proposed in PIC19 and the technical change subsequently proposed to paragraph 4.38. The wording of the clause relating to access to canal towpaths has been amended at the Revised Deposit stage by the addition of the words “where appropriate and practicable”. I consider that this meets the relevant objection. I do not consider it necessary to refer to GMPTE and other transport agencies in the brief reference to an SPD introduced by PIC19. In any event consultation is required by government guidance.

Recommendation

4.43 I recommend that the RUDP be modified by:

making the changes set out as PIC No 19 in the Council's Schedule of pre-Inquiry Changes dated 29 November 2004

Policy T3.2 : Developments with Significant Transport Implications

The objectors:

0006/1/007/O	Highways Agency
0021/1/013/O	Government Office for the North West
0180/1/003/O	Siemens Real Estate Ltd
0026/3/037/O	GMPTE
0026/3/038/O	GMPTE

Summary of objections

- The Highways Agency wants transport assessments to be required for developments that would have a material impact on trunk roads.
- GONW requests a definition of major developments.
- Siemens seek to restrict the requirement for transport assessments to be related to any net increase in floorspace.
- GMPTE asks for the addition of the words “in conjunction with GMPTE and other transport agencies” in relation to the Supplementary Planning Documents (SPDs) proposed in PICs 20 and 21.

Inspector's Reasoning and Conclusions

- 4.44 Clause a (ii) in the policy and paragraph 4.47 in the reasoned justification now make it clear that transport assessments will be required for developments that would have a material impact on trunk roads. The Highways Agency has conditionally withdrawn the objection which I consider is satisfied by the change. Major developments are now defined in paragraph 4.46 of the reasoned justification. This meets GONW's objection, which has also been conditionally withdrawn.
- 4.45 Factors other than an increase in floorspace, for example changes in the use class, can affect the impact a redevelopment has on the transport network. However I do not consider it necessary to require an assessment simply because a development would generate a significant number of trips. It seems to me that an assessment should only be required when a development would result in a significant increase in some aspect of the trip generating potential of a site. The need for an assessment would not be restricted to an increase in the total number of trips generated since an increase in the numbers generated by an individual mode, at a particular time of day or over a specific route might also have an impact on the transport network. I propose a slight amendment to the wording of the policy to indicate that the trigger for an assessment will be an increase in some aspect of trip generation.
- 4.46 I do not consider it necessary to refer to GMPTE or other transport agencies in relation to the preparation of SPDs. National guidance is that all SPDs should be

prepared in consultation with relevant stakeholders. I consider that it would be cumbersome to list all relevant stakeholders for each SPD while it would be discriminatory to mention just one organisation or group of organisations.

Recommendation

4.47 I recommend that the RUDP be modified by:

making the changes set out as PICs No's 20 and 21 in the Council's Schedule of pre-Inquiry Changes dated 29 November 2004

deleting the wording of clause a(i) of Policy T3.2 and replacing it by "developments that generate a significant increase in trips by any mode, in any time period or on any route".

The recommended change will require consequential changes to the reasoned justification.

Policy T3.3 : Parking

The objectors:

0021/1/014/O
0021/1/015/O

Government Office for the North West
Government Office for the North West

Summary of objections

- Car parking standards should be included as an appendix and should reflect PPG3 in relation to the recommended average of 1.5 off-street parking spaces per dwelling.

Inspector's Reasoning and Conclusions

- 4.48 Car parking standards were included as an appendix at the Revised Deposit stage. The standards reflect the advice in PPG3. I consider that the change meets the objections, which have been conditionally withdrawn. PIC22, which is not proposed in response to any objection, would clarify the policy. PIC23 is described as being proposed in partial response to objections and helpfully describes the way the Council would assess potential park and ride schemes. I am recommending that the Plan be modified accordingly.

Recommendation

- 4.49 I recommend that the RUDP be modified by making the changes set out in PICs No's 22 and 23 in the Council's Schedule of pre-Inquiry Changes dated 29 November 2004.**

Omission from Transport Section

The objector:

0136/1/001/O

General Aviation Awareness Council

Summary of objection

- The Plan should include a criteria-based policy for landing strips and helipads.

Inspector's Reasoning and Conclusions

4.50 PPG13 says that local authorities need to consider the role of general aviation and should take account of its economic, environmental and social impacts when forming development plan policies. It does not require them to include a specific policy in their development plans. Given the paucity of flat open land in the Borough I do not think that the needs of general aviation require a specific policy. Nevertheless I consider that the policies in the RUDP provide a sufficient framework for assessing any general aviation proposals that may be made.

Recommendation

4.51 I recommend that no modification be made to the RUDP in response to this objection.

Chapter 5: Business, Industry and the Local Economy

Introduction

The objectors:

0005/1/002/O

Manchester Airport plc

Summary of objection

- Seek addition of wording to recognize the economic role of Manchester Airport.

Inspector's Reasoning and Conclusions

5.0 The wording suggested by the Airport was added at the Revised Deposit stage. I consider that the change meets the objection.

Recommendation

5.1 I recommend that no modification be made to the RUDP in response to this objection.

Policy B1 : Business & Industrial Land Allocations

The objectors:

0038/1/007/O

Greater Manchester Ecology Unit (GMEU)

0163/1/001/O

Alice Hadfield

0343/1/001/O

K Hanlon

Summary of objections

- GMEU wants allocations which lie adjacent to canals to be cross referenced to policies OE2.3 and OE2.4.
- Alice Hadfield wants mills to be retained and adapted for modern use.
- K Hanlon considers that the Plan's industrial allocations are wasteful. Further consideration should be given to refurbishment rather than new build.

Inspector's Reasoning and Conclusions

5.2 I consider that the changes made to the second deposit version of the plan satisfy GMEU's concerns regarding canals and I note that the objection has been conditionally withdrawn.

5.3 Planning permission is not required for the demolition of mills other than those which are listed or are in conservation areas. I am satisfied that the policies elsewhere in the Plan offer adequate protection for those buildings where the Council has control. Equally I am satisfied that those policies restricting changes of use away from business and industry are an appropriate encouragement to refurbishment.

- 5.4 Provision for employment land and buildings is made through the allocation of 74.3 hectares of business and industrial land, the encouragement of new business, office and industrial development on unallocated land and the retention of existing employment land and buildings through Policies B1.1, B1.2, B1.3, B1.5, B2.1, B2.2 and B2.3. The Council's Business and Industry Topic Paper (CD/I/3) does not contain any quantitative analysis of the relationship between the need for land and the amount allocated. Quantitative evidence is provided in evidence on behalf of Mr Blakeman relating to his request to have land at Foxdenton allocated under policy B1.1 and in the Council's response to that objection. The objector considers that insufficient land has been allocated whilst the Council maintains its position that it has allocated sufficient land.
- 5.5 The difference in opinion in the previous paragraph can be attributed to a number of factors, but the most significant is the weight attached to "windfall" development on unallocated sites mainly within Primary Employment Zones. The Council's Topic Paper says that only 40% of the employment land take up since 1999 has been on allocated sites. This differs slightly from the statement that "up to one half of developments were undertaken on unallocated sites" in its response to the Foxdenton objection. In either case it is clear that a significant proportion of the industrial land take up has been on unallocated sites. The Topic Paper says that over the past 20 years the trend in employment land take up in the Borough has been on average 8 hectares per year. If this trend persists throughout the period of the RUDP the 74.3 hectares of allocated land will last for 18-23 years (*calculated by dividing 74.3 hectares by either 40% or 50% of 8 hectares*). It would be wrong to rely on such simplistic analysis but it suggests over-provision. Allocating more land than is strictly necessary to accommodate need is not necessarily harmful and it allows choice and flexibility. Nevertheless, the possibility of over-provision forms a background to my consideration of those sites where objectors have argued that a business and industry allocation causes harm.

Recommendation

- 5.6 I recommend that no modification be made to the RUDP in response to these objections.**

Policy B1.1 : Business and Industrial Allocations

The objectors:

0422/1/001/O

British Waterways

Summary of objection

- British Waterways consider that sites on the Rochdale and Huddersfield narrow canals should be allocated for a variety of uses. The Plan should include specific policies to harness their potential for regeneration and high quality design.

Inspector's Reasoning and Conclusions

5.7 I find that the policies as amended at Revised Deposit stage satisfy British Waterway's objectives.

Recommendation

5.8 I recommend that no modification be made to the RUDP in response to this objection.

Site Name **B1.1.1 Tweedale Way, Hollinwood**

The objector:

0038/2/048/O

Greater Manchester Ecology Unit

Summary of objection

- The objector wants reference to the site to be included in paragraph 5.10 of the reasoned justification.

Inspector's Reasoning and Conclusions

5.9 This site has been deleted from the plan because it has received planning permission, and warehouse units have been constructed. Reference to the site in paragraph 5.10 would therefore be redundant.

Recommendation

5.10 I recommend that no modification be made to the RUDP in relation to this objection.

Site Name **B1.1.21 British Gas, Higginshaw Lane, Royton**

The objector:

0032/1/002/O

Second Site Property

Summary of objection

- The objector requests the removal of the B1.1.21 allocation and the placement of the site in PEZ16.

Inspector's Reasoning and Conclusions

5.11 The site is already within PEZ16. However, the B1.1 allocation limits the range of uses to those in use classes B1, B2 and B8. To my mind it is important to have an adequate supply of sites reserved for these business and industrial uses. This site is the largest such allocation in the RUDP, making up about 15% of the total allocated supply. It has the advantage of a frequent bus service from the town centre and is reasonably accessible from the A627(M). I accept that the removal of the B1.1

allocation would give greater flexibility but the objectors have not produced any convincing evidence that this would outweigh the advantage to the community of ensuring that this important site remains available for business and industrial uses.

Recommendation

5.12 I recommend that no modification be made to the RUDP in response to this objection.

Site Name **B1.1.25 Land at Clarence Street, Royton**

The objector:

0223/1/001/O

Howarth Brothers Properties

Summary of objection

- The objector asks to have the boundaries of the allocation restored to what they were in the adopted UDP

Inspector's Reasoning and Conclusions

5.13 The Council says that a strip of land was removed from the northern part of the allocated area to reflect the buffer between residences on Clarence and Hebron Streets and industrial uses on the site, which had been required as a condition of a planning consent granted in January 2000. I have been supplied with a copy of the report on the relevant application but not with a copy of the permission. On the assumption that the permission was in accordance with the report, the amenity of the Clarence and Hebron Street properties was protected by conditions governing landscaping, levels and fencing rather than by the exclusion of any area. This accords with my own judgement that residential amenity can be adequately protected by condition rather than the removal of a strip of land from the previously allocated area. In fact the inclusion of the strip of land immediately to the south of Clarence and Hebron Streets within the allocated area would increase the likelihood that any future development schemes will include effective measures to protect residential amenity.

Recommendation

5.14 I recommend that the RUDP be modified by extending the boundary of the allocation northwards to include the strip of land removed at the Revised Deposit stage.

Site Name **B1.1.34 Hebron Street now moved to OE1.9**

The allocation for this site was changed to OE1.9 in the Second Deposit Draft. I deal with the site which is the subject of objection 0152/1/006/O under that heading.

Site Name **Land at Foxdenton, Chadderton**

I consider this site under Policy OE1.9 (LR3) where I recommend that the RUDP be modified by allocating the land which is the subject of objections 0673/1/001/O and 0673/1/002/O under policy B1.1.

Site Name Rochdale Canal & the Huddersfield Narrow Canal

The objector:

0422/1/001/O

British Waterways

Summary of objection

- Asks for the allocation of key sites on Rochdale and Huddersfield canals for a variety of uses and the inclusion of policies to address their potential for regeneration and high quality design.

Inspector's Reasoning and Conclusions

5.15 The RUDP allocates a number of sites that include land alongside the canals for business and industrial purposes. At the Revised Deposit stage wording was added to the plan to emphasise the importance of the canals to tourism and economic regeneration. Policy D1.13 says that development adjoining main transport corridors, a category which includes canals, must be designed to optimize any potential for the general visual amenity of the corridors. The Plan's Open Environment and Transport chapters also include conservation and access policies. In my view the RUDP now meets British Waterways' concerns.

Recommendation

5.16 I recommend that no modification be made to the RUDP in response to this objection.

Policy B1.2 : Business & Office Allocations

The objector:

0021/1/027/O

Government Office for the North West

Summary of objection

- Request clarification of the word "still".

Inspector's Reasoning and Conclusions

5.17 The word was deleted from the text at the Revised Deposit stage and the objection was conditionally withdrawn. I consider that the revised wording clearly conveys the meaning of the policy and I recommend that it be retained. PIC24 is proposed to update the Plan and I am recommending that the Plan be modified accordingly,

Recommendation

5.18 I recommend that the RUDP be modified by making the change set out in PIC No 24 in the Council's Schedule of pre-Inquiry Changes dated 29 November 2004.

Site Name B1.2.3 Union Street West/Oldham Way, Oldham Previously B1.1.31

The objectors:

0026/1/005/O	GMPTE
0251/1/001/O	Meridian Development Company Ltd
0251/2/004/O	Meridian Development Company Ltd
1372/2/006/O	D.J.W Harrison

Summary of objections

- GMPTE seeks the de-allocation of the rail line from business and industry use and its protection for public transport.
- D J W Harrison wishes paragraph 5.14 to be amended to ensure the protection of the rail corridor.
- Meridian Development Company ask for a re-allocation for mixed-uses.

Inspector's Reasoning and Conclusions

- 5.19 In the Revised Deposit Draft new text has been added to Policy B1.2 and in paragraph 5.14 to indicate that the availability of the site at Union Street West depends on the final details of the Metrolink contract. I consider that this ensures the protection of the rail corridor should it be required. Following the changes, GMPTE has conditionally withdrawn its objection. I consider that the changes allow for the protection of the rail link in the event that it is still required.
- 5.20 The objection by Meridian Development Company also applies to Policy B1.2.5, Primrose Street/Crossbank Street, and is addressed under that allocation.

Recommendation

5.21 I recommend that no modification be made to the RUDP in response to these objections

Site Name B1.2.4 Oldham Way/Mumps, Oldham Previously B1.1.32

The objectors:

0026/1/006/O	GMPTE
1372/2/007/O	D.J.W Harrison

Summary of objections

- GMPTE seeks the de-allocation of the rail line from business and industry use and its protection for public transport.
- D J W Harrison seeks the addition of wording protecting the existing rail corridor for future use as a heavy rail route.

Inspector's Reasoning and Conclusions

5.22 As with the objection in relation to site B.1.2.3, I consider that the new text added to policy B1.2 allows for the protection of the rail link in the event that it is still required.

Recommendation

5.23 I recommend that no change be made to the RUDP in response to these objections.

Site Name B1.2.5 Primrose Street/Crossbank Street, Oldham Previously B1.1.

The objectors:

0026/1/007/O	GMPTE
0026/2/030/S	GMPTE
0151/1/001/O	Anglo West Indian Sport and Social
0251/1/002/O	Meridian Development Company Ltd
0251/2/005/O	Meridian Development Company Ltd

Summary of objections

- In response to the First Deposit Draft the GMPTE wanted the section of rail line within the site to be de-allocated from business and office use and protected for public transport until relevant negotiations and feasibility studies are concluded. In response to the Revised Deposit Draft they partially withdraw their objection but ask for reference to the section of rail line to be included in paragraph 5.14.
- Anglo West Indian Sport and Social want part of the site allocated for mixed use to allow community use.
- Meridian Development Company seeks a re-allocation for mixed-use including retail and housing.

Inspector's Reasoning and Conclusions

5.24 The section of rail line which falls within the site is in a tunnel. I agree with the Council that it does not require special protection either by exclusion from the B1.2.5 allocation or by the inclusion of a reference to the line in Paragraph 5.14.

5.25 Meridian argue that an allocation under B1.2, which is generally restricted to B1 and B2 uses, is too limited to allow an imaginative scheme. I agree that planning restrictions impose limitations but they can also focus resources in a way that benefits the wider community interest. In the present case I take the view that allowing retail development could divert trade from the town centre and would be contrary to local and national shopping policy. Housing development would dilute the site's potential

as an employment generating location and, although I have some reservations about housing supply, these are not sufficient to warrant radical changes to the Plan. In addition, in certain circumstances, Policy B1.2 allows employment-generating uses other than those in classes B1 and B2. I conclude that the allocation is a balanced compromise between directing quality employment development to a major transport node, protecting the vitality and viability of the town centre and allowing sufficient flexibility to permit innovative development.

- 5.26 Whilst I understand the desire of Anglo West Indian Sport and Social Club to have a site reserved for their relocation I do not think that this is a sufficient reason to weaken a policy which seeks to capitalize on the employment generating potential of this accessible location.

Recommendation

- 5.27 I recommend that no modification be made to the RUDP in response to these objections.**

Site Name B1.2.6 Albert Street/PEZ4 Mersey Road North/Hollinwood South

The objectors:

0001/1/001/O	Brookhouse Group Limited
0001/1/002/O	Brookhouse Group Limited
0032/1/003/O	Second Site Property
0131/1/001/O	J Beard
0143/1/001/O	Jean Stretton
0144/1/001/O	Mr Barrow
0154/1/001/O	Mrs Joan Gipson
0154/2/002/O	Mrs Joan Gipson
0155/1/001/O	Mr Allan Taylor
0156/1/001/O	Mr&Mrs T&M Sharples
0158/1/001/O	Mrs C Taylor
0159/1/001/O	Miss Janet Gipson
0159/2/002/O	Miss Janet Gipson
0359/1/001/O	Friends of the Wood
0359/2/002/O	Friends of the Wood

Summary of objections

- Most objectors seek a change in the allocation of the open area of land to the east of Albert Street to Recreational Open Space or Local Green Gap.
- The Brookhouse Group state that the range of acceptable uses should not be restricted.
- It wishes to see the site deleted from PEZ4 and shown without notation on the Proposals Map. Any proposals would then be considered against general policies within the Plan.
- Second Site Property seeks greater flexibility in the policy to include retail or leisure uses or alternatively the exclusion from PEZ4 of the Lattice Group site at Mersey Road North.

Inspector's Reasoning and Conclusions

- 5.28 Most of the objectors question the need for the allocation of the whole or part (B1.2.6) of the PEZ for employment purposes in view of closures and apparent lack of demand. I have also noted the point that the land has been allocated for some time. However, I have to take into account its strategic location together with Regional Strategy, and the RUDP's employment objectives as set out in Chapter 5. It is one of the few large sites in the Borough and is exceptionally well located in relation to the motorway network and public transport corridors. It accords with one of the four core principles of Regional Strategy in seeking to promote sustainable economic growth, as well the economic policies EC1 and EC2. As is submitted by the Council it also would increase employment opportunities in a relatively deprived area and development would not have a detrimental impact upon the amenity of any residential area. There is substantive evidence that development activity is now increasing in the area. Whilst acknowledging the points made by the objectors, there is no doubt in my mind that to remove all or part of the land from the RUDP allocation would be extremely short-sighted, depriving Oldham of a potentially first class site.
- 5.29 As far as the recreational use of the open land on Albert Street is concerned, from my visits and from the photographs submitted by the objectors, the open part of the objection site is, in my opinion, overgrown and unsightly. The site in its present state would clearly not replace any lost formal recreational space and it does not meet the criteria for allocation as a Local Green Gap. Equally as clearly, the Council is not likely to acquire the land in the foreseeable future and it is also not in a position to replace private allotments. At the Inquiry, it was stated that one of the main activities of those who use the space is for dog walking. Having visited the wider area, I have observed other open spaces which I consider to be more accessible and offer reasonable alternatives. There seems to be some doubt as to whether there is a statistical deficiency in the area. Given that the predominant land uses in the vicinity of the objection site are industrial and commercial it would not be surprising if there were relatively little recreational open space. Up-to date information is lacking and it seems sensible to wait until the local needs assessment and audit is complete before coming to any conclusions on the need for additional recreational space in the area. I note that paragraph 5.14 of the RUDP indicates that development proposals for site B1.2.6 are expected to incorporate public open space along the boundary with Roman Road. I have come to the firm conclusion that development which accords with the Council's overall objectives and proposals is worth waiting for in that it would not only lead to improvements in the local and regional economy but is also likely to lead to environmental improvements including landscaping in a run-down area. As far as the development of the site is concerned, pollution and noise can be controlled by means of the planning process. As the Council points out there are noise and pollution generators which are outside its immediate control. A number of points were made regarding the motives and the lack of activity in the area. It would not be appropriate for me to comment on these or allegations that the east of the Borough receives preferential treatment.
- 5.30 On the Brookhouse Group's objection, in view of the prime position of B1.2.6, I consider that the Council is correct to define and limit the type of uses which would be acceptable. As the Council submits, Policy B2.1 provides a considerable degree of flexibility. If the site were unallocated it seems extremely unlikely that the Council's strategic objectives would be met.

- 5.31 The Lattice Group site is a considerable distance from the Central Shopping Core and as the Council points out, it would be classed as “out-of-centre” for retail and leisure purposes. In terms of the sequential approach as outlined in PPS6 this is the least preferred type of location. As there is no up to date retail assessment and no substantive submissions on this matter by the objector, it would not be appropriate to re-allocate the land as suggested. Local needs retailing may, of course, be permitted within a PEZ. As I have indicated in paragraph 5.28 above, I am of the opinion that it would be extremely short-sighted to remove part of the PEZ. In coming to my conclusions on all these objections, I have borne in mind that a spatial masterplan is currently being prepared by a consortium of consultants. It would not be appropriate to prejudice the outcome of this work. My overall conclusions and recommendation in respect of Policy B2.1 are set out in paragraphs 5.80–5.95.

Recommendation

- 5.32 I recommend that no modification be made to the RUDP in response to these objections.**

Policy B1.3 : Mixed Use Allocations

The objectors:

0040/1/003/O	Saddleworth Parish Council
0045/1/007/O	Wiggett Construction Ltd
0104/1/002/O	Bellway Homes
0110/1/008/O	Paul Speak Properties Ltd
0165/1/001/O	Brian Lord
1780/2/004/O	Mr R. Knowles

Summary of objections

- Mr Lord wants sites in Saddleworth which were formerly PEZs to be retained as such.
- Saddleworth Parish Council ask for a change in the wording of the policy to secure business use.
- R Knowles considers that the package of mixed development on any site should be protected from ‘cherry picking’.
- Wiggett and Paul Speak argue that the policy should not preclude retail or tourism uses.
- Reference to planning briefs should be omitted (Bellway Homes) or in supporting text (Wiggett Construction, Paul Speak).
- References to phasing should be omitted or re-worded (Wiggett Construction, Paul Speak).
- Bellway Homes say that the detailed mix of uses on each site should be negotiated between the Council and landowners.

Inspector's Reasoning and Conclusions

- 5.33 No reasons were given for the proposition that former PEZs in Saddleworth should be retained as such. I consider that in the two cases where re-allocation has occurred the loss of some business land is justified in the light of the wider social and economic benefits that would result from redevelopment. The wording of the policy has been

changed in the Revised Deposit Draft to limit the amount of housing development allowed on the mixed use sites and the type of business and/or industrial uses sought. These provisions are best considered in the context of individual sites although, in general terms, they appear to have met the Parish Council's concerns since the objection is conditionally withdrawn.

- 5.34 The policy says that housing and other elements should be developed broadly in tandem in accordance with a phasing scheme to be agreed with the Council. In my view this wording adequately addresses the concerns about cherry picking. The policy also allows some retail and tourism uses. However, I consider that the specific provision is best assessed in relation to each site. More information on individual sites is contained in Appendix B, and I consider that adding a reference to that appendix in paragraph 5.16 in the reasoned justification as proposed by the Council (and now included in the Council's List of Technical Changes) would make the Plan easier to interpret.
- 5.35 The Revised Deposit Draft no longer refers to planning briefs. Therefore I consider that the objections to their inclusion have been addressed. Although the reference to phasing is retained, I find it a necessary means of ensuring that not only the more financially rewarding aspects of mixed use developments take place.
- 5.36 There is a danger that the specification of the precise mixture of uses in the RUDP could unacceptably constrain the detailed development of schemes. With this in mind I consider that the revised wording to paragraph 5.16 in the Council's "Schedule of Policy Changes Proposed Through Inquiry Appearances or Written Responses to Representations" introduces a necessary element of flexibility without compromising the overall objective of ensuring an acceptable mix of uses.

Recommendation

5.37 I recommend that the RUDP be modified by:

adding the following text to paragraph 5.16 after "The mixed use allocation also takes account of the distinctive characteristics of the sites and the regeneration opportunities they offer."

"Further details of the Council's objectives and requirements for each site can be found in Appendix B. The economics of mixed use development can be complex and can change over time. The Council, therefore, recognizes that there may be a need to apply the residential percentage figures in the policy with a degree of flexibility at the time development proposals are considered. The need for this flexibility, within the region of the percentage figure, will be assessed in the light of the economics of the development and the economic regenerative benefits of the overall mixed use scheme."

Site Name

M1 Frenches Wharf

The objectors:

There are large numbers of objectors and their names are listed in the Appendix to this Report.

Summary of objections

- The site should be retained as a PEZ.
- The mill building should be retained and refurbished.
- A detailed planning brief should be prepared in consultation with local community groups.
- The mixed use allocation should include retail and tourism.
- Concern expressed about the retail element of the allocation.
- There is already a disproportionate amount of housing proposed for Saddleworth.
- There is no justification for restricting residential to 40% of the net developable area.
- The indicative number of dwellings should be increased/decreased.
- At least 50% of the housing should be affordable and school places should be provided.
- Education and medical services are already overstretched.
- Any planning gain should be tied in to youth facilities.
- The allocation would result in a merger of Greenfield and Uppermill.
- Tourism should not be a prerequisite.
- The site should be allocated as recreational open space.
- The allocation should contain an element to benefit the village.
- There should be safe access from Wellington Road.

Inspector's Reasoning and Conclusions

- 5.38 The adopted UDP allocated 12 PEZs in Saddleworth, of which 6 are in Greenfield. I have no evidence that there is sufficient demand for employment space to justify the retention of them all. The removal of Frenches Wharf and Wellington Mill from a PEZ followed a review of the Saddleworth PEZs, which concluded that allocating this canalside site for mixed use would stimulate investment in tourism, enable the delivery of new business/industrial floorspace and contribute to Saddleworth's housing requirement, including an element of affordable housing. I am satisfied that the changed allocation is a flexible and imaginative response to changing economic circumstances and is likely to lead to a net increase in local employment opportunities.
- 5.39 The allocation does not require the existing buildings to be demolished but neither is demolition ruled out. A requirement that the existing buildings be retained could impose an unrealistic constraint on the site's future use. In any event unlisted industrial buildings outside conservation areas can be demolished without planning consent.
- 5.40 RUDP Appendix B says that it is intended to publish a Supplementary Planning Document (SPD) for key sites, a category which would include Frenches Wharf. These would be subject to public consultation and would perform a similar function to planning briefs. The requirement for an SPD for Frenches Wharf might eventually be redundant since an outline planning application, which the Council are minded to approve, has already been called in for determination by the Secretary of State.
- 5.41 As amended at Revised Deposit stage, the policy explicitly identifies tourism and retail uses. The site's position alongside the Huddersfield Canal and the opportunity this gives to stimulate investment in tourism was one of the main reasons for changing

its allocation to mixed use. I am therefore satisfied that the reference in Appendix B to the development of tourism related uses as a prerequisite for allowing the development of any non-tourism related uses is entirely appropriate.

- 5.42 Much of the concern expressed about the retail element of the allocation relates to the assumption that there will be a supermarket. In fact the policy and appendix say that retail uses will only be permitted in accordance with relevant policies in the Retail and Leisure section of the Plan. Thus any retail uses would be tightly constrained. Some objectors want further constraints, for example to prevent a supermarket, but I agree with the Council that these are not justified by the information presently available. Even so I am satisfied that the policies in the Retail and Leisure section provide a robust policy framework for assessing specific proposals. There is no evidence that retail development would necessarily cause traffic congestion or adversely affect the quality of life in Greenfield. Nevertheless the Plan provides a policy framework which allows the traffic and amenity implications of specific proposals to be assessed at the planning application stage.
- 5.43 I have concluded elsewhere in this Report that the proportion of housing development allocated to the Saddleworth villages is reasonable, taking into account market demands and the need to fund regeneration and provide choice.
- 5.44 Part of the Council's rationale for the change from a PEZ to a mixed use allocation is the stimulus that greater flexibility will give to investment. Nevertheless there is still an intention to attract or retain employment generating uses. For this reason I agree with the requirement that the predominant use should be non-residential. The 40% residential criterion is a sensible rule-of-thumb for ensuring that this dominance continues. However, I recognize that practical, economic and social considerations might require some variation around the 40%. I therefore support the amendments which the Council has proposed to allow a more flexible approach.
- 5.45 There is an inconsistency between the 70 dwellings indicative capacity in Appendix B and the 99 dwellings proposed in the application the Council is minded to approve. The Council considers that to increase the indicative capacity in the RUDP would preempt the Secretary of State's decision on the called-in application, but so would a decision to indicate a lower capacity than that in the application. However, increasing the indicative capacity would require a slight change to the wording of the Council's proposed addition to the text of Appendix B. One objector's comment that the density of development implied by an indicative capacity of 70 dwellings is higher than is likely to be achieved in Saddleworth flies in the face of the advocacy of higher densities in PPG3 and the compatible approach adopted throughout the RUDP.
- 5.46 I read in a letter dated 30 March 2005 from MCP Planning and Development that the scheme before the Secretary of State devotes marginally in excess of 40% of the site area to housing. There could therefore be a superficial conflict between an indicative capacity of 99 dwellings and the retention of the criterion that the proportion of the site given over to residential development should not exceed 40%. However, I am satisfied the discrepancy can be accommodated within the Council's amended wording to Appendix B.
- 5.47 Policies elsewhere in the Plan adequately cover the provision of affordable housing, and developer contribution to new teaching spaces and to open space, sport and recreation facilities. These could include facilities for young people. A further

consideration in relation to concerns about overstretched facilities is that no objections to the site allocation were received from the health or education authorities.

- 5.48 The boundaries of the mixed use allocation coincide with the boundaries of the relevant part of the PEZ in the adopted UDP. There would be no increase in the extent of the built-up area and therefore no merging of Greenfield with Uppermill.
- 5.49 I have not been provided with any analysis of recreational open space provision to justify the proposal that the site should be allocated under this heading. In any event an allocation under this heading would be premature until the forthcoming local needs assessment and audit is complete. Moreover, allocating the site without evidence of an intention to acquire the site and make it publicly available, would raise false expectations. Even if a need for recreational open space and a means of providing it had been clearly identified, this would not necessarily have overridden the merits of a mixed use allocation.
- 5.50 I am satisfied that the tourism, business and industry elements of the allocation all have the potential to bring benefit to the local community. Finally, detailed access arrangements would be considered as part of the development control process.

Recommendation

- 5.51 I recommend that the RUDP be modified by:**

deleting the 70 units indicative housing capacity for site M1 from Policy H1.1 and appendix B and replacing it by 99 units.

adding the following text to the notes on site M1 (formerly H1.1.18) in Appendix B after “40% of the developable area”:

“, subject to paragraph 5.16 of the reasoned justification. In estimating the capacity of the site for housing the Council recognizes that development proposals may exceed the indicative capacity”.

Site Name **M2 Lumb Mill, Huddersfield Road, Delph**

The Objectors

There are large numbers of objectors and their names are listed in the Appendix to this Report.

Summary of Objections

John Saxon Ltd

- seek clarification that the indicative capacity and density in H 1.1 will not constrain design and layout.
- want the indicative capacity to be increased from 20 to 62 dwellings.

- want Appendix 13 to be modified to remove the statement that the proportion of site given over to residential use should not exceed 50% of the net total developable area.
- request removal of the reference to affordable housing if the indicative capacity is left at 20 dwellings
- seek removal of the reference to a previously approved planning brief.

Other objectors

- want the site retained as PEZ.
- want details of site size, capacity and density to be clarified. They also seek cross-referencing to policy H1.1.

Inspector's Reasoning and Conclusion

As far as Saxons are concerned

- 5.52 The objection arises from the discrepancy between, the provisions of the plan and the Council's resolution in 2003 to grant planning permission to two planning applications which would see the site developed for office accommodation and 62 residential units. These applications have subsequently been called-in by the Secretary of State.
- 5.53 The discrepancies would be removed by changing the plan as suggested by the objector. However, the Council argues that this would pre-empt the Secretary of State's decision on the called-in applications. Even so, there is already a degree of pre-emption in proposing any housing since the majority of the site is designated as a PEZ in the adopted UDP. Furthermore, to the extent that quoting a figure in the RUDP can be said to pre-empt the Secretary of State's decision, this would apply to any figure. I therefore take the view, as I did in relation to site M1, that it is better to remove the inconsistency by increasing the indicative capacity. I also consider that is appropriate to remove the reference to 50% of the net developable area in policy H1.1 and Appendix B. It follows that there is no need to remove the reference to affordable housing.

On the other objections,

- 5.54 I am satisfied that the level of demand for employment uses in the Saddleworth area is not sufficient to encourage the redevelopment of this previously developed site and therefore that its continued allocation as a PEZ would be unrealistic. I consider that an allocation which allows some degree of cross-subsidy from associated housing development is therefore justified. Apart from what they see as the undesirable loss of business and industrial land, the objectors put forward a number of other arguments against the mixed use allocation. I will consider these in turn.
- 5.55 Government policy encourages a mixture of uses within communities and on single sites as a sustainable form of development. I am satisfied that, with sensitive design, the site could be developed in a way which would allow the operation of the existing and proposed business uses without damaging the amenity of nearby residents. Equally I have no evidence that the adjoining Saddleworth Business Centre has any expansion plans that would be prejudiced by housing on the objection site.

- 5.56 Fears are also expressed that the business centre could be lost to housing if the mixed use development goes ahead. In this regard the RUDP allocates the centre within PEZ30 where Policy B2.1 in the Revised Deposit Plan says that housing will not be permitted. I have recommended some changes to that policy but, even if my recommendations are accepted, housing development would normally be resisted in PEZs. Elsewhere in my Report I have recommended against an objector's proposition that the business centre should be taken out of the PEZ and given a mixed use allocation.
- 5.57 As explained elsewhere in my Report I am satisfied that the relative amount of housing land allocated in Saddleworth is reasonable, taking into account market demands and the needs to fund regeneration and provide choice. Whilst residential development would need to make adequate provision for highway improvements and off-street parking, I have no evidence to suggest that it would have a significantly detrimental impact on highway safety.
- 5.58 Some objectors consider that housing development would put a burden on local services. In the present case I do not have any convincing evidence that housing will result in overloading. In the case of the local school I note that the Director of Education has raised no objection to the proposal. I am also aware of the advice in Circular 5/05 that where a development creates a need for facilities it will usually be reasonable to seek a planning obligation to meet that need. In this regard the RUDP includes policies which state the Council's intention to seek planning obligations in appropriate circumstances.
- 5.59 I am satisfied that the site is properly classified as previously developed land taking into account the advice in Annex C to PPG3 that the term applies to all the land within the curtilage of a site and not just to the part previously occupied by buildings.
- 5.60 Finally, in an objection to the First Deposit Draft, Bellway Homes requested clarification of the policy. I consider that the amendments in the Revised Draft provide that clarification. I am also satisfied that the information in the revised Deposit Plan in policy H1.1, its reasoned justification and Appendix B provide sufficient cross-referencing between H1.1 and B1.3.

Recommendation

5.61 I recommend that RUDP be modified by:

deleting the phrase “,with the proportion of residential not to exceed 50% of the net total developable area” from policy B1.3 for site M2.

deleting the 20 units indicative housing capacity for site M2 from policy H1.1 and appendix B and replacing it by 62 units.

deleting the fourth sentence and the phrase “with the proportion of residential not to exceed 50% of the net total developable area” from the guidance note for site M2 in appendix B.

Site Name **M3: Land at Oldham Road/Hardman Street, Failsworth
(formerly B1.3.5 & H1.1.3 Land at Heywood Street,
Failsworth)**

The objectors:

0289/1/002/O	British Telecommunications Plc
0289/1/004/O	British Telecommunications Plc

Summary of objections

- The objectors consider that the policy should be less prescriptive. They seek deletion of the phrase “provided an element of the site is retained for the office or general industrial use” (as contained in the First Deposit Plan) and its replacement by “where it can be demonstrated that they will not cause adverse amenity impact on surrounding properties and land uses”.

Inspector's Reasoning and Conclusions

5.62 Although it refers to a specific site the objection relates to the generality of policy B1.3 and as such I deal with its substance under that heading. Essentially I take the view that a primary objective of the policy is to ensure that part of this prominent and accessible site is retained for employment in order to assist urban regeneration. I am satisfied that a degree of prescription is necessary if this objective is to be achieved. The wording proposed by the objector would not achieve the objective. In my opinion the policy strikes a reasonable balance between prescription and flexibility.

Recommendation

5.63 I recommend that no modification be made to the RUDP in response to this objection (other than those I have recommended to policy B1.3).

Site Name **M4 Huddersfield Road/Dunkerley Street**

I have considered the objection to this site under Policy S1.

Policy B1.4 : Tourism Development (Now deleted)

The objectors:

0021/1/024/O	Government Office for the North West
0038/1/004/O	Greater Manchester Ecology Unit
0045/1/006/O	Wiggett Construction Ltd
0110/1/014/O	Paul Speak Properties Ltd
0117/1/002/O	North West Tourist Board
0117/1/008/O	North West Tourist Board
0132/1/001/O	Arthur Greaves (Lees) Ltd

Summary of objections

- GONW considers that a policy which identifies a particular issue as a material consideration in favour of development does not give RUDP users sufficient certainty.
- Wiggett and Paul Speak say that, if reference is made to Tourism Development Areas, they should be shown on the Proposals Map. Arthur Greaves also says that the areas should be shown on the Proposals Map.
- The Tourist Board says that the proposals in the Oldham Tourism Strategy should be incorporated in the RUDP and that the Plan should recognize tourism as an appropriate way of re-using existing buildings in the Green Belt.
- Paul Speak considers that canal-side redevelopments which increase public appreciation of the Rochdale or Huddersfield narrow canals should be identified as one of the benefits of tourism.
- The Ecology Unit seeks a qualification that boat traffic should not prejudice the nature conservation value of canals and that any increase should have regard to European legislation.

Inspector's Reasoning and Conclusions

5.64 The Revised Deposit Draft no longer includes policy B1.4. As such I consider that the objection to singling out a particular material consideration is met and I note that it has conditionally been withdrawn.

5.65 Oldham's Tourism Strategy is no longer based around defined geographical areas. The concept of Tourism Development Areas is therefore redundant. In paragraph 11.37 the Plan refers to the acceptability of tourism uses in rural buildings in the Green Belt in appropriate circumstances. I therefore consider that the substance of the relevant objections is met.

5.66 Since the Revised Deposit plan does not contain a specific policy favouring tourism development there is now no obvious location for a policy favouring developments which aid public appreciation of canals. In any event I consider that singling out one consideration in this way would reintroduce the uncertainty identified by the GONW. I agree with the Council that policies elsewhere in the RUDP help to deliver development that will aid public appreciation of the canals, and I am satisfied that policies elsewhere in the RUDP adequately protect their nature conservation value.

5.67 For the above reasons I support the deletion of policy B1.4.

Recommendation

5.68 I recommend that no modifications be made to the RUDP in response to these objections

Policy B1.5 : Business, Office and Industrial Development on Unallocated Land

The objectors:

0019/2/006/O

Lookers PLC

0019/2/007/O	Lookers PLC
0021/1/025/O	Government Office for the North West
0021/2/096/O	Government Office for the North West
0021/2/097/O	Government Office for the North West
0021/2/098/O	Government Office for the North West
0045/1/005/O	Wiggett Construction Ltd
0266/1/001/O	The Clayton Action Group

Summary of objections

- GONW, (i) comments that the policy title is inconsistent with the policy itself, (ii) requests the addition of “within urban areas” after “major transport interchanges”, (iii) seeks deletion of the phrase “unless the applicant can justify an exception” and, (iv). says that criterion (b) should reflect the sequential approach in RPG (now RSS) policy DP1.
- Wiggett argue that the policy is inconsistent with the Plan’s Green Belt policies and should be rewritten to allow limited infilling and redevelopment of unallocated business and industrial sites.
- Clayton Action Group considers that the policy should refer to all types of commercial activity. There should also be a criterion relating to the size of a development, particularly within a residential area.
- Lookers seek a rewording of criterion (a) so that it would allow new office development with a floor area of up to 1000 sq m provided that it was on a site within 800m of a Metrolink station and 400m walking distance of a principal bus corridor.

Inspector's Reasoning and Conclusions

- 5.69 The policy wording was changed at the Revised Deposit stage to remove the inconsistency identified by GONW. On this basis that objection was conditionally withdrawn. Pre-Inquiry changes proposed by the Council to add the words “within urban areas” and delete “unless the applicant can justify an exception” would bring the policy into closer compliance with RSS policy EC8. I recognize that the policy departs from the strict terms of the sequential approach in RSS policy DP1 but I consider that the degree of departure is justified by the character of the Borough and the Plan’s aspiration of spreading employment opportunities over the whole of its area.
- 5.70 As far as Wiggett's objection is concerned, reference to the Green Belt was deleted from the policy at the Revised Deposit stage. In other locations the infilling and redevelopment of unallocated sites not protected for their recreational, open space or natural resource value is allowed under the terms of the policy.
- 5.71 The primary focus of the Action Group's objection appears to be the protection of residential amenity. In this regard I am satisfied that policies elsewhere in the Plan provide adequate protection from those types of commercial activity not identified under B1.5.
- 5.72 The alternative wording suggested by Lookers would not serve the overall aim of national and regional policy, which is to strengthen existing town and district centres. Whilst the reference to a specific floor area would introduce an element of certainty, it would also result in a loss of flexibility. In particular the number of trips generated by

a given floor space is likely to vary with the character of the development and its location. The phrase “generating a significant number of trips” is also consistent with RSS policy EC8. I prefer the term "near major public transport interchanges" to the objectors' suggested alternative since it also is consistent with EC8.

Recommendation

5.73 I recommend that the RUDP be modified by making the changes set out in PIC No 25 in the Council’s Schedule of pre-Inquiry Changes dated 29 November 2004.

Policy B1.7 : Freight Generating Developments

The objectors:

0006/1/011/O
1939/2/003/O

Highways Agency
Strategic Railway Authority

Summary of objection

- The Highways Agency seeks the addition of the phrase “or have a material effect upon the trunk road network” at the end of the policy.
- The SRA seeks the addition of text indicating a presumption in favour of development which will encourage the transfer of freight from road to rail, if necessary through the imposition of conditions.

Inspector's Reasoning and Conclusions

- 5.74 The phrase suggested by the Highways Agency has been incorporated in paragraph 5.20 of the reasoned justification. I consider that it properly reflects the need for the Agency’s requirements to be taken into account when developments have a material impact on trunk roads. The Agency has conditionally withdrawn its objection.
- 5.75 Although I accept that the transfer of freight from road to rail is in many cases desirable, I am not convinced that development which encourages such transfer merits the strong presumption in favour suggested by the SRA’s proposed wording. Wider considerations apply, as they do with all planning applications. Furthermore, whilst it may sometimes be appropriate to impose conditions designed to maximize the amount of non-road borne freight, they will rarely be feasible in an area with no rail freight interchanges.

Recommendation

5.76 I recommend that no modifications be made to the RUDP in response to these objections.

Policy B2 : Existing Business and Industrial Areas

The objectors:

Summary of objection

- Seek clarification of the policy to indicate whether it applies to all industrial and business land and buildings or only particular sites. Also seek to have the policy restricted to PEZs and land allocated under B1.1 only.

Inspector's Reasoning and Conclusions

5.77 The policy has been clarified in the Revised Deposit Draft.

5.78 I consider that it is appropriate to protect all business and industrial land and buildings in order to ensure a healthy local economy and an adequate supply of local employment. This does not preclude different degrees and types of protection being afforded to PEZs under B2.1 and to sites outside PEZs under B2.2.

Recommendation

5.79 I recommend that no changes be made to the RUDP in response to this objection.

Policy B2.1 : Primary Employment Zones

The objectors:

There are large numbers of objectors and their names are listed in the Appendix to this Report.

Summary of objections

- Amend policy to allow housing.
- The possibility of granting planning permission for housing which would help to achieve HMR objectives is too narrowly focused.
- Amend policy to allow a wider mix of uses, including retail, residential institutions (use class C2) and non-residential institutions (use class D1).
- Amend policy to allow statutory undertakers to carry out essential development.
- Waste facilities should not be located in PEZs because some are close to residential areas. Allowing waste facilities in PEZs penalizes the west of the Borough.
- The 300 sq m threshold for retail facilities unduly restricts acceptable forms of local retailing.
- The reference to 'small scale' and the 500 sq m threshold for leisure facilities are not justified.
- The restriction on office development imposed by cross reference to B1.5a is unduly restrictive.
- There should be more PEZ land in Saddleworth.
- Insert the word "transport" after "industry" under criterion (ii) of the change proposed by Pre-Inquiry Change 26.

Inspector's Reasoning and Conclusions

Housing should be allowed in all PEZs

- 5.80 In my reasoning on policy B1 I concluded that there is a possible overprovision of business and employment land.
- 5.81 I have also had regard to the advice in the recently issued paragraph 42(a) of PPG3 that local planning authorities should consider favourably planning applications for housing or mixed use developments which concern land allocated for industrial or commercial use in saved policies and development plan documents or redundant land or buildings in industrial or commercial use, but which is no longer needed for such use. I take the term 'industry and commercial' to be broadly identical with the Council's phrase 'business and industry'. Whilst the guidance relates to planning applications, it is clearly relevant to the plans which inform decisions on applications.
- 5.82 I disagree with the objector who claims that paragraph 42(a) is a positive presumption in favour of the redevelopment of allocated or redundant industrial or commercial land or buildings for housing. In fact it is only a presumption in favour of redevelopment when the land or buildings are "no longer needed for such use". Nevertheless, the need for industrial or commercial development is clearly a central consideration. In this context I consider it relevant that the Council has not demonstrated a general need to retain all the land or buildings in PEZs.
- 5.83 Paragraph 42(a) identifies three circumstances in which land or buildings should not be released for housing. These are, (i) when release fails to reflect the policies in PPG3, particularly those relating to a site's suitability for development and the presumption in favour of previously-developed sites, (ii) when it would undermine the planning for housing strategy in the RSS, or, (iii) when it can be demonstrated that there is a realistic prospect of the land being taken up for its stated use in the plan period or that its development for housing would undermine regional and local strategies for economic development and regeneration.
- 5.84 The Council has not demonstrated that the three circumstances listed in 42(a) are applicable to all the PEZs in the Borough. In relation to criterion (i) there is no suggestion that all housing development in PEZs would fail to reflect PPG3's policies. In relation to criterion (ii), I have noted in my report on policy H1 that a somewhat less restrictive approach to residential development in PEZs would enhance a borderline-housing supply. In relation to criterion (iii), my report on policy B1 notes that the supply of allocated land appears sufficient for 18-23 years if the past take up for such land continues at the rate experienced since 1999. Whilst these observations do not disprove the contention that all PEZ land and buildings is still needed to provide employment, they do not support it.
- 5.85 I recognize that the pre-Inquiry Changes propose a more flexible approach when housing would help to achieve HMR objectives. However, there is still conflict with the objectives of paragraph 42(a) in relation to other PEZs. On the basis of the evidence before me it does not appear that an inflexible presumption against housing in these other PEZs is justified.
- 5.86 I do not consider that the policy should be changed to incorporate a presumption in favour of housing in PEZs since, whilst I have seen no demonstration of a need to retain all the business and industrial uses in PEZs, there is certainly no suggestion that

all the land and buildings within them is "no longer needed for such use". In this regard I support the proposition that there is a general need for the retention of business and industrial uses in PEZs. However, I consider it reasonable, and compatible with the guidance in paragraph 42(a), for housing not to be excluded where it can be demonstrated that there is no realistic prospect of the land or buildings being used for business or industrial uses within the Plan Period. PPG3 does not specify how this demonstration should be achieved but it would be reasonable to import the marketing exercise proposed in relation to policy B2.2. I do not think it necessary for the other criteria in paragraph 42(a) to be incorporated in the policy since they are implicit in the policy framework imposed by the RUDP as a whole. The criteria for the marketing exercise could be set out in a Supplementary Planning Document.

- 5.87 There may be occasions when a rigorous financial appraisal can show that the development or redevelopment of a site for business or industrial use is not viable without the need to go through a full marketing exercise. The policy could allow for this possibility by allowing such an appraisal as an alternative to a marketing exercise. As with the marketing exercise, the criteria for the appraisal could again be set out in a Supplementary Planning Document.
- 5.88 Apart from making the policy more flexible, amending it as suggested above would in some cases allow the achievement of the same HMR objectives as PICs 26, 27 and 28. However, the PICs also reflect the view that the need to deliver neighbourhood transformation and regeneration might sometimes justify the release of land for housing and/or related community uses even when it is still needed for employment. I accept that the Plan should make provision for such an eventuality but agree with an objector that the criteria proposed in PIC 26 would be difficult to apply fairly and consistently. In my view it is therefore sufficient to require only that the net benefit of a proposal which supports HMR objectives be demonstrated, leaving the details of that demonstration to be decided on a case by case basis. The benefits of the proposal might include a financial contribution and the methods for calculating that contribution could again be set out in a Supplementary Planning Document. It follows from the above that I am not recommending the incorporation of PIC's 26, 27 and 28. In order to avoid the implication that housing would necessarily be allowed when any of the tests in this, and the previous two paragraphs, are met, I am recommending the additional criterion that development should satisfy the policies elsewhere in the Plan.

Other Issues

- 5.89 The policy allows far more than housing uses. In my view it is compatible with HMR objectives, especially as proposed for amendment by Pre Inquiry Changes. I can see no reason why the hospital (C2) and medical (D1) uses proposed by one objector should not be allowed in PEZs subject to a demonstration that the land or buildings are no longer needed for industrial and commercial uses and that the proposal does not conflict with other RUDP policies. The same criteria could reasonably be extended to other housing related community facilities as already proposed by the Council in relation to HMR objectives. Other uses proposed by objectors are considered below.
- 5.90 The Council has added text at paragraph 5.23 to say that PEZs do not exclude essential development by statutory undertakers. I consider that this adequately meets the objection concerning such development, which has been conditionally withdrawn. Applications for waste facilities will be subject to RUDP policies which protect

amenity. I am therefore satisfied that their inclusion within the uses allowed in PEZs does not discriminate against the western part of the Borough.

- 5.91 My report on policy S2.3 concludes that the 300 sq m threshold for retail uses is justified. It follows that it should also apply in PEZs as in other parts of the Borough. However, as I discuss in relation to PEZ32, the policy as drafted would preclude small scale tourism related retailing even though it appears this is not the Council's intention. It seems to me that any uncertainty could be removed by removing the words "local needs" in criterion (i) and replacing them with the phrase "small scale". The criterion is cross-referenced to policy S2.3, where I have recommended a similar change.
- 5.92 I have found in relation to policy S2.4 that the 500 sq m leisure threshold is justified. It follows that it should apply in PEZs as in other parts of the Borough. The reference to 'small scale' is appropriate to the threshold. Similarly my report on policy B1.5 has not recommended any change to the restriction on office development in B1.5(a). Again it follows that it should apply in PEZs as in other parts of the Borough.
- 5.93 Most existing employment land in Saddleworth continues to be protected by the policy. I have seen no convincing evidence that this part of the Borough suffers from a shortage of employment land or buildings. Indeed there have been several representations from the owners of sites in Saddleworth PEZs to the effect that the level of demand for employment uses is not sufficient to justify retention of the PEZ allocations in the plan.
- 5.94 An objector says that transport should be identified as one of the activities whose protection justifies preventing the release of a site within a PEZ for housing. I agree with the Council that this would dilute the message that the main point of a PEZ is to protect employment. I also consider that transport facilities are adequately protected by other RUDP policies.

Recommendation

- 5.95 I recommend that the RUDP be modified by**

deleting the words "local needs" in criterion i and replacing them with "small scale".

adding the following text to policy B2.1 after the words "nurseries and garden centres requiring large external storage and display areas":

"Housing and/or related community uses (as defined in policy CF1.2) will not be permitted unless;

- i) The development satisfies the policies elsewhere in the Plan and,**
- ii) it is demonstrated, either through a marketing exercise or viability assessment, that there is no realistic prospect of the site being used for business or industrial employment purposes as listed above a. to k. inclusive within the plan period, or**

- iii) the development would help to achieve the local and strategic objectives of the HMR programme and that the benefits of such help, including any achieved through a planning agreement to support the local economy and employment, would outweigh the loss of the business or industrial use.

The recommended changes will require consequential changes to the reasoned justification, which I leave to the Council. However the rationale behind my recommendation requires that the reasoned justification points out that the criteria for the marketing exercises and viability assessments in clause (ii) and the methods for calculating any financial contributions required in connection with clause (iii) will be set out in a Supplementary Planning Document.

Site Name PEZ2 Failsworth Mill

The objectors:

0134/1/001/O

Indo African Exports Ltd

Summary of objection

- The objector wishes to have the PEZ allocation deleted and replaced by no allocation. Failing that the site should be allocated for mixed uses, including retail, leisure and housing.

Inspector's Reasoning and Conclusions

- 5.96 The objector's case rests on the difficulty of finding economic employment uses for the Mill. In my report on policies S2.3 and S2.4 I have concluded that the threshold imposed on retail and leisure uses outside town and district centres, and which applies to PEZs, is justified. I have however recommended a modification to B2.1 which would allow housing development and/or related community uses in some circumstances, one of which is when there is no realistic prospect of the site being used for business or industrial purposes within the Plan period. Whilst this may not go all the way to meeting the objector's concerns I consider that it would avoid the likelihood of the Mill becoming and remaining empty in the future or falling into dereliction.

Recommendation

- 5.97 I recommend that no modification be made to the RUDP in response to this objection.

Site Name

PEZ9 Fields New Road, Chadderton

The objectors:

0148/1/001/O

Raven Avenue Residents

0265/1/001/O

Zetex Plc

Summary of objections

- The Residents Association object to what they describe as “further allocation to industry”.
- Zetex seeks the removal of Gem Mill and Butler Green Garage from the PEZ.

Inspector's Reasoning and Conclusions

- 5.98 I have indicated elsewhere that I support the proposition of a general need for the retention of business and industrial uses in PEZs. I note that the area is already allocated as a PEZ in the adopted UDP. It has good access to bus services on Fields New Road, Thompson Lane and Coalshaw Green. Accessibility to public transport will improve with the conversion of the Oldham Loop rail line to Metrolink and the opening of two new stops within 800m of the PEZ. The PEZ is also close to Broadway, the A663 trunk road.
- 5.99 Whilst I have some sympathy with the Residents Association's concerns over traffic, this is a long established employment area and would continue to generate goods vehicles and other traffic even if it were not allocated as a PEZ. In addition, I am aware that the Council has already implemented traffic calming measures and that developments requiring planning permission will have to comply with the access and other planning policies elsewhere in the RUDP. I conclude that the residents' concerns should not override the wider community interest in protecting the area's employment generating potential. Although Zetex's objection simply raises the possibility that the company might move from Gem Mill, I understand that this has now happened. However, I do not consider that this is a sufficient reason for removing Gem Mill or Butler Green Garage from the PEZ. The company has not demonstrated that the sites are unsuitable for employment use and, in any event, policy B2.1 allows a range of alternative uses. Furthermore, if modified as I have recommended, the policy would allow housing development in certain circumstances.

Recommendation

- 5.100 I recommend that no modification be made to the RUDP in response to these objections.**

Site Name **PEZ11 Busk, Chadderton**

The objector:

0137/1/001/O

Copley Square Ltd.

Summary of objection

The objector seeks to have the site of a DIY store and adjacent land deleted from the PEZ. The land should be allocated for retail use or left unallocated.

Inspector's Reasoning and Conclusions

- 5.101 I read that the DIY store has no restrictive conditions preventing its use for general retail purposes. However this retail use does not extend to the adjacent land, which

was previously occupied by terraced housing and had outline consent for a car dealership. Retaining the DIY site within the PEZ will not take away any lawful use rights whereas allocating the adjacent land for retail development would introduce a presumption in favour of such development, where none exists at present. Alternatively, leaving the land unallocated would reduce the supply of business and industrial land which the PEZ allocation is intended to protect.

- 5.102 As far as the proposed retail use is concerned the most relevant policy is S2.3 which limits new shops outside the Town Centre and district centres to 300 sq m gross. Since the objection site is outside the Town Centre or any district centre, the allocation of such a substantial piece of land for retail use would be contrary to the objectives of this policy. It also follows that a PEZ allocation does not impose any limitation on retail use which is not already imposed by S2.3. Furthermore, the site's location fronting Chadderton Way, a primary route linking Oldham Way with the A627(M), gives it significant commercial advantages which justify its inclusion within the PEZ. Whilst I recognize that the existing retail use of part of the site might inhibit its development for business and industrial use, I do not find this a sufficient reason for deleting the PEZ allocation.

Recommendation

- 5.103 I recommend that no modification be made to the RUDP in relation to this objection.**

Site Name **PEZ16 Higginshaw/East Oldham**

The objectors:

0146/1/001/O	Williamsons
0150/1/001/O	Q Developments Ltd

Summary of objections

- Williamsons seek the removal of the Brook Street/Bottom o' th' Moor area from PEZ16 and its addition to the Town Centre. The area is suitable for a variety of uses including retail, leisure and housing.
- Q Developments seek the removal of a site at Queghan House, Stampstone Street from the PEZ and its allocation for non-food retailing.

Inspector's Reasoning and Conclusions

- 5.104 Elsewhere in my Report I have given my view that the town centre allocation should not be extended and that the limitations on retail use in S2.3 are justified. Furthermore, neither objector has submitted evidence supporting the case for retail uses. Either the Council's proposed pre-Inquiry Changes 26-28 or my recommended modifications would allow housing development in this PEZ in some circumstances. In any event the PEZ allocation already allows a significant range of uses including small scale leisure uses and local needs retailing. Whilst I accept that removal of the PEZ allocation would give the objectors greater flexibility I consider that this does not override the need to afford protection to existing business and industrial employment.

5.105 I am recommending a minor modification to the PEZ boundary in order to ensure compatibility with the change I have recommended to the boundary of B1.1.25.

Recommendation

5.106 I recommend that the RUDP be modified by adjusting the boundary of PEZ16 to include the strip of land which I have recommended be added to business allocation B1.1.25.

Site Name PEZ17 Wellyhole Street, Lees

The objectors:

0102/1/003/O	Brierstone Properties Ltd
0102/1/004/O	Brierstone Properties Ltd
0133/1/001/O	Richardsons Commercial (Oldham) Ltd
0133/2/004/O	Richardsons Commercial (Oldham) Ltd
0140/1/001/O	R Grabowski
0142/1/001/O	D O Meara
0269/1/001/O	Fairclough Homes Ltd
0269/1/003/O	Fairclough Homes Ltd
0348/1/001/O	Mrs E Connally
0350/1/001/O	Mrs C Dugdale
0351/1/001/O	J R Anchor
0352/1/001/O	Mrs K Knox
0356/1/001/O	Mr J McQuillan (plus petition from 191 local residents)
0807/1/001/O	Lisa J. Lancaster
0810/1/001/O	Mrs M Leyland
0811/1/001/O	Mr & Mrs L Peacock
0812/1/001/O	Mrs B.A. Pilkington
0813/1/001/O	Miss R. Torr

Summary of objections

- Fairclough Homes seek the deletion of the entire PEZ 17 allocation (*since the objection was made at First Deposit stage I have assumed that it applies to the PEZ as it was defined at that time –i.e. comprising land on both sides of Wellyhole Street but to the south of the disused railway line*).
- Grabowski, Leyland and Peacock want the deletion of the PEZ designation from the land on the west side of Wellyhole Street.
- Several objectors request the re-allocation of land on the west side of Wellyhole Street for residential development.
- O Meara seeks the re-allocation of land to the west of Wellyhole Street as a park.
- Torr and Pilkington ask for the reallocation of land to the west of Wellyhole Street for recreational open space.
- Richardsons request the re-allocation of land to the west of Wellyhole Street as PEZ or business and industry.
- Fairclough Homes plus a petition from 27 local residents seek the re-allocation of land to the east of Constantine Street for housing .

Inspector's Reasoning and Conclusion

- 5.107 Land on the east and west sides of Wellyhole Street and to the south of the disused railway was allocated for business and industry in the adopted UDP. The area on the east side of the street is occupied by companies engaged in goods vehicle repair, servicing and haulage, that on the west side is mainly vacant. At the First Deposit stage of the RUDP, the area was again allocated as a PEZ. At the Revised Deposit stage the land to the west of Wellyhole Road was removed from the PEZ as the Council were minded to approve a planning application for 21 houses. Permission for the houses was not actually granted as the application was withdrawn after being called in by the Secretary of State. Also, at the Revised Deposit stage, land on the east side of Constantine Street and to the north of the disused railway line was added to the PEZ. Part of this land is already in industrial use and part was allocated for business and industry in the adopted UDP. I will consider the objections in turn.

Land to the East of Wellyhole Street and Constantine Street, including Dico warehouse (i.e. the area allocated as PEZ17 in the Revised Deposit Draft)

- 5.108 I have indicated elsewhere in my Report that I support the general need for the retention of business and industrial uses in PEZs. Much of the land within the PEZ is in existing business use and such uses may continue even if the allocation is deleted. In addition the PEZ allocation allows a range of uses and my recommended changes to policy would allow housing in certain circumstances, including when there is no realistic prospect of the site being used for business or industrial purposes within the Plan period. I can therefore see no convincing reason for removing any land from the PEZ.

Land to the West of Wellyhole Street

- 5.109 There is doubt about the appropriate future use for the site. Housing could experience disturbance from the business uses on the opposite side of Wellyhole Road while some of the uses permitted under a PEZ could cause disturbance for the adjoining residential uses. The arguments in favour of a PEZ might be stronger because some of the uses permitted under that policy could sit easily with nearby housing. Nevertheless, a residential allocation would enhance what I have concluded is a limited supply of housing.
- 5.110 Allocation as recreational open space would not necessarily lead to such provision being made. I do not have the benefit of any assessment to indicate the need for open space or recreation facilities in this area. In addition I have no indication that the Council or any other public authority have either the finance or the intention of acquiring and laying out the land. In the absence of such indications allocating the land for that purpose would be a largely meaningless gesture.
- 5.111 Whatever the future use of the site, I consider that leaving the land without an allocation does not commit the Council to any particular use but gives an opportunity to impose conditions to protect residential amenity. Since I do not consider that there are overwhelming arguments in favour of any use, I do not consider that there is a need to specify a use in the RUDP.

Recommendation

5.112 I recommend that no modification be made to the RUDP in response to these objections.

Site Name **PEZ21 Shaw Road, Royton**

The objectors:

0223/1/003/O

Howarth Brothers Properties

Summary of objection

- Vernon Mill and its car park should be allocated for residential purposes.

Inspector's Reasoning and Conclusions

5.113 I have indicated elsewhere in this Report that I agree that there is a general need for the retention of business and industrial uses in PEZs. In this particular case the objector has submitted no evidence that the site is unsuited to continued business use.

5.114 I do not rule out the possibility that the Mill might be unsuitable for modern business use or that it might not be economically feasible to redevelop the site for employment purposes. However, a reallocation as residential would have the definite effect of reducing the supply of employment land in the Borough. In contrast, if policy B2.1 is modified as I have recommended, it would allow the possibility of residential development in some circumstances, one of which is when there is no realistic prospect of the site being used for business or industrial purposes within the plan period. Retaining the PEZ allocation would therefore serve the objective of maintaining an adequate supply of employment land within the Borough whilst allowing the possibility of residential use if none of the range of uses specified under the PEZ allocation turn out to be achievable.

Recommendation

5.115 I recommend that no modification be made to the RUDP in response to this objection.

Site Name **PEZ22 Shaw**

The objectors:

0152/1/007/O

Oak Street Area Community Group

0166/1/001/O

P & D Northern Steels Ltd

1820/2/001/O

Mr B Parker

Summary of objections

- Oak Street Area Community Group wish the PEZ allocation to be reappraised in the event that the company located between Linney Lane and Beal Lane, which I assume is a reference to the mail order company Littlewoods, vacate their premises.

- P & D Northern Steels seek an extension to the south west in order to have the opportunity to expand.
- Mr Parker wants the Dawn Mill site to be removed from PEZ22 and reallocated for retail use or mixed development. The site should also be included within the Shaw District Centre.

Inspector's Reasoning and Conclusions

- 5.116 The buildings occupied by the mail order company are a significant capital investment. I consider that it would be wasteful for this investment to fall into disuse especially in view of 2,200 full and part-time jobs provided by the site. I do not doubt that the traffic generated by the company has some impact on local residential areas but I read that the Council has implemented ameliorative highway measures, and the concerns expressed do not convince me that the PEZ allocation should be deleted.
- 5.117 The steel company suggests a modest extension to the PEZ. From what I have heard and seen their site is tightly constrained. PPG12 indicates that local authorities should look to provide a range of industrial sites. The supporting text to policy B1 indicates that enough land should be provided to allow existing firms to expand. Whilst I am generally supporting the Council in its approach to Local Green Gaps, in this case the potential needs of a local firm should be accommodated and a limited loss of open land and an undefined SBI accepted. As far as the latter is concerned, I am only recommending a minor extension and in view of the proximity of the open countryside, I do not consider that it will have a significant impact on what is currently included in the lowest category of this district designation.
- 5.118 Although the Dawn Mill site had planning permission for convenience retailing, that permission, which was granted in January 2000, has lapsed. National guidance as now set out in PPS6 has changed and a new, much larger, replacement superstore has opened in Oldham town centre. In this changed context the objector has not demonstrated that the redevelopment of the Dawn Mill site would comply with the guidance in PPS6. I therefore conclude that it is inappropriate to allocate the site for retail development and I can see no other justification for including it within the Shaw District Centre.
- 5.119 The continued use of the site for employment generating activities is a clear indication that the PEZ allocation is justified. On the other hand Mr Parker has produced no evidence to justify removing the allocation beyond the lapsed planning permission, a current application for a superstore and the site's proximity to the Shaw District Centre. These considerations are not in themselves sufficient to justify replacing the PEZ with a mixed use allocation or giving the site a nil allocation.
- 5.120 It is possible that there is a need for retail use which outweighs the need to retain the existing PEZ boundaries. However I have not been presented with any evidence to substantiate that need whereas there is a self-evident need to retain the PEZ allocation. Any evidence subsequently adduced in support of the current or any subsequent retail planning application would be a material consideration which could be set against the provisions of that allocation.

Recommendation

5.121 I recommend that the RUDP be modified by extending PEZ22 by approximately 30m to the south west, the precise line to be determined by the Council.

Sitename PEZ23 Friezland Lane, Greenfield

The objectors:

0020/1/002/O

Robert Scott & Sons

Summary of objection

- The objector seeks to have the PEZ extended to include the objection site.

Inspector's Reasoning and Conclusions

5.122 Planning permission has now been granted for residential development on the site and development is underway. Although I have no indication that the objection has formally been withdrawn it is no longer meaningful to include the site within the PEZ.

Recommendation

5.123 I recommend that no modification be made to the RUDP in response to this objection.

Site Name PEZ25 Chew Valley Road, Greenfield

The objectors:

0147/1/001/O

North Manchester Construction Ltd.

0831/1/001/O

Ainsworth Construction

Summary of objections

- North Manchester Construction seek to leave the vacant part of PEZ25 unallocated or include it within a Mixed Development allocation.
- Ainsworth Construction wish to see the whole of the site re-allocated as Mixed Use.

Inspector's Reasoning and Conclusions

5.124 To change the allocation would be contrary to the overall employment objectives of the RUDP. As the Council submits it would effectively reduce the amount of land available for employment use. Although some of the land is vacant, much is in active employment use. I find that I agree with the Council's submission that this PEZ is a good example of this type of allocation. In view of my general conclusions regarding housing provision and the Secretary of State's approach to housing in Saddleworth, it would not be appropriate to introduce additional housing land at this stage beyond that I have recommended elsewhere in my Report. I consider that any access problems could be resolved in the event of a planning application.

Recommendation

5.125 I recommend that no modification be made to the RUDP.

Site Name **PEZ27 Waterside Mill, Greenfield**

The objectors:

0267/1/001/O	Tanner Brothers Ltd
0267/1/002/O	Tanner Brothers Ltd

Summary of objection

- The objector wishes to have the greater part of the site allocated under policy B1.1, with the remainder being allocated for housing and the PEZ allocation removed from the entire site.

Inspector's Reasoning and Conclusions

5.126 The objector's case rests on the difficulty of finding economic employment uses for the whole of the site. Allowing part of the site to be used for housing would generate funds, which would allow the mill buildings to be refurbished and re-used economically for business and/or industrial purposes. The strength of the objectors' case depends on the argument that the whole of the site cannot economically be reused for the purposes allowed by a PEZ allocation. The modification I have recommended to B2.1 would allow this proposition to be tested, and if appropriate some housing development allowed, without undermining the principle of a PEZ allocation. I consider that the change satisfies the substance of the objection.

Recommendation

5.127 I recommend that no modification be made to the RUDP in response to this objection.

Site Name **PEZ28 Tamewater Mill, Dobcross**

The objectors:

0229/1/001/O	Adept Development & Management Ltd
0229/2/003/O	Adept Development & Management Ltd

Summary of objections

- The objectors wish to see the site allocated for residential purposes.

Inspector's Reasoning and Conclusions

5.128 Having carefully examined the objectors' valuation and development appraisal and reflected upon my own visit to the various buildings on the site, I have come to the conclusion that it would not be economically feasible to refurbish. Whilst I note the Council's submission that all six of the buildings were in use until March 2004, I have

also noted the objectors' submissions indicating that there were only three commercial concerns with very few employees. Additionally it was pointed out that the Pine Factory/ Shop which had employed 60 personnel had re-located to central Oldham. On more recent visits to the area I also noticed that these premises were closed as was the main access to the site. This all seems to indicate that there is little immediate likelihood of any significant future activity. There is also no substantive evidence that redevelopment for employment purposes is a realistic prospect.

- 5.129 I have indicated in paragraphs 5.80-5.94 that I have some reservations about the Council's approach to PEZ's. I also have some doubts about the wisdom of attempting to retain all the various employment sites in Saddleworth. Despite the Green Belt, development along the A670 and the A6052 is virtually continuous between Delph and Uppermill and it is, somewhat disingenuous to see the Tamewater site as being specifically a Dobcross Site. It is more accurate in geographical terms to regard it as one of the series of mill complexes sited along the valley bottom. If rehabilitation or redevelopment were to occur, there is no guarantee at all that there would be a significant number of locally based employees.
- 5.130 As is the case throughout the Pennine Valleys many of the industrial sites have their origins in a previous industrial age and are in many cases located on sites which would not be acceptable for industrial/ commercial development today. Whilst there are some such as those in the Derwent Valley of Derbyshire which are recognized as being of international importance, many are in a run-down state and are, in my opinion, no more than eyesores. I consider this to be the case with the Tamewater Mill site and its buildings. It seems to me that this part of the Tame Valley is intrinsically attractive but its qualities are marred by the objection site and other industrial and commercial buildings. It has to be recognized that the objection site is part of the setting of the adjacent Tame Water Conservation Area. It also should be recognized that the trees to the south west do provide a screen but this is not complete and in any event the vegetation is largely deciduous. There is no doubt in my mind that the site detracts both from the appearance of the Tame Valley as well as from the setting of the Conservation Area and from views out from the latter. Here I find that I disagree with the Council and its limited assessment of the relationship of the objection site and the Conservation Area.
- 5.131 I have already indicated that I consider redevelopment for employment purposes to be unlikely. If it were to be proposed, it could be difficult for the Council in dealing with an application to achieve a building or buildings which would either preserve or enhance the setting of the Conservation Area. It seems to me that the most likely type of development would be the characterless but economic framed buildings, lacking in local distinctiveness, to be found on so many new sites such as the nearby Gatehead Business Park. Whilst this would not necessarily be the case, it is a strong possibility and there is no doubt in my mind that development of this type would not accord with the principles set out in paragraph 4.14 of PPG15.
- 5.132 That leads me to the question of alternatives. The ideal solution could be to clear the site but I have no doubt that that is not a realistic proposition. The objectors are seeking an allocation for housing purposes. Whilst detailed design matters are not for me, the illustrative housing scheme put forward on behalf of the objectors might be acceptable; there could be other suitable layouts perhaps based on an innovative scheme which could lead to real environmental improvements and which would also

result in enhancement of the setting and views out of the Tamewater Conservation Area.

- 5.133 The Council is concerned at the loss of an employment site but as I have stated elsewhere, I consider that there is a lack of a substantive analysis of the need for employment sites. I am satisfied that there is an adequate allocation and distribution of such land around the Borough, particularly of strategic sites. Indeed I have recommended the extension of one such site at Foxdenton Lane (paragraph 11.136). There is no doubt in my mind that the loss of this PEZ would have little or no real effect on overall employment land provision and I am convinced that it could lead to significant environmental improvements which are clearly necessary.
- 5.134 On the somewhat unclear matter of housing provision, I have set out my general conclusions in paragraph 6.37-6.40. Whilst bearing in mind the Secretary of State's position regarding housing provision in Saddleworth, it seems to me that the concerns relating to conflict with the HMR are possibly overstated. At the same time, I consider that there are very few available housing sites in Saddleworth thereby providing little choice over a wide area. A number of objectors have sought additional allocations. These would involve deletions from the Green Belt or from Local Green Gaps and many are not in sustainable locations. This is not the case with this objection site. It is a sustainable brownfield site, adjacent to existing residential development. As far as the latter is concerned, housing development is clearly potentially less harmful to residential amenity than the possible uses acceptable in a PEZ. On the matter of access, I accept that this is capable of improvement but there is no doubt in my mind that the type of traffic which would be generated by residential development would be less detrimental than that which could arise from a PEZ. It follows from the above that I consider that the residential allocation of the objection site could lead to significant environmental improvements and provide some needed flexibility in housing allocation without prejudicing the Council's overall employment proposals.

Recommendation

- 5.135 I recommend that the RUDP be modified by deleting PEZ 28 and allocating the site under Policy H1.1.**

Site Name **PEZ29 Delph New Road, Delph**

The objectors:

0718/1/004/O	Ms C M Wheeler
0833/1/001/O	Mrs G Clark
0833/2/003/S	Mrs G Clark

Summary of objections

- Ms Wheeler seeks the addition of Bailey Mills to the PEZ.
- Mrs Clark is concerned about the amount of traffic that would be generated by the PEZ allocation.

Inspector's Reasoning and Conclusions

- 5.136 I am aware that the Council undertook a review of Saddleworth PEZs at the initial stage of the UDP Review. The Bailey Mills site was vacant at the time of that review and the main mill building had become completely vacant. Designation of the site as a PEZ in the adopted UDP had not attracted investment. The Mill is in a conservation area and contributes to its character. Therefore the Council wished to retain it. This combination of reasons led the Council to reallocate the Mill and its yard for residential purposes.
- 5.137 I have commented in my report on Policy B2.1 that I do not consider that an inflexible presumption against housing in PEZs is justified and I have recommended a modification that would allow housing in certain circumstances. Bailey Mills is one of the few locations where the Council have proposed a substantial change to the boundary of a PEZ allocated in the adopted UDP. This change allows housing by changing the site's designation whereas I have recommended a form of wording which would make the B2.1 policy more flexible. Nevertheless, both processes take account of the interaction between planning considerations and market forces. Whilst I have not seen statistical evidence to support the Council's review of PEZs, the reasons cited for removing the Bailey Mills site from the PEZ designation and reallocating it as a mixed use site are persuasive. In addition, since planning permission has now been granted for housing and the development is being carried out, the character of the site no longer lends itself to a PEZ allocation.
- 5.138 I have seen no convincing evidence that the PEZ designation will lead to a significant increase in traffic, especially since it covers a smaller area than that shown in the adopted UDP.

Recommendation

- 5.139 I recommend that no modification be made to the RUDP in response to these objections.**

Site Name **PEZ30 Lumb Mill, Delph**

The objectors:

0251/1/003/O

Meridian Development Company Ltd

Summary of objection

- The objector seeks a Mixed Use allocation for the site of the Saddleworth Business Centre.

Inspector's Reasoning and Conclusions

- 5.140 The company's case rests on the difficulty of generating sufficient income from business or industrial uses to fund the necessary refurbishment of the older parts of the building. At the hearing they argued for a mixture of business and housing uses. The Council says that the company has achieved high occupancy rates and that there is no need for the cross-subsidy that would derive from allowing some housing development. The company points out that further maintenance and renovation work

would be required in the near future and that market rentals would not be sufficient to fund it.

- 5.141 In Delph and elsewhere the PEZ policy serves the specific purpose of protecting and promoting employment in the Saddleworth villages. The replacement of PEZs by mixed-use allocations could lead to more housing and fewer jobs in those villages. In turn this would detract from sustainable development by increasing the need to commute. The diversion of housing resources to the Saddleworth area could also prejudice the objectives of the HMR Pathfinder, although I accept that this effect might be limited by the relative independence of the HMR and Saddleworth housing markets. This is not to say that all PEZs should maintain their status. The RUDP changes the boundaries or designation of five of those areas in Saddleworth which were allocated as PEZs in the adopted UDP and I have recommended that the PEZ allocation be deleted from Tamewater Mill. However, I consider that de-allocation should only take place in exceptional circumstances.
- 5.142 I am nevertheless aware that a policy that attempts to retain employment uses in the face of market forces risks forcing sites and buildings into vacancy, disrepair and dereliction. In my reasoning on Policy B1, I conclude that there is possible overprovision of business and industrial land in the Borough as a whole. Consequently I have recommended that policy B2.1 be reworded to allow the possibility of housing development and/or related community uses when it can be demonstrated that there is no realistic prospect of the site being used for business or industrial purposes within the plan period.
- 5.143 The recommended modification to B2.1 would not allow part of a site to be developed for housing if the only reason was to raise funds. However it would not preclude such development provided that it could be demonstrated that there was no realistic prospect of business or industrial development and that other UDP policies were satisfied. Whilst the modification would not give the objectors the full flexibility they are seeking, it would give them greater flexibility while still retaining an adequate supply of employment land and buildings.

Recommendation

- 5.144 I recommend that no modification be made to the RUDP in response to this objection.**

Site Name **PEZ32 Warth/Ellis Mills, Diggle**

The objectors:

0132/1/001/O	Arthur Greaves (Lees) Ltd
0132/1/002/O	Arthur Greaves (Lees) Ltd

Summary of objection

- The objector seeks to have the site reallocated for mixed development.

Inspector's Reasoning and Conclusions

- 5.145 The objector claims that the PEZ allocation prevents imaginative redevelopment appropriate to a site in an area with potential for tourism development. In fact the PEZ allocation allows most of the uses suggested by the objector. The exceptions are housing and retail serving the tourism market. Housing would, of course, provide cross-subsidy but changing well-founded planning policies to generate funding is fraught with danger. However, I have recommended that policy B2.1 be modified to allow housing development when there is no realistic prospect of the site being used for business or industrial purposes within the plan period. This could allow housing within PEZs if, as the objector argues, it can be shown that none of the normally permitted categories of development are feasible.
- 5.146 Even though policy B2.1 allows only local retailing the Council's, representatives at the hearing into the objection said that tourism related retailing might be considered acceptable. The parties could not agree on an acceptable form of words but, in my reports on policies B2.1 and S2.3. I have recommended that the words "local needs" in criterion i be replaced by "small scale". This would allow the flexibility sought by the objector without changing the substance of the policy.

Recommendation

5.147 I recommend that no modification be made to the RUDP

Site Name **PEZ4 Hollinwood South (Mirror Group/Albert Street)**

I have considered this site under policy B1.2.6 where I recommend that no modification be made to the RUDP.

Site Name **Walk Mill, Dobcross**

The objectors:

0105/1/002/O

Dobcross Village Community

Summary of objection

- The objectors wish to have the site allocated as a PEZ.

Inspector's Reasoning and Conclusions

5.148 The whole of the site has now been developed for housing. It would therefore be unrealistic to allocate it as a PEZ.

Recommendation

5.149 I recommend that no modification be made to the RUDP in relation to this objection.

Site Name **Werneth Ring Mills, Henley Street, Oldham**

The objectors:

0261/1/001/O

D Jacobson & Son, formerly Oxley Threads Ltd.

Summary of objection

- The objectors seek allocation as a PEZ.

Inspector's Reasoning and Conclusions

5.150 If paragraph 5.26 in the reasoned justification is modified as I have recommended, PEZ allocations under Policy B2.1 and B2.2 allocations for existing employment sites outside PEZs will offer the same range of uses. There would therefore be no benefit in changing the allocation. Even if the Council do not accept my recommendations in relation to paragraph 5.26, the range of alternative uses allowed under B2.2 is reasonably wide. If re-allocated, this site, consisting of a single mill in single ownership, would also be the smallest PEZ in western Oldham, whereas the allocation typically applies to wider areas which can include vacant land and sites not in employment use.

Recommendation

5.151 I recommend that no modification be made to the RUDP in relation to this objection.

Policy B2.2 : Protection of Existing Employment Sites outside PEZs**The objectors:**

There are large numbers of objectors and their names are listed in the Appendix to this Report.

Summary of objections

- The range of employment uses covered by the policy is not specified.
- Amend the policy to favour development, including for non-employment purposes.
- Current employment sites should be assessed for their contribution to the local economy.
- The existence of an adequate supply of suitable industrial/business land in the vicinity should justify development for a non-employment generating use.
- The floorspace threshold on buildings originally designed as dwellings is too low.
- Amend criterion (b) to refer to impact on the highway network.
- Amend criterion (b) to make clear that it applies to existing business use.
- Unacceptable effects of continued employment use are not defined.
- Reference to a 6 month marketing period should be deleted/reinstated.
- Marketing terms should be specified.
- Some buildings unsuited to modern business.
- Delete criterion (d).

Inspector's Reasoning and Conclusions

- 5.152 I have already concluded in relation to policy B2.1 that there is a need for the retention of existing employment uses. Paragraph 5.26 now defines those uses. However, as the policy is presently drafted, policy B2.2 affords an existing employment site outside a PEZ a narrower choice of uses than one inside a PEZ. I can see no justification for this differentiation. The inconsistency could be removed by re-drafting paragraph 5.26 to allow the same range of uses as are permitted within a PEZ.
- 5.153 In the event that buildings or land are no longer needed for an employment use the policy gives applicants the opportunity to demonstrate this through a marketing exercise. The exercise would reflect the availability of other sites and the suitability of any buildings. The suggestion that there should be a general assessment of employment sites is therefore unnecessary as well as onerous. In addition there may be occasions where economic considerations are so clear-cut that they can be demonstrated by a viability assessment. I have therefore recommended that the policy be amended to allow for this possibility. The Council has already removed the requirement for a minimum 6-month marketing period.
- 5.154 I consider that simply requiring a marketing exercise to be acceptable to the Council is arbitrary and does not provide developers with any certainty. These deficiencies would be avoided if the criteria for the marketing exercises and viability assessments were to be published and subject to public consultation. This could be achieved through a Supplementary Planning Document (SPD). Criterion (c) could then be reworded to include the objective of the tests - to demonstrate that there is no realistic prospect of the land or buildings being used for business or industrial purposes within the Plan Period.
- 5.155 Criterion (d) is proposed by PIC 29 and supported by PIC 30. I consider that it would echo policy B2.1's flexible approach to the HMR Pathfinder. However, in order to maintain compatibility with B2.1, I have recommended that the criterion should use the same form of words that I have suggested in relation to that policy. It follows that I am not recommending that the RUDP be modified by making the changes in PICs 29 and 30.
- 5.156 I am satisfied that the Plan as a whole provides an adequate framework for assessing whether a continued employment use would have unacceptable effects and I note that the policy has been amended to refer to the impact of proposals on the highway network. I consider that this amendment satisfactorily meets the relevant objection, which has been conditionally withdrawn. The Council has not justified the threshold on buildings originally designed as dwellings beyond saying that it is equivalent to the ground floor area of 3 traditional terraced dwellings. I see no need for restricting the exception in this way and I recommend that the restriction be deleted.

Recommendation

5.157 I recommend that the RUDP be modified by:

deleting the words "and whose gross floor space does not exceed 200m²" in criterion (a) of policy B2.2.

rewording criterion (c) as follows:

- “c. It is demonstrated, either through a marketing exercise or viability assessment, that there is no realistic prospect of the site being used for employment purposes within the plan period, or**

adding a new criterion (d) as follows:

- "d The development satisfies the policies elsewhere in the Plan, would help to achieve the local and strategic objectives of the HMR programme and that the benefits of such help, including any achieved through a planning agreement to support the local economy and employment, would outweigh the loss of the employment use."**

Deleting the final two sentences of paragraph 5.26 in the reasoned justification and replacing them by:

"In the context of this policy, employment uses are defined as those uses listed (a) to (k) inclusive in policy B2.1."

The recommended changes will require other consequential changes to the reasoned justification, which I leave to the Council. However the rationale behind my recommendation requires that the reasoned justification points out that the criteria for the marketing exercises and viability assessments in clause (c) and the methods for calculating any financial contributions required in connection with clause (d) will be set out in a Supplementary Planning Document.

Policy B2.3 : Employment Generating Uses within the Green Belt, a Local Green Gap or Land Reserved for Future Development

The objectors:

0021/1/026/O
0021/2/099/S
0040/1/017/O

Government Office for the North West
Government Office for the North West
Saddleworth Parish Council

Summary of objections

- GONW says that the extension, alteration and infilling of existing businesses is inappropriate development in the Green Belt and therefore contrary to PPG2. It also requires further explanation of what constitutes a significant increase in the developed area of a site.
- The Parish Council wants the policy to allow limited development within the curtilage of disused mills and other business premises in the Green Belt.

Inspector's Reasoning and Conclusions

- 5.158 GONW recognizes that the Council has attempted to expand on why it considers there to be local circumstances which justify allowing development not provided for in

PPG2. However, I consider that this policy still sits uncomfortably with national policy and even with RUDP policies relating to the Green Belt, Local Green Gaps and Land Reserved for Future Development. In essence it is more accommodating towards employment related development than any of these policies. Whilst I recognise that Oldham has geographical characteristics that differentiate it from some other areas, I consider that its pattern of dispersed employment sites in river valleys is not untypical of Pennine fringe settlements. I consider that the deletion of the policy would reduce ambiguity whilst not prejudicing those employment generating developments which are acceptable in terms of policies elsewhere in the Plan.

Recommendation

5.159 I recommend that the Plan be modified by deleting Policy B2.3.

Chapter 6: Housing

Appendix B

The objectors:

0572/2/005/O
0665/1/007/O

Langtree Property Group Ltd
The Environment Agency

Summary of objection

- Langtree Property seek revision of the wording describing site H1.2.4 (Medlock Road, Woodhouses) in Appendix B, and also a reference to affordable housing.
- The Environment Agency request the addition of a Sites Constraints section to the Plan

Inspector's Reasoning and Conclusions

- 6.0 The wording of the Appendix in the Revised Deposit Draft emphasizes site H1.2.4's "relatively poor access" to local services and the bus network. The Council has proposed amended wording which no longer emphasizes the negative aspects of the allocation. In my opinion the amended wording satisfies the objector's concerns while succinctly justifying the allocation. It is not appropriate to refer to affordable housing since the indicative capacity of the site is below the threshold in policy H2.1.
- 6.1 I am satisfied that Plan provides an adequate framework for taking account of site constraints in the normal development control process.

Recommendation

- 6.2 I recommend that the RUDP be modified by deleting the explanatory text for site H1.2.4 in Appendix B and replacing it with the following:

"The site will provide a long term opportunity for development in an area which has generally few housing opportunities. The development of the site will support the Council's objectives aimed at providing a spread of new housing opportunities across the Borough"

Policy H1 : Housing Land Requirement & Supply

Policy H1.1 : Housing Land Release Phase 1

Policy H1.2 : Housing Land Release Phase 2

(Under this heading I deal with policy H1 and the generality of policies H1.1 and H1.2. My recommendations about the specific allocations under H1.1 and H1.2 are recorded separately for each policy)

The objectors:

There are large numbers of objectors and their names are listed in the Appendix to this Report.

Summary of objections

- The Plan does not make provision for a 10 years' potential supply of housing.
- The overall housing requirement on which the plan is based is too low.
- The assumption about clearance rates is too low.
- The Council have assumed too high a build-back rate on clearance sites within the HMR Pathfinder area.
- The Council have overestimated the supply of housing from windfalls.
- The Proposals Map does not show sufficient sites to accommodate the first 5 years of housing development.
- The reoccupation of vacant dwellings should not be counted against the housing requirement.
- The brownfield target of 75% is unrealistic.
- It should be acknowledged that some greenfield sites may be more sustainable than brownfield sites.
- Too much/too little residential development is planned for Saddleworth.
- Table 3 of policy H1.1 should show a break down of supply by sub area.
- The plan is unlikely to provide a choice of good quality housing.
- Some sites or policies should refer to the need for low density upper market housing.
- The Council should carry out surveys to ascertain whether allocations in smaller settlements should meet local rather general needs.
- Supplementary Planning Guidance (now Supplementary Planning Documents) should not be used to revise statutory development plans/The absence of a timetable for the production of SPDs could cause delays.
- Add wording to indicate that phasing will reflect the need to minimise the impact on communities.
- Appendix C should be included as stated in the reasoned justification to policy H1.1. Appendix 2 should be included as stated in policy H1.2.

Inspector's Reasoning and Conclusions

Definition of 5 and 10 years' supply

- 6.3 Paragraph 34 of PPG3 refers to the need for the Proposals Map to show sufficient sites to accommodate at least the first 5 years (or the first two phases) of housing development proposed in the plan. Since the UDP Review covers the period from 2001 to 2016 it could be argued that the PPG requirement refers to the period 2001 to 2006. However, for a plan likely to be adopted in 2006, a literal interpretation of the guidance would be meaningless. Therefore I have interpreted the guidance robustly to mean that the Proposals Map should show sufficient sites to accommodate at least the first 5 years of housing development from the date of adoption. This interpretation is consistent with the Minister, Keith Hill's, subsequent statement that the duration of a plan should be for a period of 10 years from the plan's forecast adoption date, which means that plans should make provision for at least ten years' potential supply of housing.

Net increase in dwellings

- 6.4 In accordance with the Regional Spatial Strategy for the North West the Plan makes provision for an increase of 270 dwellings over the plan period net of housing clearance. There is little disagreement about this figure. The RSS says that, where new plans extend beyond 2006, they should continue to provide for additional dwellings at the same annual average rate until such time as any different rate is adopted following review of the RSS guidance.

Failure to make explicit provision for a 10 year housing supply

- 6.5 The Plan Period for housing proposals runs only to 2011 even though the formal period for the UDP Review is 2001 to 2016. Policy H1 says that the Council will make provision for sufficient land to accommodate an increase of 270 dwellings per annum over the period 2004 - 2011 net of housing clearance. Apart from the inconsistency with the Plan period as a whole, the policy therefore fails to make provision for the 10 year potential housing supply specified in the Minister's statement. The Council argues that the plan's failure to identify a 10 year supply is justified by:

- The uncertainty introduced by the selection of Oldham and Rochdale as one of the Pathfinder areas under the Housing Market Renewal Fund (HMR)
- The review of housing targets as part of the partial review of the Regional Spatial Strategy (RSS) for the North West
- The advent of the new planning system

Objectors did not find this justification convincing, pointing for example to other authorities affected by HMRS but whose plans nevertheless identified a 10 year potential supply. To my mind the fact that other authorities might have adopted different approaches does not invalidate the Oldham approach. However, there is clear conflict with ministerial guidance.

- 6.6 The failure to identify a 10 year supply introduces an element of uncertainty that could adversely affect the Plan's other proposals and also the housing market. Even so, it does not necessarily imply a shortfall since the supply identified for the period up to 2011 could theoretically last beyond that date and will be supplemented by windfalls. I examine this possibility below.

Clearance assumption

- 6.7 Based on the HMR Prospectus presented to the Government in December 2003, and assuming that two thirds of the clearance within the HMR area will take place in Oldham, the Council's pre-Inquiry Changes calculate an average annual clearance rate of 267 dwellings over the 15 years of the Pathfinder's lifetime. The plan does not say that this will be an actual rate because it recognises that clearance within the HMR will be under continual review. Objectors make similar clearance estimates ranging from 256 to 300 dwellings per annum.
- 6.8 It appears to be generally accepted by both Council and objectors that the number of houses cleared in the Borough as a whole will be identical to the clearance rate in the HMR.

- 6.9 It should be noted that, as indicated in the Council's Housing Topic Paper (CD/1/4), the HMR Prospectus estimates that total clearance in the two Wave 1 areas in Oldham (Werneth/Freehold and Derker) will be only 1,062 dwellings over the 5 year period from 2004 to 2009. This is only just over 200 dwellings per annum. Although a higher rate of demolition is envisaged in subsequent years, the programme will be kept under continuous review and cannot be predicted with certainty. Moreover, as yet, funding has only been granted for the period from 2004 to 2006.

Assumption about replacement on cleared sites

- 6.10 There is significant difference between the Council and several objectors on what proportion of demolished dwellings will be replaced on the clearance sites within the HMR. The HMR Prospectus envisages a net increase in the number of dwellings in the HMR area over the Pathfinder's 15 year lifetime. This results from a decrease over the first 5 years followed by an increase over the 6-15 year period.
- 6.11 The Prospectus does not explicitly say how the increase in dwellings is to be achieved. However, paragraph 4.1.3.3, relating to the Derker Neighbourhood Plan says that the Pathfinder will "Acquire industrial sites which will be put to more appropriate residential or community use". This suggests that not all the intended increase will be achieved by replacement development on cleared housing sites.
- 6.12 The Council assumes a 60% replacement, or build-back rate over the period 2004 to 2011. It makes no assumptions for the period after 2011. Applied to an annual clearance rate of 267 this amounts to 160 dwellings, leaving a shortfall of 107 dwellings. This has to be added to the RSS annual requirement of 270 dwellings
- 6.13 Representations by MCP Planning & Development (acting for a number of objectors) suggest an annual clearance rate of 256 and a replacement rate of 55%. Their advocacy of a 55% rate is based largely on an analysis of the HMR Prospectus's Master Plan for the Derker Wave 1 Programme Area. Application of the 55% replacement rate to the 256 total leads to a predicted annual shortfall of 115 dwellings.
- 6.14 The Emery Planning Partnership (for Holroy Developments) diverge more seriously from the Council's approach. They combine a suggested clearance rate of 300 dwellings per annum with a replacement rate of 40%, leading to a predicted annual shortfall of 180 dwellings.
- 6.15 I am inclined to accept the Council's estimates of clearance and replacement as reasonable working assumptions in an uncertain situation. It seems to me that, if one accepts that the HMR will achieve the radical transformation envisaged, it is reasonable to assume that it will also achieve its objective of increasing the number of dwellings in the Pathfinder Area. Whilst, as discussed above, this need not entail building all the new dwellings on clearance sites, it is reasonable to assume that it will involve building back at a relatively high density. In this context it is relevant to note that the HMR Pathfinder representative at the Housing Round Table defended the Council's adoption of a 60% replacement rate and suggested that in the longer-term it might be higher. If, for whatever reasons, the HMR fails to achieve its ambitious targets, the high clearance rates envisaged in the Prospectus are no more likely to materialise than the level of replacements envisaged by the Council and the Pathfinder representative at the Housing Round Table.

- 6.16 In relation to my later consideration of the 10 year housing supply it is relevant to note that the Council's assumptions of a 267 dwellings clearance rate and a 160 dwellings replacement rate lead to an annual net addition of 107 dwellings to the housing requirement which must be identified through the UDP process

Windfalls

- 6.17 The plan makes separate assumptions about windfalls on small and large sites. Objectors generally accepted the assumption of 55 windfall completions per annum on small sites. However, there was widespread doubt about the 100 dwellings per annum assumption for large sites. Most objectors were more comfortable with the 75 dwellings per annum estimate in the Revised Deposit Draft. There was considerable scepticism about the higher estimate, which had been introduced by the Council's proposed pre-Inquiry Changes.
- 6.18 One objector considered that there was an overlap between the Council's figures for commitments at 01.04.04 and the windfall allowance from 2006 onwards. I consider that there must be some doubt as to whether windfall sites which did not have planning permission at 01.04.04 could be producing 100 dwellings per annum from 2006 onwards. Nevertheless, this does not significantly undermine the proposition that the average annual yield from such sites could be 100 dwellings between 2006 and some arbitrary future date.
- 6.19 In general, objectors were not convinced that the Interim Report on the 2005 Urban Potential Study (and the supporting Economic and Viability Assessment prepared by GVA Grimley) provided sufficient justification for the 100 dwellings per annum estimate. In this regard MCP Planning for several objectors have produced an addendum paper commenting on the two studies. The addendum concludes that the studies do not support the 100 dwellings estimate. The Council have produced a rebuttal to the addendum, which concludes that the support for the 100 dwellings estimate remains valid.
- 6.20 On balance I am inclined to accept the 100 dwellings estimate. I recognise objectors' comments about the limitations of the Council's Urban Potential Study, including the lack of consultation with the housing industry and the absence of market and viability assessments for all but a sample of the sites. Nevertheless, the 100 dwellings estimate is supported by:
- the record of completions from 1997 to 2000
 - the 620 dwellings potential capacity of the large windfall sites that have come forward between April 2004 and January 2005, and
 - the proposed amendments to policies B2.1 and B2.2 to allow additional housing where this contributes to the HMR programme. (My recommendations in respect of these policies would further add to the supply).

The 5 year supply

- 6.21 Many objectors have doubts about whether the Proposals Map shows sufficient sites to satisfy PPG3's requirement of accommodating the first 5 years of housing development proposed in the plan. Emery produced a table to demonstrate the asserted shortfall. However, the table includes all HMR clearance as part of the

housing requirement. Requiring the Proposals Map to show sufficient sites to meet a 5 year requirement calculated on this basis would be unusually onerous. It would require the Proposals Map to identify clearance/replacement sites when they have not yet been identified by the HMR. In my opinion it is reasonable to expect the 5-year supply to be sufficient to cater for the replacement shortfall generated by the HMR programme.

- 6.22 In the circumstances I consider that the best available basis for assessing the adequacy of the 5 year supply is Table 1 in Appendix 1 to the Council's Housing Topic Paper. It covers the 7 years from April 2004 to March 2011 rather than the 5 year period from the anticipated adoption date (mid 2006) to mid 2011. However, in the absence of any table covering that specific period, it gives a reasonable approximation to the 5 year position.
- 6.23 The table shows a total supply of 3,993 dwellings (including Phase 1 and 2 allocations). It includes an allowance of 160 dwellings per annum for replacement dwellings on HMR clearance sites over the period 2007 to 2011. The Council do not make any estimate of the total housing requirement over the 7 year period but the 270 net requirement from the RSS and the Council's 267 clearance estimate can be added to give an annual requirement of 537 dwellings. On this assumption the 3,993 supply would last for just over the 7 years covered by the table. However, I have a number of reservations about this analysis.
- 6.24 I have noted above that the HMR Prospectus assumes a lower rate of clearance in the first 5 years of the Pathfinder. This is 1,062 dwellings over the 5 year period from 2004 to 2009. The clearance assumption equates to 212 dwellings per annum, which might reasonably be taken to replace the 267 estimate for the period 2004 to 2009. The substitution would reduce the total number of houses to be cleared between 2004 and 2011 from the 1,869 that would result from an average annual clearance rate of 267 to a lower figure of 1,596. It would reduce the total annual housing requirement for the same period from 537 to 498.
- 6.25 The assumption of a lower clearance rate also requires adjustment to the annual replacement allowance which the Council have assumed from 2007 to 2011. I have assumed that the lower clearance rate applies only up to 2009. However, since there is an inevitable delay between clearance and replacement, I have assumed that the lower replacement rate will continue for the whole of the period from 2007 to 2011. The adjusted replacement figure is 60% of 212 = 127 dwellings per annum, (as opposed to 60% of 267). This equates to 508 dwellings over the 4 year period, a decrease of 132 over the allowance in the Council's table.
- 6.26 In addition to the replacement allowance, the Council's table includes 885 estimated windfalls, which are not indicated on the Proposals Map and, as PPG3 explains, should not count towards the 5 year supply.
- 6.27 The amendments in the previous two paragraphs lead me to reduce the supply in the Topic Paper table by 1,017 (885 windfalls + 132 fewer replacements), from 3,993 to 2,976. When divided by the revised annual requirement of 498 this equates to a supply of six years. The effect of the changes I have recommended to the housing allocations would be to increase the housing supply by just over 200 dwellings, only a marginal effect.

- 6.28 Obviously precise statistics are not available for the 5 year period from adoption but it is reasonable to assume that the picture at that time will not be hugely different from that described above. In essence the Proposals Map, even if changed as I have recommended, will show a marginal shortfall when the capacity of allocated sites is compared with the anticipated 5 year requirement from 2006 to 2011. The windfall permissions anticipated by the Council would extend the supply to cover a longer period. However, even if windfalls contribute 155 dwellings per annum over the period 2006-2011 (an estimate most objectors would contest), it would be extended by less than 2 years. I consider that the close match between identified supply and requirement would leave little scope to adjust to different circumstances such as those that might arise from changes in the HMR programme or slippages in the coming forward of allocated and windfall sites.

The 10 year supply

- 6.29 In line with RSS guidance it is appropriate to assume that the net housing requirement will continue at 270 dwellings per annum from 2011 to 2016.
- 6.30 The Council's estimate of a clearance rate of 267 dwellings per annum is derived from the HMR Prospectus estimate of clearance over the whole of the Pathfinder's lifetime. Therefore, it is reasonable to assume that this is the average that will apply from 2004 to 2016, which would give a total of 3,204 dwellings. However, I have assumed that the annual clearance rate over the initial period from 2004 to 2009 will be only 212. Although this reduction is in line with the Prospectus, it gives a clearance estimate which is 273 less than would be calculated by applying the Council's average of 267 over the same 5-year period. I have assumed that the 267 rate will be achieved between 2009 and 2011 but this will still leave a deficit of 273 to be made up by 2016.
- 6.31 I have therefore assumed that 1,608 dwellings, or 322 per annum, will be cleared between 2011 and 2016. Although this is more than the average rate assumed by the Council, it gives a cumulative total of 3,204 demolitions between 2004 and 2016, which is what would result from applying the Council's 267 annual rate throughout the period.
- 6.32 I have applied the Council's assumed 60% replacement rate to the 1,608 clearance figure to give a replacement supply of 965, or 193 per annum.
- 6.33 It might be argued that the HMR intention of increasing the number of dwellings in the Pathfinder area over a 15 year period would eventually reduce or even reverse the shortfall associated with HMR clearance sites. However I have made the conservative assumption that HMR would only achieve the planned increase by building on other sites. Therefore I have assumed that the 60% replacement rate will continue throughout the UDP period.
- 6.34 My assessment of total annual housing requirement over the second half of the 10 year period is therefore 270 (requirement from RSS) + 322 (HMR clearance programme) minus 193 (on-site HMR replacement at 60% per annum). This is 399 per annum. Set against this annual requirement, a continuation of the Council's assumed windfall rate of 155 dwellings (55 pa from small sites and 100 pa from large sites) would lead to overall shortfall of 244 dwellings per annum. This would amount to a cumulative shortfall of 1,220 dwellings over the period 2011 to 2016.

- 6.35 The shortfall would be reduced if there were any allocated land left over from the first 5 year period but, as I have discussed above, there is unlikely to be a significant surplus.
- 6.36 Acceptance of objectors' assertions of a lower replacement rate in the HMR clearance areas would suggest an even greater shortfall but, as explained above, this implies such a radical revision of the HMR Prospectus aspirations that the only consistent approach would be to assume that its clearance estimates were similarly unreliable.

Overall conclusion on housing supply

- 6.37 On the basis of the evidence before me it appears that the Phase 1 and 2 housing sites shown on the Proposal Map, when taken with sites under construction, outstanding planning permissions, sites subject to the completion of legal agreements plus clearance replacement will provide marginally fewer dwellings than the number required to accommodate the first 5 years of housing development from the date of adoption. In reaching this conclusion I have assumed that the rate of clearance on HMR sites in the years immediately following the adoption of the Review, will be below the 267 dwellings per annum assumed by the Council.
- 6.38 The net effect of the changes I have recommended elsewhere in my report would be to slightly increase the capacity of allocated housing sites. Other recommended changes, particularly those which would allow more housing in PEZs, would add to the potential supply of housing even though they would not show as specific allocations. One effect could be to delay the need to release Phase 2 housing sites within the first 5 year period.
- 6.39 The plan clearly fails to provide a potential 10 year supply of housing land although the changes I have recommended could enable the supply of allocated land to last beyond 2011 and might also increase the supply of windfall housing thereafter. Furthermore I recognise that more than half the anticipated shortfall over the second half of the 10 year period results from the ambitious HMR clearance programme. Changes in that programme could therefore change the requirement in ways which cannot easily be anticipated.
- 6.40 I conclude that there is no need at this stage to make radical changes to the Plan's housing policies but that there is a pressing need for their monitoring and early update through the Local Development Framework.

Re-occupation of vacant dwellings

- 6.41 PIC43 would delete all reference to the reoccupation of vacant dwellings as a source of housing supply. I consider that the change addresses the objection.

Brownfield target

- 6.42 I consider that policy H1.1, as amended at the Revised Deposit Stage, reflects the RSS.

Relative sustainability of greenfield and brownfield sites

- 6.43 I accept that greenfield sites may sometimes perform better against sustainability criteria than brownfield (previously developed) sites. Elsewhere in this report I consider this issue in relation to individual sites. However, sustainability is not the only criterion to be taken into account in allocating sites. In general I consider that the Phase 1 allocations identified in the plan satisfy sustainability criteria.

Amount of residential development in Saddleworth

- 6.44 The Saddleworth villages account for a moderate proportion of the total number of housing allocations in the Borough as a whole. The Council's Housing Topic Paper (CD/1/4) calculates that, if the Council's pre-Inquiry changes are adopted, the proportion of commitments and Phase 1 allocations in the Saddleworth villages will be 20.9%. I calculate that, if the further changes I have recommended are made, that proportion would rise to a little over 25%. Taking into account market demands and the need to provide choice as well as the need to fund regeneration, I am therefore satisfied that the amount of housing development planned for Saddleworth is not disproportionate.

Table 3 of policy H1.1 should show break down of supply by sub-areas

- 6.45 Appendix C, added at the Revised Deposit stage, now shows the location of commitments and Phase 1 allocations.

Choice of good quality housing

- 6.46 The objector has not demonstrated that the Plan will not provide for a choice of good quality housing. Policy H1.5, added at the Revised Deposit stage, says that the Council will require developments to incorporate a variety of house types and sizes. The addition of H1.5 does not guarantee that good quality housing will be provided but I am satisfied that the variety of sites allocated and committed is wide enough to allow the provision of a satisfactory range of house types.

Need for low density upper market housing

- 6.47 Paragraph 6.5 objective (g), as amended at the Revised Deposit stage, says that one of the Plan's objectives is to encourage the development of a variety of house types and sizes, including affordable housing and upper market housing. Those objectors who have sought a reference to the need for upper market housing have indicated that they are willing to withdraw their objection subject to the incorporation of this amendment. I do not consider it appropriate to include a reference to low densities in view of the Government's support for higher densities.

Surveys to identify local needs

- 6.48 The Plan contains policies supporting the provision of affordable housing. The Council's Housing Needs Survey already provides supporting information. The plan provides a framework within which local needs can be met. Further research can be undertaken as necessary - for example through the Council's Housing Strategy.

The role of Supplementary Planning Documents

- 6.49 At the Revised Deposit stage paragraph 6.31 was added to the reasoned justification. It says that Phase 2 sites will only be released if monitoring shows a potential shortfall in relation to the required building rate of 270 dwellings (net) a year. In my view this is an appropriate level of control to be specified in the UDP. The Council intends to use an SPD to identify which Phase 2 sites should be a priority for early release. The framework within which this will take place is set out in paragraphs 6.21 and 6.22, which contain cross-references to paragraphs 6.16, 6.17 and 6.19. Paragraph 6.23 to the reasoned justification explains how the SPD will be used to defer the release of sites in the event of a substantial oversupply of housing. It is again cross-referenced to other paragraphs in the Plan. In effect it introduces a further, but at this stage undefined, element of programming into the Plan.
- 6.50 I consider that the declaration of the HMR Pathfinder has introduced an unusual element of uncertainty into the statutory planning process. In the circumstances I consider that the added flexibility introduced by the proposed use of the SPD is prudent and necessary. Furthermore I am satisfied that the additional guidance contained within the RUDP at paragraphs 6.21-6.23 ensures that the SPD will not usurp the role of the statutory plan.

Minimise the impact of phasing on communities

- 6.51 I am satisfied that the plan contains adequate guidance on phasing to allow the impact on communities to be taken into account.

Appendices C and 2

- 6.52 These appendices were omitted in error from the First Deposit Draft. They are included in the Revised Deposit Draft as Appendix B.

Pre-Inquiry Changes which were not proposed in response to specific objections

- 6.53 The Council have proposed a large number of pre-Inquiry Changes which are not introduced in response to objections. In general I consider that these changes are justified and I recommend that the Plan be modified in accordance with them. However PICs 40, 41, 45, 113 and 114 will require further modification to take account of recommendations elsewhere in my Report.

Recommendation

- 6.54 I recommend that the RUDP be modified by:

- making the changes set out as PICs Nos 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 111, 112, 113 and 114 in the Council's Schedule of Pre Inquiry Changes dated 29 November 2004 and 24 January 2005.

NB: The changes in PICs 40, 41, 45, 113 and 114 will themselves require modification to reflect recommendations elsewhere in this report

Site Name

Birchinlee Mill, Royton

The objectors:

0046/1/003/O	Broadhurst Engineering (UK) Ltd
0179/1/003/O	Commhoist Ltd
0617/1/001/O	Medlock Limited
0711/1/003/O	UK Aerials & Communications Ltd
0712/1/003/O	Medlock Communications Ltd
0713/1/003/O	Medlock Construction

Summary of objections

- All the objectors seek to have the site allocated for residential development.

Inspector's Reasoning and Conclusions

- 6.55 I have concluded elsewhere in my Report that a significant part of the objection site should continue to be allocated as a Green Corridor and Link under policy OE2.2 and furthermore that it should be allocated as Other Protected Open Land (formerly Local Green Gap) under policy OE1.10. In particular I consider that the development of the whole of the housing area shown on the illustrative masterplan would significantly devalue the Green Corridor and should be resisted on that ground alone. However, retention of the Corridor would not necessarily prevent part of the objection site being allocated for housing. The site of the now demolished Birchinlee Mill is in any event outside the area allocated as a Green Corridor in the plan. Furthermore the objectives of the OE2.2 and OE1.10 allocations could still be achieved if there were minor adjustments to the boundary of the allocated area.
- 6.56 I accept that the development of the objection site for housing would satisfy many of the criteria specified in PPG3 and the RUDP itself. However, leaving aside the impact the development would have on the Green Corridor, I am not convinced that the whole of the area shown should be classified as previously developed land. The only part of the area that can, without, ambiguity, be classed as previously developed is the footprint of the mill itself. It is possible, and perhaps even likely, that other land was within the mill curtilage but I have no direct evidence of this. It cannot be assumed that land that was in the same ownership as the mill was within its curtilage.
- 6.57 I have other concerns about a housing allocation on even a part of the objection site. The access route suggested could be improved on land in the objector's control to provide a footway width of 1.8m and a carriageway of 4.1m. However, the guidance in Design Bulletin 32 and Places, Streets and Movement suggests a carriageway width of 4.8m for developments of around 25-50 dwellings. The access carriageway could not be widened to 4.8m on land in the objector's control. It is not certain that access problems are sufficient to prevent the site from being allocated. It may well be that United Utilities, the owners of the adjoining site, would make land available to achieve a 4.8m width but this cannot be guaranteed. The number of dwellings accommodated need not be as high as the 50 suggested in the report from the objectors' highways consultant, and could in any event be restricted to a lower number by constraints other than the access. Furthermore Places Streets and Movement says that there can be flexibility in design. Nevertheless the access difficulties carry some weight in leading me to my recommendation.
- 6.58 I am also concerned about the proximity of the site to a sewage treatment works. When I visited the site on a warm sunny day there were strong and unpleasant odours

from the works, and I am not convinced that the use of buffers, mounding and other mitigation measures could successfully overcome the problem. Noise from the A627(M) and ground contamination are other issues affecting the suitability of the house for housing.

- 6.59 It may be that a detailed planning application could successfully address the outstanding issues but allocating the site for housing would indicate a level of commitment that is not justified by the evidence before me. I have recommended elsewhere that the OE2.2 allocation should be maintained with minor modifications. The remainder of the objection site would be unallocated. This would not necessarily prevent its development for housing, which could be determined through a planning application in the context of the relevant RUDP policies.

Recommendation

- 6.60 I recommend that no modification be made to the RUDP in response to these objections.**

Site Name **Dico Warehouse, Constantine Street**

I have considered this objection in my report on Wellyhole Street (PEZ17), where I conclude that its reallocation from PEZ to residential would not be justified.

Site name **Greenfield Bowling Club**

The objector:

0174/1/020/O
0731/1/001/O

Greenfield and Grasscroft Residents Association
David Butterworth & Co. Ltd

Summary of objection

- Designate as recreational land.
- The site should be re-allocated as a Phase 1 Housing site.

Inspector's Reasoning and Conclusions

- 6.61 The site is located in the north west corner of the Ladhill Conservation Area. The former bowling green is not recognizable as such, being heavily overgrown. The associated buildings are of no architectural quality and externally are in a state of disrepair. Together, the buildings and former green seriously detract from the character and appearance of the Conservation Area. This is particularly the case when compared with the nearby well-maintained cricket ground. There is no doubt in my mind that a well-designed housing scheme would enhance not only the Conservation Area but also the village as a whole. At the same time, as was submitted on behalf of the objector, the site is in a highly sustainable location and development could improve the highway and footpath network.
- 6.62 Generally I have supported the Council's longer term approach to a number of key issues such as Housing, Open Space and Green Belt. In this case I have come to the

conclusion that the advantages of re-allocation outweigh such considerations. As far as recreational use is concerned, the site is in private ownership. There is no indication whatsoever that it is likely to be re-opened or that the Council would acquire the site for such purposes. I am not convinced by the Council's assessment of brownfield and greenfield land. It has chosen to rely on the Rural Land Use Division of the DETR's statistics. To my mind, Greenfield, notwithstanding its previous inclusion in the West Riding of Yorkshire, is a suburbanized, previously industrial, village which lies at the outer edge of the Greater Manchester Conurbation. The previous use was a highly intensive form of recreation with associated social and car parking facilities. Consequently, I consider this to be a predominantly brownfield site. I appreciate that the Council has not yet completed its current Open Space Survey but I was informed that there are other bowling greens in the area. From my own observations there are a considerable number of open spaces in and around Greenfield and no part of the settlement is far from the open country. I have set out my general conclusion regarding housing provision at the beginning of this section of my Report. The development of this small site could provide attractive housing and some additional choice without prejudicing overall allocations and future decisions. It seems to me that any other problems such as flood risk, loss of habitat could be resolved at planning application stage.

Recommendation

6.63 I recommend that the RUDP be modified by including the objection site under Policy H1.1.

Site Name Land at Brookside Poultry Farm, Royton

I have considered this site under policy OE1.1, Green Belt site specific objections, where I have recommended that no modification be made to the RUDP.

Site Name Land at Derwent Drive

I have considered this site under policy OE1.9 (LR4) and have recommended that no modification be made to the RUDP.

Site Name Land at Foxdenton, Chadderton

I have considered this site under policy OE1 (LR3 & LR4) and have recommended that no modification be made to the RUDP.

Site Name Land off Radcliffe St, Springhead

The objector:

0115/1/003/O

L. Perrins

Summary of objection

Mr Perrins seeks an allocation for housing. It may be suitable for affordable housing.

Inspector's Reasoning and Conclusions

- 6.64 I have concluded in my response to the adjoining site that the Local Green Gap allocation in the Revised Deposit Plan should be maintained. It is difficult to see any cogent reason for treating the present objection site any differently. The similarity between the sites is already recognized in their both being allocated as Green Corridors together with the adjoining Springhead Quarry. All three areas satisfy OE10's objectives of providing attractive settings for local communities, helping to separate built up areas and providing links between urban areas and the countryside.
- 6.65 Given that the appeal site performs a function which is similar to the adjoining land, I do not think it appropriate for it to be allocated for housing. My judgement is reinforced by the objector's proposal that access should be taken through the LGG13 allocation to the north. This would lead to the further erosion of the open gap between the housing areas to the south east and north west.
- 6.66 I note the Council's observation that the site is smaller than the threshold for including sites under policies H1.1 and H1.2. This is a technical argument which is not concerned with the site's intrinsic suitability for housing. The main reason for my recommendation is my judgement that it should properly be kept open along with the adjoining land to the north and west. In order to recognize that it performs a similar function in separating built up areas I consider that it should be given the same LGG13 allocation under policy OE1.10.

Recommendation

- 6.67 I recommend that the RUDP be modified by allocating the site as part of LGG13 (appropriately re-named see Policy OE1.10).**

Site Name **Land to the north of Ashton Rd, Woodhouses**

I have considered this as a Green Belt site specific objection, where I recommend that no modification be made to the RUDP.

Site Name **Part of Long Clough, off Broadway, Royton**

I have considered this site under policy OE2.2, where I recommend that it should be included as a housing allocation under policy H1.1.

Site Name **Site off Wall Hill Road, Dobcross**

The objector:

0621/1/001/O

Mr R Eglin

Summary of objection

- Mr Eglin seeks allocation for housing.

Inspector's Reasoning and Conclusions

- 6.68 This is a greenfield site on the edge of a village. It does not have good access to local services, with only Holy Trinity School being within 400m. One bus service runs along Wall Hill Road on Wednesdays and Saturdays only. I read that there are further services on Delph New Road and Dobcross New Road. The Council say that they are not sufficiently frequent to merit more than a 'basic' rating. The glossary to the plan defined basic public transport accessibility as being within 400m of a bus route with a service or combination of services running during the daytime from Monday to Saturday but with a frequency of less than two per hour.
- 6.69 I recognize that this site is allocated for development in the adopted UDP and that planning permission for housing development has been granted in the past. Nevertheless national planning policy has changed since the plan was adopted in 1996, especially with the publication of PPG3 in 2000. The PPG sets out the criteria which local planning authorities should use in assessing the potential and suitability of sites for housing in UDPs. The first two criteria are the availability of previously developed sites and the location and accessibility of sites to jobs, shops and services by modes other than the car and the potential for improving such accessibility. The objection site performs poorly on both criteria.
- 6.70 Although I have identified a fine balance in the Plan's housing provision I do not think that it is sufficient to allocate sites which so clearly conflict with national policy guidance and the principles underpinning the RUDP itself.

Recommendation

- 6.71 I recommend that no modification be made to the RUDP in response to this objection.**

Site Name **South of Denbigh Drive/Netherhouse Road**

I have considered this site under policy OE1.10 (site LGG22), where I recommend that no modification be made to the RUDP.

Policy H1.1 : Housing Land Release Phase 1

I have considered this policy, along with H1 and H1.2 earlier in my Report.

Site Name **Danisher Lane**

The objectors:

0815/1/007/O

Mrs E. Bissill's Fund, Trustees/SDL

Summary of objection

- Seek allocation for Phase 1 housing.

Inspector's Reasoning and Conclusions

- 6.72 The plan submitted with the appeal is an extract from the First Deposit Draft Proposals Map. It is not of sufficient scale or clarity for the site boundaries to be identified unambiguously. However it is clear that it encompasses land which is allocated as a Phase 1 housing site in the adopted UDP as well as land to the north, south and west which is allocated as Green Belt in both the adopted plan and the emerging RUDP. The land that is allocated as a housing site in the adopted plan is shown unallocated in the RUDP.
- 6.73 The UDP housing site is a small unkempt piece of open land at the western end of Danisher Lane, a short unmade cul-de-sac. It is closely related to the existing built up area and in my judgement has little value as a visual amenity in its present state. I do not consider that its development for housing would result in a harmful extension into the countryside.
- 6.74 The Council consider that the proposal to extend the adopted site into the Green Belt is central to the objection. They do not address the issue of reinstating the current allocation into the RUDP beyond restating their view, discussed at the Housing Round Table, that sufficient land has been allocated to meet the RUDP housing requirement and that the allocation of any part of this greenfield site would be contrary to the aim of maximizing the amount of development on previously developed land. However, I have concluded elsewhere in this report that the Proposals Map, if unchanged from the Revised Deposit Draft as amended by the Council's Proposed Pre-Inquiry Changes, shows barely enough sites to meet the anticipated 5 year requirement from 2006 to 2011. Since I do not consider that the development of the allocated site would result in a harmful extension into the countryside, I consider that it should be reinstated, although in view of the increased national and local emphasis on sustainability since the adoption of the previous plan I consider that it should be allocated in Phase 2.
- 6.75 At the time of the previous Inquiry it was argued that the capital cost of upgrading Danisher Lane to appropriate highway standards would make development of the allocated site uneconomic. I agree with my colleague's judgement that the cost of improvement would be reflected in a lower land value but that this would not necessarily preclude the development of a housing scheme.
- 6.76 With regard to extending the site allocated in the adopted plan, I am satisfied that taking land out of the Green Belt at this point would contribute to the coalescence of settlements by reducing the width of the open gap between Bardsley and Lime Side. Furthermore, whilst I have recommended some minor changes to the Plan's housing allocations, my overall conclusion is that there is no need at this stage to make radical changes to its housing policies. This part of the objectors' proposal therefore fails PPG2's requirement that Green Belt boundaries should be altered only exceptionally.

Recommendation

6.77 I recommend that the RUDP be modified by adding to the list of sites allocated for Phase 2 development in Policy H1.2 the site at Danisher Lane, Bardsley previously allocated as a Phase 1 housing site in the Adopted UDP.

Site Name **H1.1.1 Hunt Lane, Chadderton Now deleted**

The objectors:

0124/1/004/O	Lancashire Wildlife Trust
1823/2/001/O	Wilson Connolly Homes
1894/2/001/O	British Rail Property Board

Summary of objections

- One of the objections was to the inclusion of the site at First Deposit stage. Two were to its deletion at Revised Deposit stage.

Inspector's Reasoning and Conclusions

6.78 The site now has planning permission for 125 dwellings. Accordingly its allocation in the RUDP would now be redundant.

Recommendation

6.79 I recommend that no modification be made to the RUDP in response to these objections.

Site Name **H1.1.13 Coverhill Road, Grotton**

The objectors:

0165/1/004/O	Mr B Lord
0263/1/006/O	CPRE - Lancashire
0717/1/001/O	Grotton Action Group
0718/1/001/O	Ms C M Wheeler
0828/1/010/O	Saddleworth Civic Trust

Summary of objections

The objections are to residential development and are made on a variety of grounds.

Inspector's Reasoning and Conclusions

6.80 The site now has planning permission for 10 dwellings. Accordingly, its allocation in the RUDP would now be redundant.

Recommendation

6.81 I recommend that no modification be made to the RUDP in response to these objections.

Sitename **H1.1.14 Lumb Mill, Huddersfield Road, Delph**
Now renumbered as M2

I deal with this mixed use allocation in the chapter on business industry and the local economy.

Site Name **H1.1.15 Bailey Mill, Oldham Road**

The objectors:

0007/1/025/O	Uppermill Residents Association
0112/1/011/O	Mr G Bayley
0112/1/012/O	Mr G Bayley
0128/1/002/O	Jane Walker
0153/1/002/O	Mr P. Buckley
0164/1/002/O	Mr M. Buckley
0694/1/003/O	Mr Anthony Fisher
0828/1/001/O	Saddleworth Civic Trust
0828/2/028/O	Saddleworth Civic Trust

Summary of objections

- Seek allocation as a PEZ
- Want deletion of the housing allocation.
- The course of the disused railway should be protected for transport use

Inspector's Reasoning and Conclusions

6.82 The site has been allocated as a PEZ in the adopted UDP since 1996 and has not been successful in attracting employment. Elsewhere I support the proposition that there is a general need for the retention of business and industrial uses in PEZs. However, I have concluded that it is reasonable for housing to be allowed where there is no realistic prospect of the site being used for business or industrial purposes within the Plan Period. In the case of Bailey Mill the site has gone through almost the whole of the life of the adopted UDP without being reused for employment purposes. I am not provided with details of any marketing efforts nor do I have any financial evidence concerning the viability of business use on this site. Nevertheless, the proposition that reallocation as a housing site will help attract a developer seems inherently reasonable and appears to be confirmed by the recent grant of planning permission for 21 houses and flats on the former railway yard which was part of the site at First Deposit stage.

6.83 I have no evidence to demonstrate that there is a market demand to use the site for employment generating purposes. Saddleworth Civic Trust have argued that it was the owner's insistence on disposing the site as a single unit that prevented its take up for employment. Although this might have influenced the site's recent history, it is not a sufficiently compelling reason for me to take issue with the Council on the feasibility of retaining the site for employment, especially in the light of the recent planning permission.

- 6.84 As explained elsewhere, I am satisfied that the amount of housing land allocated in Saddleworth is reasonable, taking into account market demands and the needs to fund regeneration and provide choice. I do not have convincing evidence that housing development would put a burden on local services. I note that both the Council's Education Department and United Utilities were consulted on the RUDP and that neither objected to the allocation of Bailey Mill for housing. I am also aware that other RUDP policies require developers to contribute to education, recreation and highway provision. Whilst residential development would generate traffic, I have seen no evidence to indicate that a mixed use development would generate significantly more traffic than leaving the site in a PEZ or that any increase would cause significant traffic problems.
- 6.85 The redevelopment of a site occupied by vacant and underused buildings is likely to enhance the character and appearance of the New Delph Conservation Area. Considered in vacuum, it might be argued that it would be preferable to return the mill buildings to their former employment use. In practice planning policies must recognize economic realities and it is better to redevelop the site for housing rather than see the buildings lapse into decay. Similarly, in relation to Mr Fisher's concern about impact on the rural nature of the area, I consider that redevelopment for housing is likely to be more beneficial than allowing the buildings to fall into disrepair.
- 6.86 It would be possible to show the Delph Donkey Recreation Route continuing through the site on the line of the disused railway but that would impose a constraint on the detailed layout of the site. Leaving the route off the Proposals Map would not prevent the Council requiring a public right of way through the site on a line that best integrated with the housing layout.
- 6.87 Apart from the contribution the allocation makes to the Borough's housing supply the site is within 0.5km of Delph village centre, which has shops and some services. Public transport accessibility is "satisfactory" when defined according to the criteria in the RUDP glossary. It is within 400m of a bus route with services running at a frequency of two per hour during the daytime from Monday to Saturday. It qualifies as a sustainable site in terms of the government advice in PPG3.

Recommendation

- 6.88 I recommend that no modification be made to the RUDP in response to these objections.**

Site Name **H1.1.19 Andrew Mill, Greenfield**

The objectors:

0007/1/027/O	Uppermill Residents Association
0104/2/015/O	Bellway Homes
0104/2/016/O	Bellway Homes
0368/1/002/O	Dr David Atherton
0749/1/001/O	Steve Wright
0754/1/001/O	Mrs S Andrew
0755/1/001/O	Warren G. Garland
0756/1/001/O	Harry Glover

Summary of objections

- Seek allocation as PEZ
- Seek allocation for recreation
(The objectors put forward a number of arguments in support of the requested allocations. These are considered below.)
- Site capacity should be reduced below 30 dwellings due to site constraints
- Delete reference to affordable housing from the site details set out in Appendix B.

Inspector's Reasoning and Conclusions

- 6.89 The site has been allocated as a PEZ in the adopted UDP since 1996. Most of the site consisted of Andrew Mill which was cleared in 1996. Although there are still businesses operating in the PEZ they take up only a small proportion of the total area. Access from both the north, Chew Valley Road, and south, Manchester Road, is difficult for modern industrial development. Even without this site the RUDP allocates 5 PEZs in Greenfield. I conclude that, although there is a general need to protect existing employment sites, no significant harm to the local economy would result from developing this site for other purposes.
- 6.90 As explained elsewhere, I am satisfied that the relative amount of housing land allocated in Saddleworth is reasonable, taking into account market demands and the needs to fund regeneration and provide choice. Statistics provided by the Council show that there has been little residential development in Greenfield. Current commitments will produce a somewhat higher level of development. This will be increased by almost 100 dwellings if the mixed use development at Frenches Wharf/Knoll Spinning is eventually approved, following its call in by the Secretary of State. Nevertheless, I have no reason to dissent from the Council's view that this general level of development is consistent with what is being achieved in other parts of the Borough. I do not think that it constitutes a disproportionate or inappropriate level of development in Greenfield.
- 6.91 Objectors argue that there are inadequate play facilities for young children and that local schools are full. However, RUDP policies, for example CF1.5, R2.1 and T3.2, reflect government advice that planning obligations can be used to fund the cost of additional services. In relation to schools I read that the Council's Education Department has not objected to the housing allocation.
- 6.92 It seems likely that housing would generate fewer large vehicle movements than the former mill use and, although I have not been supplied with any comparison of the traffic generating potential of the two uses, I do not consider that a housing development is likely to lead to increased congestion.
- 6.93 A copse of trees in the northern part of the site is protected by a tree preservation order. This need not preclude residential development and I read that the planning application referred to the Secretary of State makes provision for their retention. The presence of trees does not mean that the description of the site as previously

developed land is incorrect.

- 6.94 Whatever benefits the land might have as a park or recreational open space these would not be realized unless the Council acted to secure its provision. This though would have financial implications beyond the remit of the RUDP. In any event I consider that it would be premature to allocate it as public open space in advance of the Council's forthcoming needs assessment and audit.
- 6.95 Apart from the contribution the allocation makes to the Borough's housing supply it is close to a local centre (as described by the Council, albeit not designated as such in the Plan) with shops and some services and is accessible by public transport. It therefore qualifies as a sustainable site in terms of the government advice in PPG3. There is disagreement between the Council and Bellway Homes about the site's capacity as indicated in Appendix B. Nevertheless, I consider that there is some justification for the Council's figure of 30 dwellings given that the application called in by the Secretary of State proposes 24 dwellings on a smaller area. It follows from this and from my findings in relation to Policy H2.1 that Appendix B should include a reference to affordable housing. It is important to note that the site capacities quoted in the Plan are indicative only and that Policy H2.1 is related to the capacities actually achieved.

Recommendation

6.96 I recommend that no modification be made to the RUDP in response to these objections.

Site Name

H1.1.20 Rose Mill, Chadderton

The objectors:

0126/2/005/O	Holroy Developments
0751/1/001/O	Klynes Brothers Ltd
0751/2/002/O	Klynes Brothers Ltd

Summary of objection

- At First Deposit stage, when the site was allocated for Phase 2 housing, Klynes sought allocation for a range of possible uses – housing, industrial or commercial. At the Revised Deposit stage the site was brought forward for Phase 1 housing. The objector supported the revised allocation and conditionally withdrew the objection. The objector now wants the indicative density to be increased to 40-50 dwellings/hectare and seeks additional text to confirm that density and numbers are indicative only and have not been the subject of detailed appraisals.
- Holroy objects to bringing forward the site to Phase 1

Inspector's Reasoning and Conclusions

- 6.97 I note that the indicative density quoted in the Plan reflects the Council's intention to retain a landscaped strip on the Drury Lane frontage. Its decision to count the strip as part of the allocated site explains the relatively low indicative density. Revised

wording to the Phase 1 and Phase 2 housing allocation tables emphasises the indicative nature of the housing capacity and density figures and says that development may be at lower or higher capacities and densities. I consider that the revision effectively meets the objections concerning density and numbers.

- 6.98 The site is previously developed land. The mill itself is visually unattractive and is underused. It is close to a Quality Bus Corridor and a proposed Metrolink station. It is also within the HMR Pathfinder area and is close to Freehold/Werneth, one of the two First Wave Intervention Areas in Oldham. I consider that it satisfies the preference criteria in paragraph 6.16 of the reasoned justification and is properly included as a Phase 1 allocation.

Recommendation

- 6.99 I recommend that no modification be made to the RUDP in response to this objection.**

Site Name **H1.1.21 Springhey Mill, Huddersfield Road, Oldham**

The objectors:

0126/2/006/O Holroy Developments

Summary of objection

- Object to bringing forward site to Phase 1.

Inspector's Reasoning and Conclusions

- 6.100 The site is previously developed land. The mill itself has no obvious architectural qualities and is underused. It is close to a Quality Bus Corridor. It is also within the HMR Pathfinder area and is close to Derker, one of the two First Wave Intervention Areas in Oldham. I consider that it satisfies the preference criteria in paragraph 6.16 of the reasoned justification and is properly included as a Phase 1 allocation.

Recommendation

- 6.101 I recommend that no modification be made to the RUDP in response to this objection.**

Site Name **H1.1.3 Heywood Lane, Failsworth. Now M3**

I deal with this mixed use allocation in the chapter on Business, Industry and the Local Economy.

Site Name **H1.1.5 Cape Mill (now deleted)**

The objectors:

Summary of objection

- The objection was to the indicative capacity.

Inspector's Reasoning and Conclusions

6.102 The site now has planning permission for the construction of 72 dwellings on this site. Accordingly, its allocation in the RUDP would now be redundant.

Recommendation

6.103 I recommend that no modification be made to the RUDP in response to this objection.

Site Name **H1.1.8 Land at Redgrave Street, Oldham Now Deleted**

I have considered these objections under policy S1 where I recommend that no further modifications be made to the RUDP.

Site Name **H1.1.9 Lower Lime Road, Oldham**

The objector:

0715/1/001/O

Victoria Clark-Leece

Summary of objection

- The objector wishes to have the site allocated as recreational open space rather than housing.

Inspector's Reasoning and Conclusions

6.104 The site was allocated for housing in the adopted UDP. The Council consider that it should be defined as previously developed land in the context of Annex C to PPG3 because it was formerly occupied by housing which has been demolished and, it is argued, has not been absorbed into the landscape. I take a different view. The site is now a piece of hummocky grassed land, which no longer shows any obvious signs of development and is visually similar to the predominantly flat agricultural landscape to the south. In my judgement it has been reabsorbed into the landscape in the sense intended by the Annex and is now properly described as a greenfield site.

6.105 I agree with the objector's opinion that the openness of the site is a significant visual asset for the houses in Lime Road and, on the basis of what I have seen, her assertion that it is the most suitable site for informal recreation in the immediate area seems reasonable. I have no evidence to contradict her claim that the site is well-used although, equally, I have no evidence to support it. For their part the Council prefers to

await the findings of the local needs assessment they intend to carry out in accordance with the requirements set out in PPG17.

6.106 On the basis of the evidence available to me I accept that there would some advantage in retaining the site as open land for the benefit of the local community. However this has to be set against my finding that the sites shown on the Proposals Map are barely sufficient to accommodate the first 5 years of housing development from the date of adoption. With an indicative capacity of 78 dwellings, the objection site is one of the largest allocations and makes up 11% of the total Phase 1 allocations in the Revised Deposit Draft. I am also aware that developers would be expected to make some open space provision within a site of this size so that it would continue to make a contribution to local amenity. In making what I accept is a finely balanced judgement, I conclude that the value of the contribution the site can make to the supply of new homes outweighs the benefit of retaining it as open space although, in view of my conclusion that it is properly defined as a greenfield site and the contribution it makes to local amenity, I am recommending that it be reallocated to Phase 2

Recommendation

6.107 I recommend that the site be redesignated as a Phase 2 housing allocation.

Site Name **Land at Ashton Road, Bardsley**

I have considered this site under policy OE1.1, Green Belt site specific objections, where I recommend that no modification be made to the RUDP.

Site Name **Land at Rumbles Lane, Delph**

I have considered this site under policy OE1.10 (LGG18), where I recommend that no modification be made to the RUDP.

Site Name **Land off Manchester Road, Oldham**

The objector:

0019/1/002/O

Lookers PLC

Summary of objection

Seeks allocation for housing.

Inspector's Reasoning and Conclusions

6.108 The objection relies on the suitability of the site for housing. It is previously developed land. It is accessible by public transport and close to employment, shops and other services. However the allocation as part of PEZ5 is intended to protect employment land. Although I have some reservations about the Plan's housing

provision, I have concluded that there is no need at this stage to make radical changes to its housing policies. If modified as I have recommended, the Plan would allow housing development when there is no realistic prospect of the site being used for business or industrial purposes within the Plan Period. However, at present, the site is still in employment use.

Recommendation

6.109 I recommend that no modification be made to the RUDP in response to this objection.

Sitename

Monarch Mill, Royton

The objectors:

0109/1/008/O

Austin Timber Company Ltd (ref 4110)

0109/1/009/O

Austin Timber Company Ltd

Summary of objection

Seek allocation of the site for Phase 1 or Phase 2 housing development.

Inspector's Reasoning and Conclusions

6.110 The site was unallocated at the First and Revised Deposit stages. Planning permission has subsequently been granted for housing on this site. Since sites with planning permission are not shown on the Proposals Map, there is no need to change the Plan in relation to this objection.

Recommendation

6.111 I recommend that no modification be made to the RUDP in response to this objection.

Sitename

PEZ17 Wellyhole Street, Lees

I consider this objection in the chapter on business, industry and the local economy, where I conclude that the site should retain its PEZ allocation.

Site Name

PEZ27 Waterside Mill, Greenfield

The objectors:

0267/1/003/O

Tanner Brothers Ltd

I consider this objection in the chapter on business, industry and the local economy, where I conclude that the site should retain its PEZ allocation.

Policy H1.2 : Housing Land Release Phase 2

I have considered this policy, along with H1 and H1.1 earlier in my Report.

Site Name **Birks Quarry, Huddersfield Rd, Austerlands**

I consider this site under policy OE1.1, Green Belt site specific objections, where I recommend that no modification be made to the RUDP.

Sitename **H1.2.1 Parkside Farm, Chadderton**

The objectors:

0126/1/003/O	Holroy Developments
0750/1/001/O	Exors of G S Sherratt deceased

Summary of objection

- The objectors seek reallocation of the site for Phase 1 development.

Inspector's Reasoning and Conclusions

6.112 Although a significant part of the site is greenfield, it is surrounded by housing and the dilapidated state of the buildings makes it detrimental to amenity. For these reasons housing would not have the harmful effects often associated with greenfield development. Moreover, the Council do not dispute that the site is in a sustainable location. Given my finding that the Proposals Map show barely sufficient sites to meet the housing requirements in the Plan's first 5 years, I consider that bringing the site forward into Phase 1 would achieve a better balance between housing requirement and supply without conflicting with the objectives of the plan, monitor and manage approach.

Recommendation

6.113 I recommend that the RUDP be modified by reallocating the site as a Phase 1 housing site.

Site Name **H1.2.10 Knowls Lane, Lees**

The objectors:

0015/1/002/O	Leesfield Parish Schools
0111/1/004/O	Persimmon Homes
0759/1/001/O	Lord Deramore's Stanford Estates
0828/1/013/O	Saddleworth Civic Trust

Summary of objections

- The Parish Schools are concerned about the impact on St Agnes C of E Aided School.

- Persimmon Homes and the Civic Trust seek the deletion of the housing allocation. The Civic Trust request allocation as Green Belt or Local Green Gap.
- Stanford Estates want the allocation brought forward to Phase 1.

Inspector's Reasoning and Conclusions

- 6.114 The Plan carries forward the allocation in the adopted UDP. The site is allocated for Phase 2 development. I have no evidence of any objection to the proposal from the main service providers, who will have been aware of the likelihood of eventual housing development for almost 10 years. With regard to the objection concerning St Agnes School, I have no indication that the development of the site would cause an irremediable capacity problem. I also note the Council's intention (in paragraph 6.22 of the reasoned justification) to undertake consultation on amendments to the phasing of allocated sites. In any event it cannot be assumed that all parents would wish to send their children to a C of E school.
- 6.115 The Council proposes adding wording to the site information given in Appendix B to indicate that any future development will be required to make provision for a pedestrian route within the site and/or along the site frontage to Knowls Lane to improve access to St Agnes School for residents and their children. I consider that this requirement would avoid any loss of pedestrian safety.
- 6.116 The site is clearly visible from a number of viewpoints including Knowls Lane. Even so I consider that it would be well contained in the wider landscape and would be seen largely against the backcloth of existing housing to the south west, west and north. It is a reasonably sustainable location being only about 0.5km from the Lees District Centre and only about 3km from Oldham Town Centre. A Quality Bus Corridor, as identified in the Greater Manchester Local Transport Plan, runs through Lees and there is a possibility that a bus service might be extended to the site.
- 6.117 The Plan proposes a new road linking the site to the A669 under policy T1.1(d). This is the only major road proposal in the Plan and will allow the site to be serviced without relying on Knowls Lane or Thornley Lane. Careful design would be required to prevent an unacceptable increase in traffic on Knowls Lane and Thornley Lane, but I do not think that such increases are inevitable.
- 6.118 I have concluded elsewhere that the Phase 1 and 2 housing sites shown on the Proposal Map, when taken with sites under construction, outstanding planning permissions and sites subject to the completion of legal agreements, are barely sufficient to accommodate the first 5 years of housing development from the date of adoption. In this context it is relevant that Knowls Lane has by far the greatest capacity of any of the housing sites allocated in the RUDP. I am not aware of any unallocated sites of comparable size that perform as well against the criteria in PPG3 and I therefore conclude that this housing allocation should be retained. I therefore consider that it would not be appropriate to bring the site forward to Phase 1. I conclude that, whatever other considerations apply, it would not be appropriate to allocate the site as Green Belt or Local Green Gap.
- 6.119 Whilst I support the housing allocation I am aware that this is a greenfield site. Even though I consider that it is a reasonably sustainable location it is still 0.5km from local shops and over 400m from the Quality Bus Corridor. Other allocated sites perform

better against the criteria in PPG3. I therefore consider that it would not be appropriate to bring the site forward to Phase 1.

Recommendation

6.120 I recommend that the RUDP be modified by adding the following words to the site information in Appendix B:

“Any future development will be required to make provision for a pedestrian route within the site and/or along the site frontage to Knowls Lane to improve access to St Agnes School for residents and their children”

Site Name **H1.2.11 Land at Ripponden Road, Denshaw**

The objectors:

There are large numbers of objectors and their names are listed in the Appendix to this Report.

Summary of objections

- Seek deletion of housing allocation
- Bring site forward to Phase 1

Inspector's Reasoning and Conclusions

- 6.121 I have read my colleague's assessment of the site following the previous UDP Inquiry. I agree with his finding that its development for housing would round off this part of the village and would provide a firm and defensible edge to the Green Belt. Similarly, I share his views that there are unlikely to be insurmountable difficulties in accessing the site from Dumfries Avenue and that the additional traffic generated is unlikely to have a significant effect on highway safety at the junction of Dumfries Avenue with Ripponden Road.
- 6.122 At the time of the last Inquiry the Council confirmed that it would be possible to drain the site without adversely affecting the existing system or creating a more urgent need to replace the trunk sewer. The Council is less specific in its comments on the current proposal but they report that no concerns have been expressed by any service providers.
- 6.123 Denshaw has grown by a significant proportional amount in recent years. Most of the development has taken place on two sites allocated in the adopted UDP. Both sites are prominent as one approaches the village from the Delph direction. To my mind one is nondescript whereas the other enhances the village. I consider that the example set by these two developments emphasizes the importance of sensitive design control in a village that is almost entirely covered by a conservation area designation. However it is not in itself a decisive argument against further development. In addition to its visual impact rapid expansion can have a harmful effect on social cohesion. However, this is difficult to measure, and is not inevitable. Moreover, the indicative capacity of the allocation site is only 19 dwellings and, as a Phase 2 site, it

would be unlikely to be developed in the immediate future. On balance, therefore, I consider that the allocation would not have an adverse effect on either the visual or social character of the village.

6.124 I am more concerned about how the site performs in relation to the criteria in PPG3, which has been published since the current UDP was adopted. Government policy as expressed in the PPG, and now in the RUDP, puts priority on the re-use of previously developed land in sustainable locations. This is a greenfield site in a small village with few local services and only basic accessibility to public transport. Residents in the new houses would almost certainly have to travel significant distances for work, secondary education and for much shopping and entertainment. The limited bus services mean that many of these trips would be by private car. Whilst I agree with the Council that the development of the objection site is acceptable in terms of its impact on Denshaw I conclude that it is one of the least favoured of the allocated housing sites in terms of the sequential test in PPG3. I am therefore satisfied that it should not be brought forward to Phase 1. However, in view of my finding that the Phase 1 and 2 sites are barely sufficient to accommodate the first 5 years of housing development from the date of adoption, I consider that the site should be retained under Phase 2.

Recommendation

6.125 I recommend that no modification be made to the RUDP in response to this objection.

Site Name H1.2.12 Land at Shaw Hall Bank Rd, Greenfield Now Deleted

The objectors:

There are large numbers of objectors and their names are listed in the Appendix to this Report.

Summary of objections

- Seek deletion of housing allocation
- Seek allocation for tourism and leisure uses
- Seek allocation as Phase 1 housing site
- Seek allocation as Green Belt
- Seek allocation as Local Green Gap

Inspector's Reasoning and Conclusions

6.126 The site is allocated for Phase 1 housing development in the adopted UDP and for Phase 2 housing development in the First Deposit Draft RUDP. It is unallocated in the Revised Deposit Draft. The Council recognises that the site is in a sustainable location, being only 300m from Greenfield Station and 400m from Greenfield village. However, the allocation was changed to Phase 2 because the site is greenfield as opposed to previously developed land. The housing allocation was subsequently deleted following an ecological assessment by the Greater Manchester Ecology Unit (GMEU) .

- 6.127 The GMEU says that the site does not meet the criteria to be allocated as a Site of Biological Importance (SBI) although it provides a good supporting habitat for the adjacent Huddersfield Canal and their preference is that it should be de-allocated. I do not consider that the evidence on its ecological value is sufficient to justify de-allocation. However, from my own observation, I consider that it also provides an attractive green setting for the houses on Shaw Hall Bank Road and Shaw Hall Close, an assessment which is supported by the volume of objection from local residents. Furthermore it seems to me that there is a danger that Greenfield could be asked to accommodate a disproportional amount of housing development since the two allocations at Frenches Wharf and Andrew Mill already have an indicative capacity of 100 dwellings and I have recommended a further allocation at the Greenfield Bowling Green.
- 6.128 I acknowledge Wiggett Construction's arguments that this is a sustainable location, that the scale of development is unlikely to put a strain on local social or physical infrastructure and that the development would help sustain local services. Nevertheless, given the other residential allocations in Greenfield, I consider that it would be inappropriate to allocate this greenfield site for housing at the present time.
- 6.129 I do not think that objectors have identified the exceptional circumstances which would justify changing the Green Belt boundary to include the site or that it satisfies the criteria for allocation as a Local Green Gap. Similarly the uncertainty about the site's ecological value suggests that it would be premature to allocate it for tourism and leisure.

Recommendation

- 6.130 I recommend that no modification be made to the RUDP in response to this objection.**

Site Name **H1.1.24 Sandy Mill, Royton**

The objectors:

0107/2/013/O	Westbury Homes
0126/2/004/O	Holroy Developments
1819/2/001/O	Stafregent Limited
1954/3/001/O	Mrs J I Kay

Summary of objection

- Holroy and Stafregent seek a Phase 1 allocation.
- Westbury seek a minor extension to the allocated area.
- Mrs Kay expresses concern about the level of new housing development in Royton and would like to see extra infrastructure in place before more building takes place. She also wants existing employers to be satisfactorily relocated before demolition.

Inspector's Reasoning and Conclusions

- 6.131 PICs 40, 45, 102, 113 and 114 extend the site, allocate it for Phase 1 development and add explanatory text. The changes are proposed to provide sufficient short and medium term supply to cover for a potential increase in clearance levels and to provide a greater degree of consistency between the HMR Master Plan and the RUDP. I support the changes, which meet the objection by Holroy and Stafregent.
- 6.132 I am satisfied that the small triangular extension area requested by Westbury can be added to the allocated site without any loss of amenity to the surrounding area.
- 6.133 The site is in a sustainable location. A Phase 1 allocation supports HMR objectives and I do not consider that the Plan allocates an excessive amount of development to the Royton Area. Service providers have not objected to the allocation. Generally speaking RUDP policies protect existing employment uses. However, employment patterns change and there is a need to release some employment land for housing. A housing allocation does not oblige owners to redevelop and arrangements between owners and tenants are matters which are normally outside the scope of the planning process.

Recommendation

6.134 I recommend that the RUDP be modified by

making the changes set out as PIC No 102 and the relevant parts of PICs Nos 40, 45, 113 and 114 in the Council's Schedules of pre-Inquiry Changes dated 29 November 2004 and 24 January 2005, and

adding the objection site to allocation No H1.1.24.

Site Name

H1.2.2 Rose Mill, Chadderton Now Deleted

This site has been moved to Phase 1 and is now allocated as H1.1.20. I consider it under that heading, where I recommend that no modification be made to the RUDP,

Site Name

H1.2.4 Medlock Road, Woodhouses

The objectors:

0572/1/003/O
0618/1/004/O

Langtree Property Group Ltd
Mr D B Jones

Summary of objections

- Seek allocation as Phase 1 site (Langtree).
- Mr Jones seeks the deletion of housing allocation.

Inspector's Reasoning and Conclusions

- 6.135 The advice in PPG3 is that priority should be given to previously developed sites in sustainable locations. This is a greenfield site with limited access to public transport

and local services. I therefore consider that it should not be developed until sequentially preferable sites have been used.

- 6.136 Although this is a greenfield site in a small community it is well related to the existing built-up area. The allocation also supports the objective of providing some new housing in a variety of locations in all parts of the Borough. There is a reasonable expectation that the restriction on access visibility imposed by a high brick wall can be overcome through negotiation

Recommendation

- 6.137 I recommend that no modification be made to the RUDP in response to these objections.**

Site Name **H1.2.5 Blackshaw Lane, Royton**

The objector:

0752/1/001/O

Mrs B M Smith

Summary of objection

- Mrs Smith requests deletion of the housing allocation.

Inspector's Reasoning and Conclusions

- 6.138 The site is allocated as a Phase 1 housing site in the adopted UDP. In reporting on the site my colleague concluded that a developer would be required to provide for the protection of features of ecological importance and that traffic on Blackshaw Lane, which was not at capacity, would not be significantly increased.
- 6.139 I have no reason dissent from my colleague's earlier views. Statistics produced by the Council show that the level of traffic carried by Blackshaw Lane is still well within its capacity and that there have been no accidents involving injury in the last 3 years. I also recognize that the site is within the built up area and has good access to public transport. However, although I am aware of the changes in national policy since the UDP was adopted, particularly regarding the priority to be given to previously developed land, I consider that no significant harm would result from allocating this as a Phase 1 housing site. It is well within the urban area and is adjacent to an extensive area of playing fields, which will remain open. I therefore consider that, as with Parkside Farm, housing would not have the disbenefits normally associated with greenfield development

Recommendation

- 6.140 I recommend that the RUDP be modified by allocating this site as a Phase 1 housing site.**

Sitename **H1.2.6 Lilac View Close**

The objectors:

0042/1/004/O	Shaw & Crompton Parish Council
0042/2/008/O	Shaw & Crompton Parish Council
0045/1/029/O	Wiggett Construction Ltd
0045/2/042/O	Wiggett Construction Ltd
0834/1/001/O	Mr J. Stott

Summary of objections

- The Parish Council want an allocation as Green Belt.
- Mr Stott asks for the deletion of the housing allocation.
- Wiggett request an allocation in Phase 1 and an indicative capacity of 24 dwellings.

Inspector's Reasoning and Conclusions

- 6.141 I read that the possibility of the site being allocated as Green Belt was considered in the early 1980s as part of the Inquiry into the Borough Plan. At that time the Inspector concluded that it should not be part of the Green Belt since it did not have the characteristics of the fields to the east and did not appear to have an important Green Belt function given its topography, relationship to the adjoining settlement and its comparison with peripheral open land sites in Saddleworth.
- 6.142 I am not convinced that planning judgements made some 20 years ago should never be revisited. Nevertheless, in the present case I am aware that PPG2 says that Green Belt boundaries should only exceptionally be changed and that the Regional Spatial Strategy for the North West says that there is no need for a strategic review of Green Belt boundaries before 2011. I am not aware of any circumstances which are sufficiently exceptional to justify changing the Green Belt boundary in this location.
- 6.143 In considering whether the site should be allocated for housing, I am influenced by its good accessibility to public transport and its proximity to the Shaw District Centre and local sources of employment. The site is also well contained within the landscape. Development would be contiguous with the housing to the north east and seen against the backdrop of industry to the north west. These advantages have to be set against the somewhat tortuous access through a residential cul-de-sac and the fact that it is a greenfield site. In what is a finely balanced judgement, my finding that the Phase 1 and 2 sites are barely sufficient to accommodate the Plan's first 5 years of housing development persuades me that the site should be allocated for housing,
- 6.144 In reaching my conclusion, I have taken account of the Environment Agency's view that the occasional localised flooding could be remedied by improvement to surface water drainage and the opportunity for a Section 106 agreement to provide traffic calming and improve the emergency access.
- 6.145 Wiggett Construction have drawn my attention to what they say is a shortage of housing land in Shaw and Crompton. Although I accept that there were few completions in the year 2003/2004 there appear to be a significant number of houses under construction or with planning permission. In any event I do not consider that there is any evidence of a geographical imbalance in supply sufficient to justify bringing forward what is a greenfield site to Phase 1. I am satisfied that the Council

has well founded reasons for reducing the indicative capacity from 24 to 18 dwellings, especially the concern about the access. In any event indicative capacities are by definition, not hard and fast constraints. I am, therefore, recommending no modification in respect of this objection.

Recommendation

6.146 I recommend that no modification be made to the RUDP in response to these objections.

Sitename **H.1.2.13 Holden Fold Lane, Royton**

The objector:

1229/2/002/O Alan Reeves

Summary of objection

- The objector seeks the deletion of the pond/reservoir from the housing allocation..

Inspector's Reasoning and Conclusions

6.147 The Council accepts that the pond should not have been included within the allocation and have introduced PIC 109 to remove it. I agree with both the Council and the objector.

Recommendation

6.148 I recommend that the RUDP be modified by making the changes set out in PIC No 109 of the Council's Schedule of Pre Inquiry Changes dated 29 November 2004.

Policy H1.3 : Assessing Non Allocated Sites & the Renewal of Planning Permissions

The objectors:

0021/2/075/O	Government Office for the North West
0023/1/006/O	P. Wilson & Company
0041/1/006/O	Redrow Homes (Lancashire) Ltd
0045/1/021/O	Wiggett Construction Ltd
0104/1/005/O	Bellway Homes
0108/1/005/O	The House Builders Federation (HBF)
0109/1/006/O	Austin Timber Company Ltd (ref 4110)
0110/1/015/O	Paul Speak Properties Ltd
0113/1/014/O	Roland Bardsley Homes Ltd
0263/1/019/O	CPRE - Lancashire
1413/2/003/O	United Utilities PLC

Summary of objections

- Austin Timber Company, Wiggett and Paul Speak consider that the policy is unclear.
- Austin Timber and Roland Bardsley seek a positive wording.
- GONW point out that criterion (e) did not read correctly with the policy's first paragraph.
- Wilson say that applicants seeking to develop greenfield windfall sites should not have to demonstrate that current housing requirements are unlikely to be met by the development of previously developed sites.
- Bellway say that the policy should recognize that current housing requirements are unlikely to be met exclusively by previously developed sites.
- HBF consider that the policy is unlikely to provide a wide choice of good quality housing.
- Austin Timber and Roland Bardsley say that not all sites are suitable for a mix of housing or an element of affordable housing.
- Wiggett and Paul Speak say that the criteria in paragraph 6.40 (now renumbered as 6.39) of the reasoned justification are too onerous. United Utilities seek an element of flexibility.
- Redrow say that the policy should not make provision for greenfield windfalls.
- The CPRE say that the intentions towards the assessment of unallocated greenfield sites are unclear.

Inspector's Reasoning and Conclusions

- 6.149 I am satisfied that the policy as now phrased is clear and provides an effective framework for assessing applications. In addition it now gives positive support for windfall development where appropriate criteria are met. The Council has proposed a rewording of criterion (e) in PIC 46 so that it now reads correctly with the first paragraph. I consider that the change effectively meets GONW's objection. Paragraph 6.36 of the reasoned justification in the Revised Deposit Draft no longer requires applicants to demonstrate that current housing requirements are unlikely to be met by the development of previously developed sites. I consider that the change effectively satisfies Wilson's objection.
- 6.150 The Plan allocates some greenfield sites. Therefore it implicitly recognizes that housing requirements are unlikely to be met exclusively by previously developed sites. I do not consider that any modification to the policy is required in response to Bellway's objection.
- 6.151 Criterion (d), which referred to a mix of housing types and affordable housing, was removed from the policy in the Revised Deposit Draft. I consider that the change meets the relevant objections. Roland Bardsley partially withdrew their objection on the condition that a cross reference to policy H2.1 is maintained. However, I accept the Council's argument that the Plan should be read as a whole and that the cross-referencing should be kept to a minimum. As described in paragraph 6.46 of my Report, I am satisfied that the Plan does give developers the opportunity to provide good quality housing.
- 6.152 As paragraph 6.39 (formerly 6.40) is worded it apparently ties the acceptability of proposals to rigid formulae. Flexibility is introduced by the phrase "wherever possible" but I find the approach misleading. When a site is more than 400m from a public transport route or basic services it is self-evidently impossible for it to be

within 400m. I consider that it would be preferable to replace the words “wherever possible” by “as a guideline”.

- 6.153 PPG3 says that no allowance should be made for greenfield windfalls. It does not say that planning permission should not be granted for greenfield windfall sites. Paragraphs 6.36, 6.37 and 6.38 in the Revised Deposit Draft make clear the Plan’s appropriately cautious approach to the release of windfall sites. As reported in my response to policies H1, H1.1 and H1.2, I am satisfied that the variety of sites allocated and committed is wide enough to allow the provision of a satisfactory range of house types.
- 6.154 I do not consider that the policy as modified in the Revised Deposit Draft and by PIC 46 is unclear. It is further clarified by my recommendation.

Recommendation

6.155 I recommend that the RUDP be modified by:

making the change set out as PIC No 46 of the Council’s Schedule or Pre Inquiry Changes dated 29 November 2004

replace the first two line of paragraph 6.39 of the reasoned justification and replacing them by “In considering accessibility to public transport and proximity to basic services as referred to in criteria (a) and (b) above, as a guideline, the Council will require that:”

Policy H1.4 : Housing Density

The objectors:

0041/1/003/O	Redrow Homes (Lancashire) Ltd
0045/2/045/O	Wiggett Construction Ltd
0104/1/006/O	Bellway Homes
0104/2/014/O	Bellway Homes
0113/1/016/O	Roland Bardsley Homes Ltd

Summary of objections

- The policy does not allow decision makers to give sufficient regard to circumstances where densities lower than those specified in the policy are appropriate.
- The policy is overly mechanistic and does not allow for reasonable flexibility.
- The policy is too restrictive.

Inspector's Reasoning and Conclusions

- 6.156 The objections have a common theme, that the policy is rigid and inflexible. However, even though the policy is superficially mechanistic and inflexible, the reference to criteria (i) to (vii) allows flexibility in some circumstances. Paragraphs 6.42 to 6.46 in the reasoned justification are helpful in expanding on the way in which the policy will be interpreted. I conclude that the way it is phrased properly

emphasizes the importance that the Government and the Council put on the objective of making efficient use of land in sustainable locations.

Recommendation

6.157 I recommend that no modification be made to the RUDP in response to these objections.

Policy H1.5 : Housing Choice and Diversity

The objectors:

0045/2/044/O	Wiggett Construction Ltd
0103/2/007/O	Mr J Lees
0267/2/010/O	Tanner Brothers Ltd

Summary of objections

- The objectors consider that the policy threshold of 10 dwellings is too low, that the policy should not apply to all sites and that some parts of Oldham are dominated by a single house type and would benefit from development of a different type.

Inspector's Reasoning and Conclusions

- 6.158 The Council justify the policy threshold on the grounds that it provides consistency with the definition of a large residential site in policies H1, H1.1 and H1.2 and provides the opportunity to apply the policy to a significant number of developments. The Plan does not provide a formal justification for the division between large and small sites but it appears to be related more to administrative convenience than any social factors. Similarly, choosing a threshold because it allows a policy to be applied to a significant number of developments appears to justify control for its own sake rather than for any wider social purpose.
- 6.159 For their part objectors have not justified the alternative threshold of 25 dwellings. The Council has suggested that it might have been chosen to give consistency with the affordable housing threshold in Circular 6/98. They then explain why they do not consider this a sound basis – essentially because it was devised for a different purpose and may change in future. I nevertheless take the view that there is some link between affordable housing and mixed community policies. This appears implicit in paragraph 21 of the Circular and also in paragraph 2.9 of the Council's response to the objections to policy H2.
- 6.160 To my mind a community in the sense of PPG3's advocacy of 'mixed community' is a group who might use the same local facilities, for example a corner shop or post box, and who might meet each other regularly in the street or when walking the dog. It extends beyond next door neighbours or the people who live directly opposite. It follows that the creation of a mixed community would not be prejudiced by building a small group of, say, 10 houses of the same size and character. For this reason I agree with the objectors that applying the diversity policy to developments of as low as 10 dwellings would be an unnecessary and excessive degree of control.

- 6.161 I know of no obvious way of determining an appropriate threshold. However the objectors' figure of 25 dwellings seems to strike a better balance between accommodating market processes to operate unhindered and pursuing a desirable community objective. It has the advantage of being close to the number of dwellings in many suburban cul-de-sacs, which often function as cohesive social units. This is not to deny that the creation of mixed communities is a valid objective when considering smaller housing developments. However the allocation of a variety of sites and the imposition of relevant development control criteria might then be more suitable methods for achieving the same end-product.
- 6.162 Whether or not modified as I have recommended the policy would not inhibit the introduction of new house types to areas where a single type presently dominates.

Recommendation

- 6.163 I recommend that the RUDP be modified by replacing the number '10' in the first line of policy H1.5 and replacing it by '25'.**

Policy H2 : Meeting the Need for Affordable Housing

Policy H2.1 : Providing Affordable Housing

The objectors:

Policy H2

0008/1/029/O	Countryside Agency
0028/1/002/O	Hall Needham Associates
0104/1/008/O	Bellway Homes
0429/1/002/O	Friends, Families and Travellers

Policy H2.1

0007/1/019/O	Uppermill Residents Association
0021/1/051/O	Government Office for the North West
0041/1/004/O	Redrow Homes (Lancashire) Ltd
0045/1/025/O	Wiggett Construction Ltd
0045/2/046/O	Wiggett Construction Ltd
0103/2/008/O	Mr J Lees
0104/1/009/O	Bellway Homes
0104/1/010/O	Bellway Homes
0107/1/005/O	Westbury Homes
0109/1/007/O	Austin Timber Company Ltd (ref 4110)
0110/1/016/O	Paul Speak Properties Ltd
0113/1/017/O	Roland Bardsley Homes Ltd
0180/1/007/O	Siemens Real Estate Ltd
0243/1/006/O	Alan Roughley
0263/1/020/O	CPRE - Lancashire
0267/2/011/O	Tanner Brothers Ltd
0709/2/003/O	Robert Fletcher (Greenfield) Ltd
0729/1/002/O	R A Bagley

Summary of objections

- There is a need to undertake detailed household surveys to ascertain affordable housing need in smaller settlements.
- Provision should be linked to local need.
- Payment of a commuted sum should be an option.
- Provision on each site should be assessed on its merits and constraints.
- The Plan should encourage the provision of a permanent site for gypsy caravans.
- The threshold for providing affordable housing should be lower.
- ‘Affordable’ should be defined in the plan.
- A 30% discount off market value is insufficient.
- The policy should indicate how occupancy is to be controlled.
- Developments should include rented accommodation without the option to purchase without permission.
- The general requirement for a 25% provision of affordable housing should be deleted.
- The need for affordable housing has not been identified.
- Provision should be linked to local need.
- The type of affordable housing requirement should be linked to the nature of the need.
- Seek a definition of “suitable sites”.
- There should be more affordable housing
- There should be a reference to monitoring.
- Affordable housing should not be provided in Saddleworth.
- Examples of mitigating circumstances should be given.
- Affordable housing requirement on site H1.1.5 should be matter for negotiation.

Inspector's Reasoning and Conclusions

- 6.164 The Council's Housing Needs Survey already provides supporting information. The Plan provides a framework within which local needs can be met. Further research can be undertaken as necessary - for example through the Council's Housing Strategy. As modified at Revised Deposit stage Policy H2.1 allows for local need to be taken into account. A wording that specified differing local needs within the policy would be complex and would require frequent updating.
- 6.165 Whilst the Council's view that affordable housing should be provided on site wherever possible is in line with government policy, there will be instances where this is not feasible. Rather than forego a contribution to affordable housing in such circumstances, I consider that policy H2.1 should make provision for the payment of a commuted sum in line with the advice in paragraph 22 of Circular 6/96.
- 6.166 As modified at the Revised Deposit stage the policy allows for site characteristics to be taken into account and I am satisfied that the criteria based approach in policy H2.2 to determining applications for caravan sites for gypsies and travelling people is in line with current government guidance.
- 6.167 The 25 dwellings threshold is consistent with current government advice in Circular 6/98. The Government has published a draft affordable housing policy with a reduced 15 dwelling threshold. This revised threshold is not government policy and, in any event, it is proposed as the lowest acceptable as opposed to the recommended threshold. Furthermore, I have no evidence to indicate that Oldham is an area where

the need for affordable housing is unusually high. I therefore see no justification for reducing the 25 dwellings threshold. In the event that the 15 dwellings threshold becomes government policy it will become a material factor in negotiations between the Council and developers.

- 6.168 I agree with the GONW and Mr Roughley that there is a need for further definition of “affordable”. Even so, I recognize that the definition may be complex in Oldham where, for example, many households require unusually large family accommodation. In this regard the HMR Pathfinder is currently carrying out research into housing markets and needs which the Council intends will inform a “Planning Obligations Supplementary Planning Document” that it intends to produce early in 2006. I consider that this would be an acceptable vehicle for defining affordable housing and consider that reference to its preparation should be incorporated into H2.1. Neither the policy nor the reasoned justification refer to a 30% discount. The reference appears to be to a resale covenant scheme. I do not think it appropriate for the details of such schemes to be formalized in the RUDP.
- 6.169 As modified at the Revised Deposit stage the policy contains a clause specifying how occupancy would be controlled. I consider that this meets the relevant objection and I note that it has been conditionally withdrawn. As to the suggestion that developments should include rented accommodation, Circular 6/98 says that local planning authorities and developers should be reasonably flexible in deciding the detailed mix of affordable housing types most appropriate to a particular site. I consider that the objector’s suggestion goes against that advice.
- 6.170 PPG3 and Circular 6/98 advocate research to establish the need for affordable housing. In line with this advice the Council’s 1999 Council’s Housing Needs Study found a need for affordable homes. As summarized in paragraph 6.53 of the reasoned justification, it found that in 1999 there were an estimated 7,761 households in unsuitable accommodation and 5,995 households considered to be in housing need. An estimated 4,000 new affordable dwellings were required to meet projected housing needs up to 2011. In response to this need the study suggested a percentage target of 30% affordable housing for future housing developments, which the Council has reduced to 25% in policy H2.1. No objector has produced a statistical analysis to challenge this figure, which I accept as a realistic aspiration. Importantly, wording introduced at the Revised Deposit stage recognizes that the actual percentage of affordable housing required on any site will reflect the particular circumstances of that site.
- 6.171 Criterion (i) in the Revised Deposit Draft provides that the Council will take account of the type of need to be met. Other criteria give guidance as to how the suitability of sites as well as the appropriate level and type of affordable provision will be assessed, I consider that the changes meet the objection and I note that they are supported by the objector. The Council acknowledge that the policy H2.1 will not itself meet the full need for affordable housing. However, there are other mechanism for provision, including the HMR Pathfinder, which are outside the remit of the RUDP.
- 6.172 Paragraph 6.20 of the reasoned justification outlines a programme for monitoring housing development that includes both the level and type of affordable housing provided. I consider that this satisfies the relevant objection

- 6.173 One objector considers that affordable housing will devalue Saddleworth. Whilst it may be that the need for affordable housing is greater in some parts of the Borough than in others, I do not accept that there are any significant areas where it is non-existent. In particular, I would expect a need for affordable housing in those parts of the Borough where prices are relatively high and where, consequently, those with low incomes find it difficult to climb on to the property ladder. Another objector seeks the addition of examples to criteria (b) and (c). The examples could not be exhaustive and might be seen to give undue emphasis to the circumstances identified in the example. Similar arguments could apply to other parts of the Plan and could lead to the considerable expansion of what is already a long and complicated document.
- 6.174 Site H1.1.5 now has planning permission for residential development and has therefore been deleted from the Plan. Finally, I agree that the changes proposed in PICs 47 and 48 are justified to clarify the application of the policy and reflect the master plan for St Mary's Way.

Recommendation

6.175 I recommend that the RUDP be modified by:

adding the following text at the end of the second paragraph of policy H2.1:

“A more detailed definition of “affordable” will be given in a Supplementary Planning Document.”

Adding the following text at the end of policy H2.1:

“When it can be demonstrated that it is not feasible to accommodate affordable housing on a site the Council will accept a commuted payment towards the provision of affordable housing on a site or sites to be identified by the Council.”

Making the changes set out as PIC No's 47 and 48 of the Council's Schedule or Pre Inquiry Changes dated 29 November 2004.

Policy H2.2 : Caravan Sites for Gypsies or Travelling Showpeople

The objectors:

0429/1/003/O
0605/1/001/O

Friends, Families and Travellers
Traveller Law Research Unit

Summary of objection

- Caravan sites for gypsies and travellers should be allowed in the Green Belt
- The Plan should identify sites for travelling people

Inspector's Reasoning and Conclusions

6.176 The Council's approach to the provision of caravan sites for gypsies and travellers in the Green Belt - i.e. that they are inappropriate development – is consistent with government advice in paragraph 13 of DOE Circular 1/94. Moreover, given the complex issues involved I see no reason to recommend changes to the criteria-led approach to the development of an appropriate site or sites.

Recommendation

6.177 I recommend that no modification be made to the RUDP in response to these objections.

Policy H2.3 : Lifetime Homes

The objectors:

0021/1/052/O	Government Office for the North West
0104/1/011/O	Bellway Homes
0107/1/006/O	Westbury Homes
0108/1/006/O	The House Builders Federation
0113/1/019/O	Roland Bardsley Homes Ltd

Summary of objection

- GONW consider that the meaning of the term “lifetime home standards” is unclear.
- Bellway say that there is a lack of explanation for the target and threshold and request an amendment to require an individual assessment for each site.
- Westbury Homes, HBF and Roland Bardsley consider that the policy should be deleted.

Inspector's Reasoning and Conclusions

6.178 The term “lifetime homes standards” is now defined in the reasoned justification. However, many of the criteria are internal building standards and as such I consider that they properly fall within the ambit of the Building Regulations. Duplication of controls exercisable under other legislation could cause confusion and is contrary to government policy.

6.179 A few of the standards concern external layout. They can be taken into account when considering planning applications and could, if the Council considered it appropriate, be incorporated in a Supplementary Planning Document. However, since they constitute only a small proportion of the layout considerations affecting planning applications I do not consider that they merit singling out in a specific policy.

Recommendation

6.180 I recommend that the RUDP be modified by deleting policy H2.3.

Chapter 7: Retail and Leisure Development

Policy S1 : Town & District Centre Shopping & Leisure Facilities

The objectors:

0011/1/001/O	Somerfield Stores Ltd.
0021/1/001/O	Government Office for the North West
0010/1/001/O	Wm Morrison Supermarkets Ltd
0795/2/004/O	Watermill Estates Limited
1827/2/002/O	Tesco Stores Ltd
1827/3/013/O	Tesco Stores Ltd

Summary of objections

- Somerfield states that the policy implies that food retailing could be permitted within out-of-centre retail parks. It should be more restrictive.
- GONW states that the reference to retail centres does not accord with national guidance.
- Morrison's and Tesco question the Council's interpretation of the sequential approach.
Tesco submits that the definitions of the areas beyond the Central Shopping Core do not accord with Government Guidance.
- Watermill Estates say that the reference to viability should be removed as there is no national policy requirement for this.

Inspector's Reasoning and Conclusions

Note: The Council has re-assessed its retail policies in the light of PPS6 and has produced a list of technical changes made as a result of the new publication. I have based my conclusions on the up-to-date guidance.

- 7.0 I note that the reference to retail parks has been deleted. This is appropriate and meets the objection made by Somerfield.
- 7.1 As far as GONW is concerned, the Council seeks to distinguish Alexandra Retail Park and Centre Retail Park from other out-of-centre sites, because they have good accessibility to public transport and provide opportunities for shoppers to make linked trips in accordance with Government Guidance. The RUDP shopping policies were originally prepared with PPG6 in mind. Paragraph 1.10 of the latter indicated that the sequential approach should be adopted and that all potential town centre options should have been thoroughly assessed before less central sites are considered for key town centre uses.
- 7.2 PPS6 re-emphasises the sequential approach but, in paragraph 2.54, it states that unless they are identified as centres in regional spatial strategies and/or in development plan documents, planning authorities should not regard existing out-of-centre development as centres. This is clearly more categorical than the Council's point that the PPS *suggests* that such centres should not be classed as defined centres. However, it also indicates that a different approach may be adopted in the new development system. As far as Oldham is concerned, that is for the future. The

Council has submitted, in response to several objections, that the retail sector is very dynamic and that decisions on site allocations need to be based on up-to-date capacity information. This is not available. Consequently, there is no doubt in my mind that particular out-of centre sites, even with the acknowledged advantages of Alexandra and Centre retail parks, should not be singled out as an additional element in the sequential hierarchy. It follows that clause v) of the policy and paragraph 7.11 of the reasoned justification should be deleted.

- 7.3 Apart from v) on which I have concluded in the preceding paragraphs, I am satisfied that the sequential approach as outlined in Policy S1 is in accordance with current guidance. The locational status of the area beyond the Central Shopping Core and the walking distances set out in the proposed pre-Inquiry Changes No's 49-51 in relation to edge-of-centre and out-of-centre locations clearly accord with the definitions in Annex A, Table 2 of PPS6. Similarly the new guidance refers to the need to demonstrate viability. I am also satisfied that the proposed changes set out in PIC 49 are appropriate and necessary.

Recommendation

- 7.4 **I recommend that the RUDP be modified by deleting clause v) from the sequential hierarchy at the end of Policy S1 along with paragraph 7.11 of the reasoned justification. It should also be modified by making the changes set out as PIC 49 in the Council's Schedule of pre-Inquiry Changes dated 29 November 2004.**

Site names Huddersfield Road District Centre/Land at Redgrave Street/Dunkerley Street

The objectors:

0018/1/001/O	Standedge Limited
0018/1/002/O	Standedge Limited
0019/1/001/O	Lookers PLC
0019/1/003/O	Lookers PLC
0019/1/004/O	Lookers PLC
1827/2/009/O	Tesco Stores Ltd

Summary of objections

- The Centre should be expanded in order to stimulate environmental regeneration.
- Lookers wishes to see the land to the east of Dunkerley Street allocated for housing.
- Tesco seeks justification for the allocation .

Inspector's Reasoning and Conclusions

- 7.5 As far as the expansion of the District Centre is concerned, I have visited the area on several occasions. I have noted that the allocated area has been significantly extended beyond the centre as shown on the Adopted UDP Proposals Map. Whilst there are compatible uses within the area suggested as part of the centre, the surrounding areas north and south of Huddersfield Road are overwhelmingly residential in character. It seems to me that the proposed extension could result in a ribbon of commercial

development along that road. This would be inefficient in terms of pedestrian and vehicular movement. I noted on several occasions that pedestrians experienced difficulty in crossing because of the volume of traffic. It could also lead to parking and servicing problems and significantly weaken the focus of the defined District Centre and its vitality. This would clearly not accord with national guidance and overall RUDP retail strategy. I have noted the appeal decision APP/W4223/A/02/1091589 but this does not affect my overall conclusions regarding the District Centre.

- 7.6 The housing site H1.1.8 has been deleted since the granting of planning permission for retail development following an appeal. It is therefore not appropriate to maintain the housing allocation. The land to the east of Dunkerley Street is included in M4 which is now part of the District Centre. Residential development could be acceptable in this Mixed Use allocation and there is consequently no need for a separate housing allocation. It seems that there could be some misunderstanding on the part of Tesco as M4 lies within the defined District Centre and they have expressed support for the Mixed Use allocation. I note that the Council is proposing that the housing element of the latter should be moved from Phase 2 to Phase 1 to help provide sufficient short and medium term housing supply for a potential increase in clearance levels. I consider this to be acceptable. I shall not repeat that recommendation here.

Recommendation

- 7.7 **I recommend that no further modifications be made to the RUDP in respect of these objections.**

Policy S1.2 : Development at the Edge of the Central Shopping Core

The objectors:

0021/1/002/O	Government Office for the North West
0119/1/018/O	Oldham Town Centre Partnership
0795/1/003/O	Watermill Estates Limited
1827/2/003/O	Tesco Stores Ltd
1827/3/014/O	Tesco Stores Ltd

Summary of objections

- GONW seeks clarification of the meaning of the policy.
- The Town Centre Partnership is concerned at the percentage of non-food retail which would be allowed within a supermarket proposal. It is also concerned at the size of a site such as a bus garage.
- Watermill Estates seek an acknowledgement that there is a need for additional retail floor space in the Town Centre. Sites to accommodate this need should be identified on the Proposals Map.
- Tesco states that the threshold of 300 square metres is inappropriately low and far too prescriptive. It also objects to the defined walking distances and the use of conditions.

Inspector's Reasoning and Conclusions

- 7.8 The Council has made a number of changes and has put forward pre-Inquiry changes. I am satisfied that these bring the policy into line with the new Government guidance. As far as the Town Centre Partnership's objection is concerned, I have noted the Council's reference to the PPS needs requirement. However, it seems reasonable to include the 25% figure as a basis for negotiation when considering a planning application. With regard to Watermill Estates, in the absence of up-to date capacity information, I am satisfied that a reasonable amount of additional floorspace within the centre has already been identified. I have concluded on land at Mumps in paragraph 8.4 of this Report. The meaning of the Town Centre Partnership's comments regarding a bus garage is not clear. The Council assumes this refers to a bus depot at Mumps which is out-of-centre and properly states that any retail proposals would, therefore, be subject to the specific guidance in PPS6 and RUDP Policy S1.7.
- 7.9 As far as the 300 square metre threshold is concerned, this clearly gives consistency with Policies S2.3 and B2.1 and provides for shops which are complementary to the primary shopping area. Whilst there could well be a demand for outlets requiring more floor space within Oldham's extensive Town Centre, the pre-Inquiry change provides adequate flexibility as well as protection of the Central Shopping Core.
- 7.10 Reference to conditions clearly accords with advice contained in PPS6. I have concluded on distances from the Central Shopping Core in my conclusions relating to objections to Policy S.1. Pre-Inquiry Change No 51 accords with my recommendations in relation to Policy S1, whilst I consider it logical to alter the title of the policy as proposed by the Council.

Recommendation

- 7.11 I recommend that the RUDP be modified by making the changes set out as PIC 50 and 51 in the Council's Schedule of pre-Inquiry Changes dated 29 November 2004.**

Policy S1.3 : Primary shopping frontages

The objectors:

0007/1/001/O	Uppermill Residents Association
0012/1/001/O	Deez Wine Bar
1827/2/004/O	Tesco Stores Ltd

Summary of objections

- The Uppermill Residents Association seek clarification of the flexible approach for primary frontages in Uppermill District Centre.
- Deez Wine Bar objects to non-retail development only being permitted where 70% of the frontage remains in A1 use 45% would be more sensible. The policy creates too many vacancies. A2 or A3 uses would be better than vacant A1 units.
- Tesco states that the role of shops in encouraging "footfall" should be expanded upon. The Plan should acknowledge the "anchor" role of larger retail units and the fact that

they can generate activity night and day.

Inspector's Reasoning and Conclusions

- 7.12 The Council has deleted the reference to a flexible approach. As the Council submits, Deez Wine Bar has not supported its suggestion. The Council has made changes which acknowledge that A2 and some A3 uses can contribute to a reduction in vacancies and to the vitality and viability of centres. I also accept that paragraph 7.22 adequately reflects the roles of different activities in encouraging pedestrian footfall. Nothing is to be gained by specific reference to larger units or 24-hour trading. The latter activity is clearly not always appropriate

Recommendation

- 7.13 I recommend that no modification be made to the RUDP.

Policy S1.4 : Food & Drink Premises

The objector:

0006/1/001/O

Highways Agency

Summary of objection

- There is a need for a reference to the protection of the safe and efficient operation of the trunk road network.

Inspector's Reasoning and Conclusions

- 7.14 There is now an appropriate reference to the free flow of traffic and to highway and pedestrian safety in criterion c. of the policy. Pre-Inquiry change 51 and the list of proposed technical changes appropriately refers to SPD's.

Recommendation

- 7.15 I recommend that the RUDP be modified by making the change set out as PIC 51 on page 32 of the Council's Schedule of pre-Inquiry Changes dated 29 November 2004.

Policy Original S1.6 : Out of Centre Retail Development

The objectors:

0011/1/002/O

Somerfield Stores Ltd.

0021/1/004/O

Government Office for the North West

Summary of objections

- Somerfield Stores state that the reasoned justification implies that food retail outlets are acceptable in retail parks. This should be amended.

- GONW says that the policy needs to be amended to reflect the fact that applications for retail development will be subject to the sequential approach as set out in Government Guidance.

Inspector's Reasoning and Conclusions

7.16 Because the Policy did not accord with national guidance, the Council has withdrawn the policy from the RUDP.

Recommendation

7.17 I recommend no modification to the RUDP.

Policy S1.6 : Development Within District Centres

The objectors:

1827/2/005/O

Tesco Stores Ltd

Summary of objection

- The function of a District Centre is extremely subjective The requirement for development to be consistent with this is not in accordance with PPG6 and should be omitted.

Inspector's Reasoning and Conclusions

7.18 The function of District Centres is clearly set out in paragraph 7.34 of the reasoned justification of the policy. Paragraph 2.41 of PPS6 indicates that development should complement the role and function of such a centre.

Recommendation

7.19 I recommend that no modification be made to the RUDP in response to this objection.

Policy S1.7 : Developments Outside the Town Centre and at the Edge Of or Outside the District Centres

The objectors:

0010/1/001/O

Wm Morrison Supermarkets PLC

0021/1/003/O

Government Office for the North West

0021/1/005/O

Government Office for the North West

1827/2/006/O

Tesco Stores Ltd

Summary of objections

- Morrisons seek an expansion of the factors associated with need which should also be

established in relation to edge of centre sites.

- GONW suggests that references to size criteria should be deleted and that the term “edge of centre” should be used rather than “adjacent to town and district sites”.
- Tesco maintain that paragraphs 7.40, 7.42, 7.43 are over complex and repetitive and should be re-worded in line with the McNulty statement.

Inspector's Reasoning and Conclusions

- 7.20 It seems to me that paragraph 7.42 adequately deals with the question of need and meets the requirements of PPS6. As the Council points out, Policy S1.7 includes the issue of need. The Council has met GONW's points in relation to this policy. I have concluded on the remainder of 0021/1/003/O under Policy S.1
- 7.21 I have carefully read and re-read the paragraphs considered too long and repetitive. Whilst there is some repetition, I have come to the conclusion that this ensures that the policy covers all eventualities. I am also satisfied that it accords with PPS6.
- 7.22 The Council has pointed out that the criteria to the policy do not include a reference to spatial planning strategy as recommended in PPS6. I find the Council's form of words satisfactory and have made an appropriate modification.

Recommendation

- 7.23 I recommend that the RUDP be modified by adding the following to criterion c.**
- “ vi) the impact on the spatial planning strategy for the area and on the strategy for a particular centre or network or hierarchy of centres.”**

Policy S1.8 : Customer Facilities

The objectors:

0021/1/006/O

Government Office for the North West

Summary of objection

- It is questionable whether sub-paragraphs (a) and (b) relate to matters which should be included in the RUDP.

Inspector's Reasoning and Conclusions

- 7.24 I note that my colleague, who reported on the objections to what is now the adopted UDP, supported a policy such as this (adopted UDP Policy S1.11) in the interests of customer service and sustainability. This clearly does have a relevance to planning and necessary facilities, such as toilets and baby-changing, should not be left to chance.

Recommendation

- 7.25 I recommend that no modification be made to the RUDP.**

Policy S2.3 : New Shops Serving Local Needs

The objectors:

0013/1/001/O	Power Supply Properties Ltd.
0013/2/004/O	Power Supply Properties Ltd.
0013/2/005/O	Power Supply Properties Ltd.
0263/1/016/O	CPRE - Lancashire

Summary of objections

- The policy is unduly restrictive. The shopping threshold should be increased and relate to retail floorspace and not gross floorspace.
- The CPRE is concerned that the wording appears to discourage proposals in more rural areas.

Inspector's Reasoning and Conclusions

- 7.26 I note that the floorspace threshold has been significantly increased above the figure included in Policy S1.8 of the adopted UDP. It has been increased to meet the changing needs of retailers following a review of the situation. I do not find the objectors' submissions sufficiently substantive to justify an additional modification. As is pointed out by the Council, the use of gross floorspace figures accords with the GPDO. As far as criteria c. and d. are concerned, these accord with national and regional policies in terms of sustainability and social inclusion. I agree with the Council in that d. could help to prevent the further proliferation of vacant premises.
- 7.27 It is my opinion that small specialist shops could be acceptable outside the Town and District Centres without affecting their vitality or viability. It therefore seems appropriate to alter the title of the policy as I have recommended. Amongst other types of retailing, this could enable the provision of small scale tourist related shops as discussed in paragraph 5.91. I have also recommended a related modification to the reasoned justification.
- 7.28 It is clear that the Policy does not preclude new retail provision in the villages within the Borough. I note that farm shops in the Green Belt would be considered under Policy OE1.11. Apart from the pre-Inquiry change which clarifies the policy, I am not recommending any other modifications to the RUDP.

Recommendation

- 7.29 I recommend that the RUDP be modified by making the changes set out as PIC 53 in the Council's Schedule of pre-Inquiry Changes dated 29 November 2004.**

Change the title of the policy to, "Small shops outside the Town and District Centres"

Add at the end of paragraph 7.58, "Small specialist shops may also be acceptable as long as they meet the criteria of the policy."

Policy S2.4 : Local Leisure facilities

The objector:

0261/2/004/O

Oxley Threads Ltd

Summary of objection

- Delete the reference to a limit of 500sq metres gross or less.

Inspector's Reasoning and Conclusions

7.30 The RUDP follows Governmental Guidance in seeking to ensure that retail and leisure development is focused in the Town Centre and in District Centres. Leisure facilities with a floor space in excess of 500 sq metres are not precluded outside such centres but should satisfy the sequential test outlined in PPS1 and Policy S1.7. I consider this to be appropriate in that it accords with national planning guidance.

Recommendation

7.31 I recommend no modification.

Chapter 8: Oldham Town Centre

Policy TC1 : The Role of the Town Centre

The objectors:

0117/1/001/O	North West Tourist Board
0119/1/002/O	Oldham Town Centre Partnership
0795/1/001/O	Watermill Estates Limited

Summary of objections

- The Tourist Board maintains that the town centre should be identified as a main focus for tourism and should recognize the potential for locating hotels and other attractions by making reference to specific allocated sites.
- The Town Centre Partnership wishes to see the former Co-op store on King Street in active use.
- Watermill Estates state that the policy should be amended to make it clear that the town centre will be the main focus for retail development.

Inspector's Reasoning and Conclusions

- 8.1 In my view, the town centre of Oldham has a reasonable basic range of retail facilities in terms of multiple retail representation. Apart from attractions such as the Art Gallery, it is, unlike the Saddleworth Moors and villages and the Peak Park, unlikely to attract a significant number of specific tourist visits. However, I accept that the various activities identified in the policy could make some contribution to tourism but I do not consider that this justifies separate reference. Of the three sites mentioned by the Tourist Board, I agree with the Council that Clegg Street and Union Street would not preclude tourism-related uses whilst the third site has now been developed.
- 8.2 As far as the other two objections are concerned, it is clear to me that the former Co-op store could be re-used for a range of uses. Policy TC1, as amended, makes it quite clear that the town centre will be the main focus of shopping activity.

Recommendation

- 8.3 I recommend that no modifications be made to the RUDP in response to these objections.**

Site name The Mumps, Oldham

The objectors:

0795/1/002/O	Watermill Estates Limited
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Summary of objection

- The site should be allocated for Mixed Use to help regenerate the eastern end of the town centre.

Inspector's Reasoning and Conclusions

- 8.4 This site is a considerable distance from the Central Shopping Core as defined in the Plan. In terms of the sequential approach outlined in paragraph 2.44 of PPS 6, it would be classified as “out of centre.” Whilst the eastern end of the Town Centre and Yorkshire Street is in need of regeneration, in the light of Government Guidance and the fact that there is no up-to date retail assessment, it would not be appropriate to change the allocation at this stage. As the Council indicates, a range of uses could be acceptable.

Recommendation

- 8.5 I recommend that no modification be made to the RUDP in respect of this objection.

Policy TC1.4 : Additional Car Parking

The objectors:

0021/1/007/O

Government Office for the North West

Summary of objections

- GONW requests a change of wording in relation to Section 106 obligations.

Inspector's Reasoning and Conclusions

- 8.6 The Council has proposed a minor change to meet GONW’s request.

Recommendation

- 8.7 I recommend no modification.

Policy TC1.5 : Pedestrian permeability and the public realm

The objector:

0021/1/008/O

Government Office for the North West

Summary of objection

- The policy does not fully comply with Circular 1/97.

Inspector's Reasoning and Conclusions

- 8.8 I am satisfied that the policy as now amended is now consistent with the circular.

Recommendation

- 8.9 I recommend that no modification be made to the RUDP.

Chapter 9: Community and Education Facilities

Introduction

The objectors:

0495/1/001/O

Sport England

Summary of objection

- Community Facilities should take into account sport and recreation facilities.

Inspector's Reasoning and Conclusions

9.0 Sport and recreation are comprehensively covered in Chapter 10 of the RUDP. To include them in this chapter would lead to unnecessary duplication. On the other hand, I consider it appropriate to make reference to school playing fields as they are an educational facility. I have recommended a modification to the Plan to incorporate the Council's minor addition to the list of community facilities.

Recommendation

9.1 I recommend that the RUDP be modified by making the change set out as PIC54 in the Council's Schedule of pre-Inquiry Changes dated 29 November 2004.

OMISSION

The objector

0798/1/001/O

HM Prison Service

Summary of objection

- A suitable site for a prison should be identified and a policy included referring to the need for such facilities.

Inspector's Reasoning and Conclusions

9.2 There is no disagreement that a new prison is required in Greater Manchester and I accept that such a development could benefit a local economy. Circular 03/98 indicates that the Prison Service will consult local planning authorities on likely areas of future need. The objection sought a policy/allocation in the Plan and indicated that the objectors would be pleased to discuss the Prison Service's requirements in more detail. I note that the Council responded to this but, other than a further objection, there clearly has been no consultation.

9.3 Circular 03/98 also states, in paragraph 7, that if the timetable for review of a UDP

allows, proposals should appear in the plan when it is clear that the development will take place during the plan's lifetime. This is certainly not the case here. As the Council points out, the need for a prison has been identified as being within the Greater Manchester sub-region. There is no doubt in my mind that, at this early stage, the problem should be addressed at that level. To attempt to identify a site of around 16 ha would be extremely difficult and time-consuming and could seriously delay the adoption of the Plan and thereby prejudice progress with the new development plan system. Policy CF1.2 does set out the criteria against which proposals for new and improved community facilities will be assessed. I consider that it would also be helpful to include an acknowledgement of prison facilities in paragraph 9.4 of the introduction to the chapter.

Recommendation

9.4 I recommend that the RUDP be modified by inserting the words “facilities associated with HM Prison Service;” after “ facilities associated with social service provision;” in paragraph 9.4.

Policy CF1 : New & Improved Education & Community Facilities

The objectors:

0008/1/023/O	Countryside Agency
0015/1/004/O	Leesfield Parish Schools
0368/1/005/O	Dr David Atherton

Summary of objections

- The Countryside Agency suggests that the chapter should promote community planning and the means of participation.
- Leesfield Parish Schools seek an amendment to indicate that the possibility of the need to expand the number of school places in response to new housing development will be kept under review.
- Dr Atherton states that there is a serious shortage of doctors in the Borough. This should be taken into account.

Inspector's Reasoning and Conclusions

9.5 The Oldham RUDP has been prepared under the 1999 Development Plan Regulations. PPG12 indicates that local people should be encouraged to participate actively in the preparation of plans. As indicated at the opening of the Inquiry, I am satisfied that the Council carried out all their statutory requirements. The introduction to the RUDP points to the Community Strategy which it helps to underpin. One of themes of the latter is to assist more people to participate in planning for the future. However, I accept the submission of the Council that it is not appropriate to mention the need for community planning within Chapter 9 as it is a strategic issue. As I have said elsewhere, I regard the RUDP as something of a holding operation prior to the preparation of the new Local Development Framework of which a Statement of Community Involvement will form an integral part.

- 9.6 CF1.5 clearly recognizes the implications that new housing development may have on education provision. The policy will be strengthened by means of an SPD prepared in partnership with the Borough's Education Department.
- 9.7 As the Council states, it cannot directly influence the number of doctors. However, the RUDP sets out what can be effectively achieved by means of the land use planning process.

Recommendation

- 9.8 I recommend that no modification be made to the RUDP in response to these objections.**

OMISSION Land at Royal Oldham Hospital

The objector:

0493/1/001/O

The Royal Oldham Hospital

Summary of objection

- Policies should be included in the Plan to allow for the development and expansion of the hospital services and there should be an indication on the Proposals Map of the approximate position of the main facilities.

Inspector's Reasoning and Conclusions

- 9.9 I am satisfied that the RUDP, by means of Policy CF1.2, could accommodate specific proposals for development or expansion of the hospital, provided that they satisfy the criteria of that policy. Appendix A of PPG12 states that proposals maps should illustrate each of the detailed policies and proposals, defining sites for particular development or land uses. In the absence of detailed proposals, it would not be appropriate to show the hospital as an allocation at this stage. However, I note that the previous Inspector sought to make the support for health care facilities more explicit by recommending additional wording along lines suggested by the Council. This appears not to have been taken on board in the adopted UDP. Whilst not wishing to lengthen the document unduly, it seems reasonable, in view of the fundamental importance of hospital provision, that they should be separately identified in the list of community facilities in paragraph 9.4. To my mind they do not equate with health and medical centres.

Recommendation

- 9.10 I recommend that the RUDP be modified by inserting the word "hospitals" after "health and medical centres" in paragraph 9.4**

CF1.1 : Education Facilities

The objectors

0015/1/003/O Leesfield Parish Schools

Summary of objection

- The objectors request that a suitable site for the replacement of St Thomas's Church of England Aided Primary School should be identified.

Inspector's Reasoning and Conclusions

9.11 I have noted the problems relating to the provision of a new school. In these circumstances it would not be appropriate to add to the policy as requested by the objector. However, in the absence of a firm and realistic proposal, I am satisfied that Policy CF1.2 provides a suitable framework against which any future proposals would be considered. As the Council submits, the policy accords with government guidance

Recommendation

9.12 I recommend that no modification be made to the RUDP.

CF1.1.2 Platting Road, Lydgate

The objectors:

0479/1/001/O
0828/1/009/O

Murray Foster
Saddleworth Civic Trust

Summary of objections

- Mr Foster is not opposed to playing fields but would be opposed to buildings such as pavilions. He expresses concern at possible car parking and access arrangements and the possible expansion of the existing school buildings.
- The Civic Trust would like to see the land at the junction of Platting Road and Burnedge Road designated for recreational purposes and thereby protected from further development.

Inspector's Reasoning and Conclusions

9.13 The objection site is specifically allocated for development as new school playing fields. Clearly some ancillary development could be necessary and any such proposals would be considered against relevant policies in the Plan as well as national planning guidance. The land lies within the village framework of Grasscroft. No part of the settlement is far from extensive open country and any necessary minor development is unlikely to have a significant impact upon the openness of the surrounding area. Limited ancillary facilities would be acceptable in policy terms and would not encroach on land which is allocated for specific restrictive open space purposes such as the nearby Green Belt. The site is clearly not allocated for extensions to the school buildings.

Recommendation

9.14 I recommend that no modification be made to the RUDP.

Policy CF1.2 : New and Improved Community and Education Facilities

The objector:

0021/1/034/O

Government Office for the North West

Summary of objection

- It is not clear which criteria must be met if planning permission is to be granted.

Inspector's Reasoning and Conclusions

9.15 The policy as amended meets the objection and accords with Government Guidance.

Recommendation

9.16 I recommend that no modification be made to the RUDP.

Policy CF1.3 : Change of use from education and/or community facility

The objector:

0021/1/035/O

Government Office for the North West

Summary of objection

- This policy again does not make it clear which criteria must be met if planning permission is to be granted.

Inspector's Reasoning and Conclusions

9.17 The amended policy meets the objection and is in accordance with Government Guidance.

Recommendation

9.18 I recommend that no modification be made to the RUDP.

Policy CF1.4 : Dual Use

The objectors:

Summary of objection

- It is not clear which criteria must be met if planning permission is to be granted.

Inspector's Reasoning and Conclusions

9.19 The amended policy is acceptable and is in line with Government Guidance

Recommendation

9.20 I recommend that no modification be made to the RUDP.

Policy CF1.5 : Developer Contributions to New Teaching Spaces**The objectors:**

0021/1/037/O	Government Office for the North West
0021/2/112/O	Government Office for the North West
0042/2/009/O	Shaw & Crompton Parish Council
0104/1/004/O	Bellway Homes
0107/1/002/O	Westbury Homes
0107/2/014/O	Westbury Homes
0107/3/028/O	Westbury Homes
0107/3/026/O	Westbury Homes
0109/1/005/O	Austin Timber Company Ltd (ref 4110)
0113/1/007/O	Roland Bardsley Homes Ltd
0243/1/004/O	Alan Roughley
0243/2/027/O	Alan Roughley

Summary of objections

- GONW states that there are inconsistencies between the policy and the reasoned justification.
- Several objectors are concerned that there is no threshold relating to the size of site or the number of dwellings above which a contribution will be required.
- The Parish Council states that the threshold should be 10 or more to take account of the cumulative effect of small infill development.
- A number of objectors claim that there is a lack of information regarding areas of deficiency, methods of assessment and calculation and, levels of contribution. The latter could be decided as part of the application process. Levels of contribution should relate to existing provision and local need as well as specific constraints. Provision should only be sought in terms of current government advice on planning gain.
- Austin Timber and Roland Bardsley Homes say that the policy assumes that total responsibility for the provision of additional places rests with developers which would encourage education authorities to burden them unfairly.
- Westbury Homes submit that the reasoned justification should be expanded to provide

some flexibility and that there should be reference to the preparation of an SPG referring to implementation. They also seek a higher threshold and are concerned that the threshold will become a key consideration. They also consider that specialized schemes are not clearly defined and that it is the viability of schemes, and not the cost, which determines whether a development goes ahead.

- Mr Roughley states that the policy is vague: the nearest schools should be credited so that they can be improved. He also considers that the SPG should be available for public consultation at the same time as the UDP.

Inspector's Reasoning and Conclusions

- 9.21 I consider that the inconsistencies identified by GONW have been rectified in the suggested pre-Inquiry changes. As a result of the latter, I consider the policy to be acceptable. On the matter of the threshold, bearing in mind the size of allocated housing sites in the Plan, it seems to me that it is appropriate to consider a development of 30 dwellings as significant. As the Council points out, this figure is consistent with other policies and I agree that it represents a fair balance between the interests of the developer and the need to provide additional educational facilities. Whilst I appreciate Westbury's concerns regarding the threshold as a key consideration, I do not consider that there is any substantive evidence to justify this.
- 9.22 I am satisfied that the detailed information sought by objectors is more appropriately included in an SPD as indicated in PPS12 rather than in the main body of the Plan itself. On the other hand, the inclusion of the policy in the Plan will ensure that there is a consistency in dealing with applications.
- 9.23 To identify areas of deficiency would be unnecessarily detailed and time-consuming. To my mind, the use of the words "surrounding area" is a sensible and pragmatic approach. This is adequately supported in the reasoned justification. I agree with the objectors who stated that it would be inherently wrong to use commuted sums which would not benefit the development concerned. However, it would also be inherently wrong to build family dwellings in the absence of adequate educational facilities. The policy and an associated comprehensive SPD will ensure the proper and lawful requirement and use of any commuted sums.
- 9.24 I consider that to assume that the total responsibility for the provision of additional educational places lies with the developer is a mis-interpretation of the policy. Paragraph 9.19 of the justification clearly states that the Council will negotiate with an applicant for the provision of a commuted sum *towards* the development of new, extended and improved facilities. In any event the Educational Authority has financial responsibilities in relation to such provision. The level of flexibility is satisfactory following the various changes.
- 9.25 I am satisfied that the definition of "local" is clear. The Council is obliged to follow Circular 5/05 as far as commuted payments are concerned. I accept that the Council has not had the resources or time to produce Supplementary Planning Guidance simultaneously with the RUDP. I have concluded generally on the new Supplementary Planning Documents in paragraphs 1.0 and 2.0 of this document.

Recommendation

- 9.26 I recommend that the RUDP be modified by making the changes set out as PIC's No's 55-60 of the Council's Schedule of pre-Inquiry Changes dated 29 November 2004.**

Chapter 10: Open Space, Sport and Recreation Facilities

Appendix E

The objectors:

1837/2/003/O

OPP Westhulme Limited

Summary of objection

- Amend the description of ‘Amenity Greenspace’ to that set out in paragraph 2(v) of the Annex to PPG17

Inspector's Reasoning and Conclusions

10.0 If modified as I have recommended (paragraph 10.12), the Plan would give the applicant the opportunity to demonstrate that an area of greenspace as defined in Appendix E does not have value to the community. I consider that the change would avoid the unnecessary protection of land which has no amenity value. I am recommending that the Plan be modified by incorporating PICs 72-75 in Appendix E. Since three of these PICs were introduced in response to objections to R1, I discuss them under that heading

Recommendation

10.1 I recommend that no modification be made to the RUDP in response to this objection

Introduction : Open Space, Sport and Recreation Facilities

The objector:

0495/1/002/O

Sport England

0495/1/003/O

Sport England

0495/1/010/O

Sport England

0495/1/012/O

Sport England

Summary of objections

- The title of the chapter should be changed to Sport, Recreation and Open Space.
- The word ‘sport’ should be added to paragraph 10.1.
- The word ‘sport’ should be mentioned in the first sentence of paragraph 10.2.
- The word ‘sport’ should be mentioned in paragraph 10.5.

Inspector's Reasoning and Conclusions

10.2 I consider that the changes made to the introduction to Chapter 10 acknowledge the importance of sport. I consider that it meets the aims of the objections, which have been conditionally withdrawn.

Recommendation

10.3 I recommend that no modification be made to the RUDP in response to these objections.

Policy R1 : Maintaining supply through the protection and improvement of existing open space, sport and recreation facilities.

The objectors:

0038/1/033/O	Greater Manchester Ecology Unit (GMEU)
0038/2/043/O	Greater Manchester Ecology Unit
0113/1/009/O	Roland Bardsley Homes Ltd
0113/2/028/O	Roland Bardsley Homes Ltd
0175/1/005/O	West Pennine Bridleways Association
0175/1/006/O	West Pennine Bridleways Association
0266/1/004/O	Clayton Action Group
0406/1/002/O	N.H. Wright
0467/1/001/O	Mrs C. Hollern
0495/1/004/O	Sport England
0495/1/011/O	Sport England
0495/2/034/O	Sport England
1837/2/001/O	OPP Westhulme Limited
1956/3/001/O	Mr J Arnold
1956/3/002/O	Mr J Arnold
1956/3/003/O	Mr J Arnold

Summary of objections

- Sport England seeks reference to sport within the policy and the deletion of paragraph 10.9 or its amendment to include reference to a local needs assessment of sport, recreation facilities and open space. It also wants the different types of open space to be indicated on the Proposals Map.
- The GMEU and Roland Bardsley Homes have detailed reservations about the areas to be protected from inappropriate development.
- OPP Westhulme Ltd requests modification of the policy to remove the blanket protection of amenity land as defined in Appendix E.
- The West Pennine Bridleways Association wants multi-user facilities on routes to be identified as cycleways, particularly RR6, RR7, RR9 and RR10. The routes should be recognized as ‘recreation routes’.
- N H Wright requests that Crompton Way should be indicated as a recreational route
- The Clayton Action Group asks for town and village greens to be designated and shown on the Proposals Map.
- Mrs Hollern would like some trees and green space in Hollinwood.
- The West Pennine Bridleways Association object to policy R1.2 as drafted at First Deposit stage on the grounds that when parks are improved the needs of horse riders should be taken into account.
- Mr Arnold seeks the deletion of the words “may be” in PIC61 and their replacement by “are”. He considers that the additions to clauses J and K in PIC62 do not comply

with the Unitary Development Act 1990, and he requests the deletion of the words “will be” in PIC64 and their replacement by alternative wording.

Inspector's Reasoning and Conclusions

- 10.4 The policies in this chapter were redrafted at the Revised Deposit stage. As part of that redrafting some elements of the original policy R1.1 were transferred to policy R1.
- 10.5 Changes made at the Revised Deposit stage meet most of Sport England’s objections, two of which have been conditionally withdrawn. I agree with the Council that it would be premature to show the different types of open space on the Proposals Map in advance of a local needs assessment and audit. Furthermore I anticipate that showing all the different types of open space would pose drafting problems.
- 10.6 I am satisfied that changes made at the Revised Deposit stage and by PICs 62, 72, 73, 74 and 75 meet the objections concerning the types of land, buildings and routes to be protected. Although PICs 63, and 64 are not proposed in relation to objections I consider that they would appropriately up-date the Plan.
- 10.7 The Council’s defence of the policy makes it clear that they do not intend there to be blanket protection of all the land defined as ‘amenity land’ in Appendix E. However, although PIC61 make it clear that not all the listed categories of land or facilities automatically have public value, the re-worded policy still says that they *will* be protected. I therefore recommend a minor re-wording to indicate that land or facilities will be protected unless the applicant can demonstrate that they are not valued by the community. This will have the additional benefit of making the policy compatible with R1.1. With regard to Roland Bardsley’s objection, the fact that some types of land, for example urban farms, might have redevelopment potential is not a sufficient reason for not protecting them. The change proposed by PIC61 is opposed by Mr Arnold. However I consider that the flexibility it sought to introduce, and which I believe will less ambiguously be achieved by the change I recommend, is appropriate and is consistent with the approach elsewhere in the Plan.
- 10.8 Routes previously identified as ‘cycleways’ are now named as ‘recreation routes’. Crompton Circuit has been identified as a recreation route. I am satisfied that this meets the relevant objections. Town and village greens are protected as amenity greenspace. I do not consider it necessary for individual greens to be identified on the Proposals Map.
- 10.9 Showing a piece of land as open space on the Proposals Map would not of itself make it available for public use. The Council’s forthcoming local needs assessment and audit will identify new areas of open space as well as sport and recreation facilities. It will also identify the means by which the open space and other facilities can be provided. I therefore accept that, at the present time, it would be premature to attempt to show proposed sites on the Proposals Map.
- 10.10 The RUDP is not the appropriate framework for setting out detailed measures to meet the needs of horse riders. The Council’s Greenspace Strategy normally addresses management issues whilst the Council is also required to prepare a Public Rights of Way Improvement Plan. The local needs assessment and audit will provide

10.11 I have assumed that Mr Arnold refers to the Town and Country Planning Act 1990. The section to which he appears to refer requires that part of the UDP shall consist of a map (the Proposals Map). However, it does not require that each and every category of land identified in the Plan be shown on the Proposals Map. With regard to his statement that the Council's Rights of Way Improvement Plan has been approved, I read that this is incorrect and I therefore conclude that there is no need to replace the words "will be" in PIC64.

10.12 I recommend that the RUDP be modified by:

making the changes set out as PICs Nos 62, 63, 64, 72, 73, 74 and 75 in the Council's Schedule of pre-Inquiry Changes dated 29 November 2004.

The objectors:

Oak Street Area Community Group

- The Group seeks the allocation of a vacant industrial site as public open space.

10.13 I have no evidence that the area has lost its lawful use as industrial land. The Council will not make decisions on providing open space until the forthcoming local needs assessment and audit of open spaces, sport and recreation is complete. It would therefore be premature to allocate new open spaces in the RUDP at this stage.

10.14 I recommend that no modification be made to the RUDP in response to this objection.

The objector

Summary of objection

- Seeks designation as recreational land.

I have considered this site under policy H1 (paragraphs 6.61-6.62) where I recommend that it be allocated for housing under policy H1.1. It follows that this site should not be designated as requested.

Site Name**Clayton Playing Fields, Chadderton****The objectors:**

0091/1/003/O

Thornham Area Neighbourhood Council.

0266/1/002/O

The Clayton Action Group.

0484/1/003/O

Ramblers' Association, Oldham Group.

Summary of objection

- The Clayton Action Group and the Ramblers Association request the addition of land at the rear of Boundary Park Road to the adjoining allocated area of recreational open space.
- Thornham Area Neighbourhood Council asks for the notation of the site as a town green on the Proposals Map.

Inspector's Reasoning and Conclusions

10.15 The land to the rear of Boundary Park Road was added to the adjoining area of recreational open space at Revised Deposit stage. I consider that this meets the objections made by the Clayton Action Group and the Ramblers Association. The Proposals Map does not differentiate between different types of open space. Regardless of the merits of differentiation, it is not feasible until the local needs and audit of open spaces is complete. However, even when they are not explicitly identified on the Proposals Map, town and village greens are protected by policies R1 and R1.1.

Recommendation

10.16 I recommend that no modification be made to the RUDP in response to these objections.

Site Name**Hanging Chadder, Royton****The objectors:**

0091/1/002/O

Thornham Area Neighbourhood Council

Summary of objection

- The Neighbourhood Council seeks special notation on the Proposals Map to identify village greens and the deletion of the site from the Mineral Resource Map.

Inspector's Reasoning and Conclusions

10.17 The site is protected by virtue of being in the Green Belt and by policies R1, R1.1 and R1.3. It would, in any event be difficult for the Proposals Map to distinguish between different types of open space until the Council has completed its local needs assessment and audit. The Mineral Resource Zones as indicated on an RUDP Supplementary Map carry no presumption of approval for mineral working. They simply indicate the limits of workable reserves. It would be inappropriate to change this factual record to reflect the status of the land as a village green.

Recommendation

10.18 I recommend that no modification be made to the RUDP in response to this objection.

Site Name **Lancaster Sports and Social Club, Chadderton**

The objectors:

0236/1/003/O	BAE Systems Properties Ltd
0236/2/006/O	BAE Systems Properties Ltd

Also:
Policy R1.1

O236/2/007/O BAE Systems Properties Ltd

Summary of objections

- Request deletion of the recreational open space and LR5 designations at the Lancaster Sports and Social Club.
- Allocate the land for housing, business and industry or for mixed use.

Inspector's Reasoning and Conclusions

10.19 The whole of the Lancaster Club site is allocated as LR5, land reserved for future development. Much of the site is also allocated as recreational open space.

10.20 The playing fields at the sports and social club appeared to be extremely well maintained. It may be that membership of the club is declining but, at the time of my visit, the use of some of the facilities appeared to be shared with the Oldham Athletic School of Excellence. I recognize that the land is privately owned but the Annex to PPG17 makes it clear that outdoor spaces may be of public value even if they are privately owned. It is possible that the forthcoming needs assessment and audit might justify the de-allocation of all or part of the area but I consider that this would be premature at present. Even under the current recreational open space allocation

other development can be permitted when it is demonstrated, through an independent assessment, that the facility is not valued by the community.

- 10.21 The LR designation safeguards land for future development. The objector seeks the replacement of the designation by an allocation for built development. The Council says that reducing the supply of safeguarded land could have an adverse impact on the Green Belt. I do not find this a convincing argument since, whilst reducing the supply of safeguarded land would increase pressure on the Green Belt, allocating the same land for development would have a balancing effect in the opposite direction. In my opinion the need to retain a large part of the site as recreational open space, at least until the local needs assessment and audit is complete, and its greenfield status are stronger reasons for keeping it in reserve.
- 10.22 The objector has not produced any evidence of a need to allocate more business, industry or housing land. Although I have some reservations about the amount of housing land allocated in the Plan, I have concluded that, at this stage, there is no need to make radical changes to its housing policies.

Recommendation

10.23 I recommend that no modification be made to the RUDP in response to these objections.

Site Name **Land at Huddersfield Road, Denshaw**

The objector:

0099/1/003/O

John Saxon Ltd

Summary of objection

- Seeks designation of part of the site as housing.

Inspector's Reasoning and Conclusions

- 10.24 Most of the site is land identified as recreational open space in the Council's 1994 Recreational Open Space Survey and designated as such in the RUDP. The 1994 survey identifies a mixture of informal grassland, children's' play area and sports ground. Part of the area is now occupied by a new village hall. The 1994 survey identified the southern part of the objection site as potential recreational open space. It is greenfield land which is unallocated in the RUDP.
- 10.25 I do not think that it would be appropriate to de-allocate that part of the site identified and allocated as open space before the Council's assessment and audit of open space, sport and recreation facilities has been completed. As the only large recreational open space in Denshaw it seems likely that it has considerable actual and potential value to the community.
- 10.26 Although it is unallocated and is excluded from the Green Belt, the southern part of the site is still greenfield land. In this regard PPG3 advises that the Government is committed to minimizing the amount of such land being taken for development.

Furthermore a site at Ripponden Road is already allocated for housing development and I have concluded elsewhere that there is no need to make radical changes to the Plan's housing policies. Finally, when considered in isolation, this part of the objection site is less than 0.29 hectares and is therefore below the threshold for housing allocations to be identified in the Plan.

Recommendation

10.27 I recommend that no modification be made to the RUDP in response to this objection.

Site Name	Land at Malby Street, Oldham
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The objectors

0702/1/002/O	J & A Patterson
0799/1/002/O	Mr P Siddall
0800/1/002/O	Ernest Fleming
0801/1/002/O	Anne Marrington
0803/1/002/O	Cllr M Sharif

Summary of objections

- The objectors request the allocation of the site as recreational open space.

Inspector's Reasoning and Conclusions

10.28 At the Revised Deposit stage the site was allocated as recreational open space. I consider that this meets the objections.

Recommendation

10.29 I recommend that no modification be made to the RUDP in response to these objections.

Site Name	Land between Milnrow Road and Oak Street
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The objectors:

0152/1/004/O	Oak Street Area Community Group
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Summary of objection

- The Community Group seek its allocation as open space.

Inspector's Reasoning and Conclusions

10.30 I assume that the objectors seek the allocation of the site as recreational open space since the plan does not allocate open space as such.

10.31 The Council does not yet have any firm plans to rectify what their 1994 survey indicated is a deficiency in public open space in the Oak Street area. It considers that they will not be in a position to make such plans in advance of the forthcoming local needs assessment and audit. Unless there are realistic plans and resources for providing publicly available recreational open space, indicating them in the RUDP would be misleading.

Recommendation

10.32 I recommend that no modification be made to the RUDP in response to this objection.

Site Name **Luzley Brook allotments, Royton**

The objector:

0570/1/002/O	Mr G. Lindsay
0570/2/003/O	Mr G. Lindsay

Summary of objection

- Mr Lindsay asks for designation of the allotments as such on the Proposals Map rather than as recreational open space.

Inspector's Reasoning and Conclusions

10.33 The Proposals Map does not differentiate between different types of open space. Regardless of the merits of the approach, it would not be feasible to show them until the Council's local needs and audit of open spaces, sport and recreation is complete. However, even when they are not identified on the Proposals Map, allotments are protected by policies R1 and R1.1. Where allotments are labelled on the Proposals Map it may be that the wording is part of the Ordnance Survey base.

Recommendation

10.34 I recommend that no modification be made to the RUDP in response to this objection.

Site Name **Oak Street Area**

The objectors:

0152/1/002/O	Oak Street Area Community Group
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Summary of objection

- The Community Group requests that space be found within the Oak Street area for 2.4 hectares of recreational open space per 1000 population.

Inspector's Reasoning and Conclusions

10.35 The Council does not yet have any plans for making good the open space deficiency in the Oak Street area identified by their 1994 survey. It will not be in a position to make plans in advance of the forthcoming local needs assessment and audit. Unless there are such plans it would be misleading to show an allocation in the RUDP.

Recommendation

10.36 I recommend that no modification be made to the RUDP in response to this objection.

Site Name **Saddleworth Cricket and Bowling Club, Calf Lane**

The objectors:

0174/1/019/O

Greenfield & Grasscroft Residents Association

Summary of objection

- The Association seeks allocation of the site as recreational open space.

Inspector's Reasoning and Conclusions

10.37 For visual clarity the Proposals Map does not show recreational open space within the Green Belt. Nevertheless policies R1, R1.1 and R1.3 still afford such sites the same protection as those which are identified on the Proposals Map. Therefore I do not consider it necessary to make any changes to the Map.

Recommendation

10.38 I recommend that no modification be made to the RUDP in response to this objection.

Site Name **Tandle Hill Park**

The objectors:

0091/1/004/O

Thornham Area Neighbourhood Council

Summary of objection

- The Neighbourhood Council seeks the addition of a paragraph stating that the Council will ensure the continuous use and availability of public footpaths around Tandle Hill Park.

Inspector's Reasoning and Conclusions

10.39 The maintenance and management of rights of way is not a matter for the RUDP, which is a land use plan. However, the Plan does protect the land through which the footpaths pass.

Recommendation

10.40 I recommend that no modification be made to the RUDP in response to this objection.

Policy R1.1 : Maintaining supply through the protection and improvement of existing open space, and outdoor sport or recreation facilities.

The objectors:

0045/2/034/O	Wiggett Construction Ltd
0045/2/035/O	Wiggett Construction Ltd
0266/1/003/O	The Clayton Action Group
0495/1/005/O	Sport England
0495/1/006/O	Sport England
0495/2/024/O	Sport England
0495/2/025/O	Sport England
0495/2/026/O	Sport England
1827/2/010/O	Tesco Stores Ltd
1837/2/002/O	OPP Westhulme Limited
1956/3/004/O	John Arnold

Summary of objections

- Clayton Action Group wants commuted sums to be refused where areas are deficient in open space with preference being given to the provision of alternative land.
- Sport England asks for, (i) rewording of the policy to avoid inadequate replacements, (ii) protection for facilities such as tennis courts and bowling greens, (iii) reference to size in clause (a), (iv) reference to local strategies including an open space, sport and recreation strategy (v) recognition that local strategies adopted by the Council may constitute an additional reason for making exceptions to the policy, (vi) recognition that a local independent assessment may not be a sufficient test for making an exception to the policy, and (vii) the modification of paragraph 10.13 in the First Deposit Draft to avoid the incremental loss of playing fields.
- Tesco requests the deletion of the requirement for replacement facilities to be provided before the use of the existing site ends.
- Wiggett Construction refers to the absence of the local needs assessment required by PPG17 and objects to the exclusion of Council owned sites from interim protection.
- OPP Westhulme wants the value of land defined as urban greenspace to be taken into account in assessing proposals.
- Mr Arnold seeks deletion of the reference to category K in PIC65.

Inspector's Reasoning and Conclusions

- 10.41 As part of the re-drafting at the Revised Deposit stage some elements of the original policy R1.1 were transferred to policy R1.
- 10.42 As modified, the policy gives priority to the provision of replacement facilities. However, I am satisfied that there will be occasions when replacement on another site is neither practicable nor desirable. When this is the case I am satisfied that the Council is justified in seeking a developer contribution.
- 10.43 As modified, the policy meets most of Sport England's concerns. However, clause (a) does not refer to size and clause (b) does not refer to the role of local strategies in deciding on replacement facilities. I appreciate that PPG17 refers to the need for new facilities to be "at least equivalent in terms of size, usefulness, attractiveness and quality". It seems to me that size must inevitably play a role in determining the adequacy of replacement facilities but I accept the Council's argument that a smaller facility can sometimes be more useful. Since the Council's wording does not prevent size being taken into account in any assessment, I consider that the existing wording is acceptable. With regard to the role of local strategies, PICs 66 and 67 would amend paragraphs 10.32 and 10.33 to recognize their importance. I do not think it necessary to include them in the policy itself.
- 10.44 I am satisfied that a demonstration that a facility is not valued by the community is a valid reason for making an exception to the policy. As worded in the Revised Deposit Draft the policy satisfies OPP Westhulme's request that the value of land as urban greenspace should be taken into account. The requirement for an independent assessment does not constrain that assessment nor how the Council should judge its adequacy. I cannot see a convincing case for a further category of exception.
- 10.45 I consider that the requirement for replacements to be available before existing facilities are lost is reasonable. Although it is not specified in PPG17, it does not conflict with the guidance. Any unusual circumstances which make advance replacement difficult would count as material considerations which can legitimately be taken into account.
- 10.46 The Council has not yet completed an assessment and audit of open space, sports and recreational facilities. Unless the whole RUDP process is to be delayed it can only reflect an interim position. When completed, the results of the assessment and audit can be incorporated in the proposed Supplementary Planning Document on Planning Obligations and will contribute to a review of the policies in the Local Development Framework.
- 10.47 In general council-owned sites are not excluded from the policy. The only excluded sites are those where there has been clearance with the intention of redevelopment and where there has been landscaping as a temporary measure. The justification for singling out council-owned land is that this is the category of open land where misunderstanding about future use is most likely to arise. Even so, in the interests of equity I consider that a sentence should be added at the end of the paragraph to indicate that the approach will apply to all vacant land where there is a clear intention to redevelop. The policy allows an exception to the presumption against development when the applicant can demonstrate that the space or facility is not valued by the

community. In addition I am satisfied that the Plan allows other planning objectives to be weighed against the loss of urban greenspace.

- 10.48 The protection which PIC65 would give to category K, ‘Accessible Countryside in Urban Fringe Areas’ is consistent with the advice in PPG17 and in my view should be retained.

Recommendation

10.49 I recommend that the RUDP be modified by:

making the changes set out as PICs Nos 65, 66 and 67 in the Council’s Schedule of Pre Inquiry Changes dated 29 November 2004

adding the following sentence at the end of paragraph 10.43 in the reasoned justification:

“A similar approach will be adopted in relation to other previously-developed land where there is clear evidence of an intention to redevelop”.

Site Name **Lancaster Sports and Social Club, Chadderton**

I consider this site under policy R1, where I recommend no modification to the RUDP.

Policy R1.2 : Protection of indoor sport and recreation facilities

The objectors:

0495/2/027/O Sport England

Summary of objection

- The policy should make reference to any local strategies that are relevant to a proposal.

Inspector's Reasoning and Conclusions

- 10.50 Sport England made a similar objection to policy R.1. In response to that objection the Council have proposed amendments to the reasoned justification rather than to the policy itself. I find this acceptable but, for consistency, I consider that a similar approach should be adopted towards the protection of indoor facilities. Accordingly I have recommended an amendment to the wording of paragraph 10.47.

Recommendation

10.51 I recommend that paragraph 10.47 in the reasoned justification be modified by adding the following sentence at the end of the paragraph:

“Where a relevant and approved local strategy is in place the statement should take account of its provisions.”

Policy R1.3 : The Protection of Playing Fields

The objectors:

0495/2/028/O

Sport England

Summary of objection

- Request reference in the policy to a Playing Pitch Strategy.

Inspector's Reasoning and Conclusions

10.52 PIC 68 would change the policy as requested. However, Sport England has informally suggested an additional criterion which differs from that proposed in PIC68. I do not support their suggestion since it would give them a responsibility which is properly exercised by the Council. The Town and Country Planning (Playing Fields) Direction 1998 recognises the division of responsibility by specifying that when Sport England objects to the development of a playing field for alternative uses, which the planning authority are inclined to approve, there is a requirement to notify the Secretary of State.

10.53 As proposed for modification by the Council the policy is ambiguous. It is not clear whether the requirement for the proposal to accord with the Council's approved Playing Pitch Strategy is an additional criterion to be met when a proposal qualifies under criterion (d) or whether it has to be met in addition to any of the criteria (a) to (d). The Council's response to the objection makes it clear that the second interpretation is what is intended. In order to make this clear I have recommended an alternative to PIC68, which I nevertheless support in its general intent.

Recommendation

10.54 I recommend that policy R1.3 be modified by inserting the following text after “unless:” in the second line of the policy:

“the proposal accords with the Council's approved Playing Pitch Strategy and”

Policy R2 : The provision and improvement of open spaces, sport and recreation facilities

The objectors:

0461/1/001/O

Oldham and District Model Aero Club

0495/1/007/O

Sport England

0495/1/008/O

Sport England

0495/2/029/O

Sport England

Summary of objections

- Sport England ask for a reference to sport in paragraphs 10.19 and 10.52 of the reasoned justification and a change in the policy's title to reflect its content.
- The Model Aero Club object to the omission of facilities for radio controlled model aircraft flying.

Inspector's Reasoning and Conclusions

10.55 I consider that the changes made at Revised Deposit Stage and that proposed by PIC69 meet Sport England's objections.

10.56 Whilst the RUDP does not specifically refer to model aircraft I consider that the policies in the Plan provide an adequate framework for determining any relevant planning application.

Recommendation

10.57 I recommend that the RUDP be modified by making the change set out as PIC Nos 69 in the Council's Schedule of pre-Inquiry Changes dated 29 November 2004

Policy R2.1 : Requirement for new and improved open space, sport and recreation facilities and residential developments.

The objectors:

0007/1/010/O	Uppermill Residents Association
0021/1/022/O	Government Office for the North West
0021/1/023/O	Government Office for the North West
0021/1/032/O	Government Office for the North West
0021/2/080/O	Government Office for the North West
0021/2/084/O	Government Office for the North West
0021/2/085/O	Government Office for the North West
0045/2/033/O	Wiggett Construction Ltd
0104/1/007/O	Bellway Homes
0109/1/004/O	Austin Timber Company Ltd (ref 4110)
0113/1/010/O	Roland Bardsley Homes Ltd
0113/2/026/O	Roland Bardsley Homes Ltd
0495/1/009/O	Sport England
0495/2/030/O	Sport England
0495/2/031/O	Sport England
0582/1/001/O	McCarthy & Stone (Development) Ltd
0709/2/002/O	Robert Fletcher (Greenfield) Ltd

Summary of objections

- GONW says that the policy should meet the tests in Circular 1/97 (now replaced by Circular 5/05). In particular new provision (or a commuted sum) should only be required where there is a recognised local deficiency and the proposal to produce Supplementary Planning Guidance (now Supplementary Planning Documents) setting the scale of changes and rates to be levied is not in accordance with the guidance in

the Circular. It seeks a reference to identified local deficiency at the start of the policy as a condition on which provision or a contribution depends.

- Bellway, Roland Bardsley, Robert Fletcher and Austin Timber query the need for the provision of public open space on all sites with 5 or more dwellings.
- GONW, Sport England and McCarthy and Stone have reservations about the application of the policy to housing for the elderly, sheltered accommodation and residential care homes.
- Sport England seeks reference to new or improved provision being guided by the findings of a local strategy or assessment. In relation to paragraph 10.56 it also seeks a reference to the Greenspace Strategy.
- Wiggett Construction say that the policy is premature until the Council has completed a local assessment of needs.
- Austin Timber and Roland Bardsley say that areas deficient in public open space should be shown on the Proposals Map, that there is a lack of justification for requiring the provision of 35 sq m of open space per dwelling, and that there is no justification for specifying a 12-year maintenance period.
- Uppermill Residents say that the policy should not be used as a means of extracting money where no open space is provided.

Inspector's Reasoning and Conclusions

- 10.58 As described in their topic paper on Open Space, Sport and Recreation (CD/1/2) the RUDP adopts a precautionary approach to the loss of open space, sport and recreation facilities since the Council have not yet undertaken a local needs assessment and audit of existing facilities. I consider this a prudent and balanced approach, especially since it allows for exceptions to the general rule. I am less comfortable when it requires all developments of 5 or more dwellings to make a positive contribution either in terms of facilities or finance. This is particularly so when PPG17 says that local authorities will be justified in seeking planning obligations where the quantity or quality of provision is inadequate or under threat, or where new development increases local needs.
- 10.59 I note that, according to the Council's 1994 Recreational Open Space Survey, in 6 out of 9 of the Borough's neighbourhoods, over half of the areas identified have a deficit in open space provision. Whilst this satisfies me that there are deficiencies in provision, or at least that there were deficiencies in 1994, it does not demonstrate that there are deficiencies throughout the Borough. Indeed the information provided would be consistent with half the Borough having adequate provision. In this respect additional open space, sport or recreation provision is similar to highway improvements and new teaching spaces in that it is not needed for all developments. It is unlike affordable housing, for which there is a need in all parts of the Borough.
- 10.60 Regardless of existing levels of provision, the Council take the view that, apart from some stated exceptions, all new residential development generates a need for provision. I find the view justified in the case of larger developments which, in accordance with the Council's definition, I take to be those with 30 or more dwellings. In these cases I consider that the on-site provision of open space is needed in both visual and social terms. Furthermore I consider that a site capable of accommodating 30 dwellings is big enough for the provision of some open space without unduly compromising the design or economics of development. I therefore support the policy's requirement for the on-site provision of open space in such circumstances as a matter of course.

- 10.61 I have reservations about the application of the policy to sites with fewer than 30 dwellings. Even though all residential developments generate a need for provision, there will be situations where there is sufficient spare capacity to meet those needs. In these cases it seems to me that the requirements imposed by the policy would not be necessary to make the proposed development acceptable in planning terms. They would therefore fail test (ii) in paragraph B5 of Annex B to the revised guidance on planning obligations in ODPM Circular 5/05.
- 10.62 The Council's approach in this policy is different from that adopted in other RUDP policies, for example T3.1, T3.2 and CF1.5, which only require developer provision or contributions when these are found to be necessary. I appreciate that the Council do not yet have the assessment and audit advocated by PPG17 or the local strategy or assessment sought by Sport England, but I do not think that this should relieve them of the duty to establish that there is a need for a developer contribution. I therefore recommend the addition of a statement to indicate that, in the case of developments of 5-29 dwellings, developer provision or a financial contribution is dependent on the identification of an existing or potential deficiency. I am recommending the deletion of the phrase "in the view of the Council" which I consider introduces an unnecessarily arbitrary element to the policy.
- 10.63 As a result of changes at the Revised Deposit stage, paragraph 10.61 of the reasoned justification now says that the need for facilities may vary with the type of development. On the basis of this change, which I support, the three objections relating to the elderly, sheltered accommodation and residential care homes have been conditionally withdrawn.
- 10.64 At first reading the final sentence in paragraph 10.58 suggests that developer contributions can be directed to any site the Council chooses. The Council points out that, as the sentence says, the contributions would have to be in accordance with Circular 1/97 (now replaced by Circular 5/05). Even so, I consider that the policy is potentially misleading, especially to anyone not familiar with the circular, and I am recommending that it be deleted.
- 10.65 I consider that the intention to use a Supplementary Planning Document to set out the scale of charges and rates to be levied when contributions are secured through a Section 106 agreement is compatible with the revised guidance in Circular 5/05.
- 10.66 Given that the Council have not yet carried out a local needs assessment and audit it is not feasible to show areas of deficiency on the Proposals Map.
- 10.67 The amount of open space which paragraph 10.61 says is required per dwelling has been reduced from 35 sq m to 30 sq m at Revised Deposit stage. I consider that the change meets the objection. Since the phrase 'bed units' no longer figures in the text the request for clarification is redundant.
- 10.68 Paragraph B18 of Annex B to in Circular 5/05 says that, where contributions are secured through planning obligations towards the provision of facilities which are predominantly for the users of the associated development, it may be appropriate for the developer to make provision for subsequent maintenance, and that such provision may be required in perpetuity. In the light of this advice I do not find the Council's requirement for a sum sufficient for 12 years annual maintenance excessive.

- 10.69 Paragraph B19 in Circular 2/05 goes on to say that, as a general rule, where an asset is intended for wider public use, the costs of maintenance should normally be borne by the body or authority in which the asset is vested. Paragraph 10.63 in the reasoned justification does not specify the types of facility to which it relates. For the avoidance of doubt, and to ensure compatibility with the circular, I recommend an amendment to the wording of paragraph 10.63 to indicate that it applies only to facilities which are predominantly for the benefit of the users of the associated development.
- 10.70 PIC70 proposes an addition to paragraph 10.56 referring to the Council's Greenspace Strategy. I consider that this meets the relevant objection by Sport England.
- 10.71 With regard to the objection by Uppermill Residents Association the policy makes it clear that any developer payments will be used for the provision of open space, sport or recreation provision.

Recommendation

10.72 I recommend that the RUDP be modified by:

deleting the first paragraph of R2.1

retaining the existing second paragraph relating to developments of 30 or more units

deleting the third existing paragraph of R2.1 and replacing it by the following text:

“Where there is evidence of an existing or potential local deficiency in open space or sport or recreation facilities and the development proposed is for 5-29 dwelling units inclusive, there will be a requirement for on-site provision unless there are exceptional circumstances that mean it is neither practicable nor desirable to do so. In this case one of the following alternatives will be required:”

deleting the final sentence in paragraph 10.58 of the reasoned justification.

adding the following wording after ‘responsibility’ in the second line of paragraph 10.63 in the reasoned justification:

“for facilities which are predominantly for the benefit of the users of the associated development”

making the change set out as PIC No 70 in the Council's Schedule of pre- Inquiry Changes dated 29 November 2004.

Policy R2.2: General criteria relating to new, or improved open space, outdoor and indoor sport and recreation facilities.

10.73 I agree with PIC 71, which has been proposed to reflect the title of the policy.

Recommendation

10.74 I recommend that the RUDP be modified by making the change set out as PIC No 71 in the Council's Schedule of pre- Inquiry Changes dated 29 November 2004.

Chapter 11: Open Environment

Introduction/Omission

The objectors:

0117/1/003/O

North West Tourist Board

Summary of objection

- The Plan should include a policy to encourage the provision of caravan and camping sites.

Inspector's Reasoning and Conclusions

11.0 Having carefully read the Council's response to this objection, it seems to me that the provision of such sites is not a major issue in the rural areas of the Borough and does not warrant a specific policy. I accept the Council's submission that there is an adequate framework to deal with any relevant applications.

Recommendation

11.1 I recommend that no modification be made to the RUDP.

Policy OE1 : Protecting Open Land

The objectors:

0008/1/018/O

Countryside Agency

0038/1/011/O

Greater Manchester Ecology Unit

0021/1/028/O

Government Office for the North West

0021/1/029/O

Government Office for the North West

0045/1/023/O

Wiggett Construction Ltd

0110/1/012/O

Paul Speak Properties Ltd

0113/2/029/O

Roland Bardsley Homes Ltd

0815/1/015/O

Mrs E. Bissill's Fund, Trustees/SDL

0815/1/016/O

Mrs E. Bissill's Fund, Trustees/SDL

Summary of objections

- The Countryside Agency seeks an amendment to make it clear that the policy will not prevent development needed for those living in the open areas of the Borough which could have a negative environmental impact.
- The Ecology Unit considers that "open land" needs defining.
- Wiggett Construction and Paul Speak Properties seek the deletion of the policy as it duplicates others and is inconsistent with PPG1 and Section 54A of the Town and Country Planning Act 1990.
- GONW seeks an amendment to reflect PPG7 and the Green Gap policy should be less restrictive.

- The Trust Fund seeks various agricultural definitions and also the deletion of Local Green Gaps or recognize their development potential.
- Roland Bardsley Homes object to the policy being aimed at predominantly undeveloped land.

Inspector's Reasoning and Conclusions

11.2 As far as the Countryside Agency is concerned, I accept the points made by the Council that it would not be appropriate for this Part 1 policy to go into more detail. The concerns of the Ecology Unit have been met. Policy OE1 is a Part 1 policy which sets out the Plan's general principles in relation to the open environment and does not duplicate others. I consider that pre-Inquiry change 76 brings the reasoned justification into line with the new PPS7. I discuss the Green Gap policy in paragraph 11.148 where I conclude that it has been made less restrictive and meets the concerns of GONW and is generally satisfactory and necessary. The Council has also made appropriate changes which reflect the need for the definition of different grades of agricultural land. I agree that the words "inappropriate development" do not require definition for the reasons cited by the Council. I find the Roland Bardsley objection to be apparently illogical. As the Council says, open land is predominantly undeveloped.

Recommendation

11.3 I recommend that the RUDP be modified by making the changes set out as PIC 76 in the Council's Schedule of pre-Inquiry Changes dated 29 November 2004.

Policy OE1.1 : Criteria for Development in the Green Belt

The objectors:

0470/1/001/O & others	Alan Chorlton representing various objectors
0021/1/054/O	Government Office for the North West
0023/1/003/O	P. Wilson & Company
0031/1/002/O	Mr J Wood
0040/1/006/O	Saddleworth Parish Council
0108/1/007/O	The House Builders Federation
0108/1/008/O	The House Builders Federation
0461/1/002/O	Oldham and District Model Aero Club

Summary of objections

- Mr Chorlton seeks greater flexibility in Green Belt Policy.
- GONW states that the exceptional circumstances to justify the two proposed changes to the Green Belt should be set out fully. The requirement that development in the Green Belt (criterion b) should enhance the surrounding area goes beyond the provisions of PPG2.
- P. Wilson & Co. state that criterion d. should be deleted as the wording is too vague and subjective.
- Mr Wood seeks an amendment to allow redevelopment for housing where this would be more compatible with countryside uses.

- The Ecology Unit sees a need for cross-referencing to other open environment policies.
- The Parish Council seeks a policy to allow limited re-use of mills and other business premises to meet demand for employment provision.
- The HBF objects to the inclusion of further land in the Green Belt and also claims that the policy mis-quotes the purposes of Green Belts in referring to “villages” under iv).
- The Model Aero Club seeks the use of the Green Belt to be extended to accommodate hobbies such as model aircraft flying.

Inspector's Reasoning and Conclusions

- 11.4 Mr Chorlton has suggested changes to make Green Belt policy more flexible for a variety of reasons. These include, the accommodation of limited development in, or close to, existing developments; to allow for the redevelopment of previously developed sites in the Green Belt; to allow for the planned growth of villages; to provide sites for “executive type housing.” National Green Belt policy as set out in PPG2 states clearly that the essential characteristic of such areas is their permanence and their protection must be maintained as far as can be seen ahead. The Council has assiduously followed this policy making only two minor changes for appropriate reasons. The Topic Paper Open Environment and many related submissions point out that the Regional Spatial Strategy states that the need for substantial change to the Green Belt should be investigated by a strategic study which is not required until 2011. It is indicated that the Region’s long-term development needs can be accommodated up to at least 2016, which coincides with the end date of the RUDP. Clearly, the Council’s approach to resist changes accords with long established and fundamental national planning policy as well as recent Regional Strategy. This approach is supported by the policies relating to Land Reserved for Future Development and Local Green Gaps. My general conclusions on housing allocations (paragraphs 6.37 – 6.40) also imply that there is no need at this stage for any significant alterations to the Green Belt. Consequently, I have come to the conclusion that any major changes to the designated area as shown on the RUDP or Green Belt policy should wait until a future stage of the development plan process. I have proceeded on this basis and have recommended only minor changes in order to provide defensible and logical boundaries.
- 11.5 On the more detailed objections listed above, the Council has now fully justified the two proposed changes to the Green Belt and has made an appropriate change to criterion b. I do not consider that criterion d. is too vague. The term “enjoyment of the countryside” is perfectly clear and understandable. It embraces a plethora of activity and inactivity, too numerous to delimit. In any event, as the Council points out, the wording of the criterion has national policy backing. As far as Mr Wood’s objection is concerned, the RUDP Green Belt policies accord with national policy. PPG2 states that the quality of land is not relevant to designation. I accept the submission of the Council that policies in the Plan are adequate to deal with the re-use of redundant buildings in the Green Belt.
- 11.6 Paragraph 1.33 of the RUDP explains the absence of cross-referencing. I consider that it would very difficult to introduce a comprehensive system and that could be confusing. As I have indicated in paragraph 1 of this Report, I am satisfied that the Council’s decision to introduce some cross-referencing once the plan reaches adoption stage together with the intention to prepare Supplementary Planning

Documents is appropriate. On the question of the re-use of mills, this would not normally require planning permission unless a considerable amount of time had elapsed. There are a range of policies to cover other eventualities.

11.7 The Council has added “villages” to the fourth of the purposes of including land in the Green Belt in this policy. PPG12 states that local authorities, in preparing plans, must have regard to national policies set out in PPG’s. The Council clearly has followed this advice in its approach to the Green Belt. However, in the case of the Saddleworth villages, it is clear that the Green Belt, because of its restrictive nature, helps to preserve their setting and special historic character. Without exception these settlements have suffered from suburban sprawl which has in several cases eroded elements of their historic character. If sprawl were to go unchecked, there is no doubt in my mind that this unsatisfactory situation would be exacerbated. Consequently, I have come to the conclusion that it is acceptable to include the additional word and am satisfied that it does not conflict with governmental advice.

11.8 As far as the Model Aero Club is concerned, in view of long established national Green Belt policy, it would not be appropriate to extend the range of acceptable uses. As the Council states it would consider an application for the use of land for the purposes of flying model aircraft against relevant UDP policies

Recommendation

11.9 I recommend no modifications to the RUDP in response to these objections.

Green Belt site specific objections

Site name Birks Quarry, Huddersfield Rd, Austerlands

The objectors:

0044/1/001/O	Harold Smith
0113/1/006/O	Roland Bardsley Homes Ltd
0113/1/012/O	Roland Bardsley Homes Ltd
0113/1/015/O	Roland Bardsley Homes Ltd
0113/1/001/O	Roland Bardsley Homes Ltd
0113/1/020/O	Roland Bardsley Homes Ltd

Summary of objections

- There should be a thorough review of the Green Belt and this site should be removed from the designated area and allocated for housing.

Inspector's Reasoning and Conclusions

11.10 My general conclusions regarding the Green Belt are contained in paragraph 11.4 above. There is no doubt in my mind that Birks Quarry is an integral component of the extensive area of open countryside which is included in the Green Belt and which in this location, as the Council states, helps to prevent further sprawl at Austerlands, protects the open land and also helps to focus development within the urban area. In paragraphs 6.37 – 6.40 above, I have concluded that there is no overriding need for a

0691/1/003/O
0691/1/004/O
0691/3/006/O

W A Tomlinson
WA Tomlinson
W A Tomlinson

Summary of objections

- The objector seeks a more flexible approach to the Green Belt with minor alterations to provide for some development (including housing) to take place in order to facilitate farm diversification.

Inspector's Reasoning and Conclusions

11.15 The objection site is located in a narrow and sensitive stretch of the Green Belt where there is a considerable amount of sporadic development. The outer limits of development within Rochdale MD are a very short distance away to the north. My general conclusions relating to the Green Belt are contained in paragraph 11.4 above. The openness of the Green Belt is described as its most important attribute in paragraph 1.4 of PPG2. It is clear to me that even small scale development in this location would further erode the openness of the designated area. Similarly, it would seriously conflict with three of the five purposes of the Green Belt as set out in paragraph 1.5 of PPG2.

11.16 Mr Tomlinson has also objected to Policy OE1.11. I have considered objections to that policy later in this chapter. In this instance, whilst I am sympathetic to his problems, I do not regard the points made on this matter to constitute the exceptional circumstances which would justify altering the Green Belt. It may be that the Council would consider taking on the objector's various suggestions at the next stage of the development plan process. As I have stated in Chapter 6, I consider that, by and large, housing allocations are appropriate. The objector has also referred to PIC2. I have concluded on this pre-Inquiry Change in paragraph 2.0 of this Report.

Recommendation

11.17 I recommend that no modification be made to the RUDP.

Site name Former Co-op, Friezland Lane, Greenfield

The objectors:

0020/1/001/O

Robert Scott & Sons

Summary of objection

- Exclude the land from the Green Belt.

Inspector's Reasoning and Conclusions

11.18 Whilst accepting the presumption against Green Belt change, it seems to me that there are anomalies in the boundary as defined along Manchester Road which the Council refers to as a clearly defensible boundary. However, the shallow ribbon of development to the east of the objections site, along with the more substantial

Summary of objection

- The site should be removed from the Green Belt.

Inspector's Reasoning and Conclusions

11.23 The objection site is located in the sensitive, narrow stretch of Green Belt which separates Uppermill, Dobcross and Diggle. Clearly, development here would narrow the gap and further erode the openness of the area contrary to national and local planning policy. Bearing in mind my overall conclusions regarding the Green Belt and housing provision (paragraphs 11.4 and 6.37-6.40 of this Report), I can see no compelling reason for removing the site from the Green Belt. I have concluded on the nearby Victoria Works in paragraph 11.121.

Recommendation

11.24 I recommend that no modification be made to the RUDP in response to this objection.

Site name Hodge Clough Farm, Moorside

The objector:

0822/1/001/O

John Ogden

Summary of objection

- The site should be allocated for housing.

Inspector's Reasoning and Conclusions

11.25 The objection site is located in a narrow wedge of open country which is included in the Green Belt. In terms of government guidance as set out in PPG2, this is an important piece of Green Belt which separates the suburban sprawl of Moorside and Sholver from the industrialized area of Higginshaw to the west. It thus meets three of the purposes of the designation as set out in paragraph 1.5 of PPG2; checking the unrestricted sprawl of large built-up areas, safeguarding the countryside from encroachment and, as the Council points out, helping to focus development in the urban area which would assist urban regeneration. In terms of the guidance, Wilkes Street in the vicinity of the objection site forms a clearly defensible boundary. I agree with the points made by the Council regarding tipping and the “greenfield” status of the land. With my general conclusions on the Green Belt in mind (paragraph 11.4), I conclude that the objector has not submitted any exceptional circumstances which justify altering the Green Belt.

Recommendation

11.26 I recommend that no modification be made to the RUDP in response to this objection.

Site name Land adjacent 58A Manchester Rd, Greenfield

The objectors:

0434/1/001/O

Mr & Mrs N Saxon

Summary of objection

- The objectors seek to have that part of their garden which is included in the Green Belt deleted from the designated area.

Inspector's Reasoning and Conclusions

11.27 The boundary of the Green Belt runs through the objectors' side garden. It does not follow any physical feature, let alone one that is well defined. The Council explained that the boundary had been carried over from the adopted UDP and justified the retention by referring to the permanence of Green Belts. To my mind the boundary is quite illogical and this justifies a minor adjustment taking it to the appropriate curtilages of No58A. in order to make the line properly defensible.

Recommendation

11.28 I recommend that the RUDP be modified by realigning the Green Belt boundary in this location so that it follows the western and northern boundaries of the curtilage of 58A Manchester Road.

Site name Land adjacent to 3 Burnedge Lane, Grasscroft

The objector:

0433/1/001/O

Mr Paul Errock

Summary of objection

- Remove from the Green Belt and allocate as Land Reserved for Future Development.

Inspector's Reasoning and Conclusions

11.29 Policy OE1.5 states that extensions to the curtilage of an existing dwelling in the Green Belt will be considered inappropriate. Although this site is now an integral and established part of the garden of No.3, it is different in character from that part of the garden which is within the village inset. That of course could change and garden structures which are one of the concerns set out in the reasoned justification to Policy OE1.5 could be introduced. Because of the steep slope the land is clearly visible from Burnedge Lane and it seems to me that a dwelling on the objection site would be conspicuous, adding to the suburban sprawl which has overtaken Grasscroft and reducing the openness of the Green Belt. On balance, despite the possibilities I have discussed earlier in my conclusions, I consider that it would be preferable to leave the

site in the designated area. The planning history of the site as set out by the objector does not affect my judgement in respect of the current situation.

Recommendation

11.30 I recommend that no modification be made to the RUDP.

Site name Land at 3 Wall Hill Cottages, Dobcross

The objector:

0435/1/001/O

Mr Ian Hollingworth

Summary of objection

- The unallocated land at Wall Hill should be extended and removed from the Green Belt in order to site a single dwelling on land in the objector's ownership.

Inspector's Reasoning and Conclusions

11.31 The objection site consists largely of garden land and lies at the western end of a ribbon of housing which intrudes into an extensive tract of open countryside. I have set out my general conclusions in respect of the Green Belt in paragraph 11.4 above. There is no doubt that a dwelling on the site would extend the intrusive ribbon development and reduce the openness of this part of the Green Belt contrary to long established policy. No exceptional circumstances have been submitted to justify removing the land from the designated area. Consequently, it would not be appropriate to recommend a modification.

Recommendation

11.32 I recommend that no modification be made to the RUDP.

Site name Land at Ashton Road, Bardsley

The objectors:

0111/1/002/O

Persimmon Homes

0111/1/003/O

Persimmon Homes

Summary of objections

- Delete from the Green Belt

Inspector's Reasoning and Conclusions

11.33 My general conclusions relating to the Green Belt are contained in paragraph 11.4 of my Report. I have referred to the fact that a strategic re-examination of the designated area is not required before 2011. Notwithstanding this general constraint, I consider that this site is of fundamental importance to the narrow stretch of Green Belt which separates Oldham from Ashton-under-Lyne. To develop the site for housing would clearly be contrary to long established national and local planning policy. My general conclusions relating to housing supply should also be borne in mind (paragraphs 6.37-6.40).

Recommendation

11.34 I recommend that no modification be made to the RUDP.

Site name Land at Barrowshaw Farm, Ripponden Rd, Oldham

The objectors:

0103/1/001/O

Mr J Lees

Summary of objection

- Part of the site should be deleted from the Green Belt and allocated for housing.

Inspector's Reasoning and Conclusions

11.35 There is no doubt in my mind that the objection site is an important component of this part of the Green Belt which separates the sprawl of Watersheddings and Sholver from the industrial area of Higginshaw. Development at the objection site would clearly erode this area and reduce its openness contrary to long established policy. In addition, paragraph 1.7 of PPG2 indicates that the extent to which the use of land fulfils Green Belt objectives is not a material factor in its inclusion within an area so designated or in its continued protection. That same paragraph also applies this advice specifically to the quality of the landscape.

11.36 I am not convinced that housing development on this site would aid urban regeneration when public investment is already being concentrated in the neighbouring HMR Pathfinder. In the wider context of the Oldham housing market, the effect of the modifications that I have recommended elsewhere would be to increase the amount of allocated land to a level sufficient to meet demand in the five years following adoption. In the light of these recommendations and the uncertainty surrounding the Pathfinder, together with my conclusions regarding the Green Belt in the preceding paragraph, I consider that it would not be appropriate to allocate the site for housing. I also do not consider that the other arguments advanced on behalf of the objectors amount to the exceptional circumstances which would justify the alteration of established Green Belt boundaries.

Recommendation

11.37 I recommend that no modification be made to the RUDP.

Site name Land at Brookside Poultry Farm, Royton

The objector:

0031/1/001/O
0031/1/004/O

Mr J Wood
Mr J Wood

Summary of objections

- Delete the two sites from the Green Belt and allocate for housing.

Inspector's Reasoning and Conclusions

11.38 My general conclusions regarding the Green Belt and housing allocations should be noted (paragraphs 11.4 and 6.37-6.40). The land is part of the important stretch of Green Belt which separates Oldham from Rochdale and Middleton. I noted during my visit that there is some residential development within the sites. I also accept that many of the buildings are in a run-down state and I do not consider that they are necessarily re-useable. However, as the Council states, Green Belt boundaries should not be altered or development allowed merely because land has become derelict. As I have stated elsewhere it is not appropriate to make major changes to the designated area as part of the RUDP.

Recommendation

11.39 I recommend that no modification be made to the RUDP.

Site name Land at Brownhill, Uppermill

The objector:

0125/1/001/O
0125/1/002/O

M. Farrand
M. Farrand

Summary of objections

- Remove the land from the Green Belt and recognize it as a garden.

Inspector's Reasoning and Conclusions

11.40 I am satisfied that the objection site is a domestic garden. Such a use is not incompatible with its inclusion in the Green Belt. There are many gardens within the Green Belts throughout the country. In this case, the steeply sloping site appears quite distinct from the nearby residential development. The land is part and parcel of the narrow strip of Green Belt which separates Uppermill and Dobcross and which helps to maintain the distinctiveness of those two settlements. My general conclusions regarding the Green Belt are contained in paragraph 11.4. No exceptional circumstances have been cited which justify deleting the land from the designated area.

Recommendation

11.41 I recommend that no modification be made to the RUDP.

Site name Land at Coal Pit Lane/Ashton Road

The objectors:

0815/1/013/O	Mrs E. Bissill's Fund, Trustees/SDL
0815/1/014/O	Mrs E. Bissill's Fund Trustees/SDL

Summary of objections

- Allocate the site as Land Reserved For Future Development.

Inspector's Reasoning and Conclusions

11.42 The site is an integral component of the narrow stretch of open land which separates Oldham from Ashton-under-Lyne and which is included in the Green Belt. It thus clearly meets the first three purposes of Green Belt designation as set out in paragraph 1.5 of PPG2. Notwithstanding my general conclusions on the Green Belt, it is particularly crucial to maintain the openness of this important and sensitive piece of land. As the Council implies the quality of the land is not relevant to its inclusion in the designated area.

Recommendation

11.43 I recommend that no modification be made to the RUDP.

Site name Land at Counthill, Oldham

The objectors:

0096/1/001/O	North Ainley Halliwell Solicitors
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Summary of objection

- The whole or part of the site should be allocated for housing.

Inspector's Reasoning and Conclusions

11.44 My general conclusions regarding the Green Belt are set out in paragraph 11.4 above. I have indicated that it would be inappropriate to make any major changes as part of the RUDP. The objection site is a substantial and prominent piece of land and is an integral component of the open countryside which is included in the Green Belt which separates Moorside from Delph. Notwithstanding the objectors' agent's suggestions regarding strategic landscaping, development of the site would reduce the openness of the Green Belt contrary to established policy. The points regarding location and improving housing choice do not constitute the exceptional circumstances which would justify altering the designated area.

Recommendation

11.45 I recommend that no modification be made to the RUDP.

Site name Land at Dumfries Farm, Denshaw

The objectors:

0172/1/001/O

Storer - Exors.of late Mary

Summary of objection

- Land should be released from the Green Belt as part of a small village expansion plan.

Inspector's Reasoning and Conclusions

11.46 My overall conclusions regarding the Green Belt are set out in paragraph 11.4. The objection site which is not de-limited on the objector's plan, except on its southern edges, is part of extensive area of open countryside which is included in the Green Belt. The land rises to the open moorlands which are an attractive and fundamental characteristic of this part of the Pennines. One of the five purposes of including land in the Green Belt is to assist in safeguarding the countryside from encroachment. This is cited in Policy OE1.1 of the RUDP as one of the criteria which must be satisfied if development is to be permitted in the designated area. Other relevant criteria which must be satisfied include the need to preserve the setting and special character of historic villages and to maintain the open character of the surrounding area.

11.47 As far as Denshaw (much of which is included in a conservation area) is concerned, it seems to me that the historic character of the village has been eroded to some extent by suburban development close to Dumfries Farm. Development to the north as proposed by the objector could exacerbate this unsatisfactory situation. More significantly it would clearly erode the openness of the countryside and Green Belt which would be contrary to long established national and local planning policy. The objector has suggested that a comprehensive village plan should be prepared. Whilst I am sure that could be very useful, it is something for another stage of the development plan process. No evidence has been submitted to support the allegation that there would be a decline in village facilities and life if some expansion does not take place. In the absence of exceptional circumstances I see no reason to recommend deleting land from the Green Belt.

Recommendation

11.48 I recommend that no modification be made to the RUDP.

Site names Land at Denshaw Vale and Wham Farm, Wham Lane, Denshaw

The objectors:

0034/1/001/O

Mrs M. Corbett

0033/1/001/O

Mr J Lees

Summary of objections

- The sites should be removed from the Green Belt and allocated for housing.

Inspector's Reasoning and Conclusions

11.49 I am discussing these two sites together as they are adjacent and suffer from the same shortcomings in terms of national and local Green Belt policy. Most of my conclusions are similar to those relating to the previous objection in respect of land to the north of Denshaw. As the same agent represents these objectors I shall not repeat all my conclusions here. These two sites stand in very prominent locations on the main southern approaches to the village. They are integral components of the Green Belt which separates Denshaw from Delph to the south. Development here would be contrary to established policy in that it would erode the openness of the designated area as well as reduce the gap between these two Saddleworth villages.

Recommendation

11.50 I recommend that no modification be made to the RUDP.

Site name Land at Failsworth Road, Woodhouses

The objectors:

0609/1/001/O

Mr M. Clarke

Summary of objection

- All or part of the site should be allocated for housing purposes.

Inspector's Reasoning and Conclusions

11.51 This piece of Green Belt land helps to perform the important function of separating the settlement of Woodhouses from the southern edge of the built-up area of Oldham. To develop the site for housing would narrow that gap and reduce the openness of the area contrary to Green Belt policy. With my general conclusions regarding the latter as well as those pertaining to housing allocation in mind, there is no justification for deleting the land from the designated area.

Recommendation

11.52 I recommend that no modification be made to the RUDP.

Site name Land to the north of Ashton Rd, Woodhouses

The objectors:

0618/1/001/O

Mr D B Jones

Summary of objection

- Delete from the Green Belt and allocate for residential development.

Inspector's Reasoning and Conclusions

11.53 As I have indicated in respect of an objection relating to land adjoining to the north east (paragraph 11.51 above), the Green Belt helps perform the important function of separating Woodhouses from the built-up area of Oldham. This objection site is clearly an integral component of the same narrow stretch of open country. To develop it would unacceptably narrow the gap and reduce the openness of the designated area contrary to long established national and local planning policy. I would also refer to my overall conclusions in respect of the Green Belt and housing allocations (paragraphs 11.4 and 6.37 – 6.40). As for LR7 and LR8, as the Council submits, these sites are not in the Green Belt and the proximity of H1.2.3 cannot be considered to be the exceptional circumstances which justify a change.

Recommendation

11.54 I recommend that no modification be made to the RUDP.

Site name Land at Holebottom Farm, Mark Lane, Shaw

The objector:

0029/1/001/O

Mr A Walker

Summary of objection

- The site should be re-allocated for residential purposes.

Inspector's Reasoning and Conclusions

11.55 My overall conclusions regarding the Green Belt are set out in paragraph 11.4. and those regarding housing in paragraphs 6.37 – 6.40. No exceptional circumstances have been submitted which justify deleting the land from the Green Belt. The objection site is part of a narrow neck of land separating Shaw from Sholver. To develop it would reduce the gap as well as the openness of the Green Belt which would be contrary to long established national, regional and local planning policy.

Recommendation

11.56 I recommend that no modification be made in response to this objection.

Site name Land at Paulden Farm, Waterhead

The objectors:

0114/1/001/O

Mr F. Winterbottom

Summary of objection

- The site should be released from the Green Belt and allocated for residential development.

Inspector's Reasoning and Conclusions

11.57 This part of the Green Belt helps to contain the suburban sprawl immediately to the west of the site. The latter is a prominent open area of land which slopes steeply upwards. To develop it for housing purposes would clearly be contrary to Green Belt policy. With my general conclusions regarding the designated area in mind together with those concerning housing allocations, I have no reason to recommend deleting the land from the designated area.

Recommendation

11.58 I recommend that no modification be made to the RUDP.

Site name Land at Plumpton Farm, Thornham

The objector

0094/1/001/O

Mr F. Thomas

Summary of objection

- Part or all of the site should be released from the Green Belt and allocated for residential development.

Inspector's Reasoning and Conclusions

11.59 The objection site is located in what I consider to be a particularly sensitive area of Green Belt. This separates the development at Oozewood and Thorp from the “island” of suburban development known as Summit. The latter straddles the Oldham/Rochdale boundary which also cuts across the middle of the objection site. Although the plan which accompanied the objection includes that half of the site, including the farm buildings, which lies within Rochdale, I can, of course, only make my recommendation in respect of that part within Oldham. Clearly any development here would erode both the openness of the Green Belt and narrow the gap between the built up areas and landscaping would not prevent this. There is no doubt that development on this site would be contrary to long established national and local planning policy. No exceptional circumstances have been submitted which would overcome these shortcomings. As the Council submits, the RUDP contains a policy which deals with the question of farm diversification. I have not had sight of the relevant policy in the Rochdale UDP mentioned by the Council but that does not affect my recommendation.

Recommendation

11.60 I recommend that no modification be made to the RUDP.

Site name Land at Rear of Delph Cricket Club, Delph

The objector:

0168/1/002/O

Mr J. Whitehead

Summary of objection

- Allocate for residential development.

Inspector's Reasoning and Conclusions

11.61 This substantial piece of land helps to maintain the gap between Delph and Diggle. Taking into account my overall conclusions relating to the Green Belt, there is no doubt in my mind that there are no exceptional circumstances which justify deleting it from the designated area. Development for housing as proposed would clearly and unacceptably erode the openness of the Green Belt, contrary to established policy. There does seem to be some ambiguity in the submissions made on behalf of the objector. As the Council points out, it was argued at the inquiry that it was not necessary to keep the nearby LGG18 open as it is protected by this piece of Green Belt land. I accept that there may be problems of farming the land but Policy OE1.11 provides an appropriate framework for proposals relating to farm diversification.

Recommendation

11.62 I recommend no modification.

Site name Land at Rochdale Road, Summit.

The objectors:

0126/1/002/O

Holroy Developments

Summary of objection

- Amend the Green Belt boundary to allow infill development.

Inspector's Reasoning and Conclusions

11.63 Whilst I accept the Council's basic position in relation to the Green Belt, there is no doubt in my mind that to include this objection site in the Green Belt is illogical. The plot of land clearly should be developed as part of the cul-de-sac known as Highborne Green. This is a matter of common sense. I consider that the need to rationalize the situation constitutes the exceptional circumstances which justify a minor change to the Green Belt.

Recommendation

11.64 I recommend that the RUDP be modified by deleting the objection site from the Green Belt.

Site name Land at Steadway, Greenfield

The objectors:

0437/1/001/O

Mr. P. Buckley

0832/1/001/O

Alan Chorlton for Client

Summary of objection

- Delete the land from the Green Belt and allocate for housing.

Inspector's Reasoning and Conclusions

11.65 Over the years the settlement of Greenfield has sprawled into what was presumably open countryside. Steadway itself intrudes into the open landscape which is the foreground of the moorland of the Peak District National Park. It is clear that the development of this prominent sloping site for housing purposes would seriously exacerbate this situation. It would extend the settlement into the open countryside and reduce the openness of the Green Belt contrary to long established planning policy. Bearing in mind my overall conclusions relating to the Green Belt and housing provision, no exceptional circumstances to justify removing the land from the Green Belt have been submitted.

Recommendation

11.66 I recommend that no modification be made to the RUDP.

Site name Land at Stockport Road, Lydgate

The objector:

0122/1/001/O

Mrs Jean Stanhope

Summary of objection

- Release from the Green Belt and allocate for housing .

Inspector's Reasoning and Conclusions

11.67 This site is part of the narrow stretch of Green Belt which separates Grotton and the main built-up area of Oldham from the suburbanised village of Grasscroft. Clearly, development of this site would further reduce the gap and the openness of the designated area. This would be contrary to long established national and local Green Belt policy. It has been submitted on behalf of the objector that the site is part of the historic settlement of Lydgate. This is not the case. The latter consists of a loose group of buildings located in open countryside. In my opinion, the objection site performs an important function as part of the open setting of Lydgate which is designated as a

conservation area as well as separating it from the sprawl of Grasscroft. Bearing in mind my general conclusions relating to housing and the Green Belt, none of the submissions constitute the exceptional circumstances which justify changing the boundaries of the latter.

Recommendation

11.68 I recommend that no modification be made to the RUDP.

Site name Land at Woodbrook Farm (NW), Springhead

The objectors:

0167/1/003/O

Frost (Exors. of late Mr R.)

Summary of objection

- The site, or part of it, should be allocated for housing purposes as it would form a logical extension to existing housing development.

Inspector's Reasoning and Conclusions

11.69 The objection site consists of sloping open fields which are an integral component of the open country which separates the main built up area of Oldham from the Saddleworth villages. Housing development in the vicinity has spread into the open countryside. Whilst it might be possible to control the form and layout of any new housing development more effectively than was the case in the past, there is no doubt that such development would erode the openness of the Green Belt. With this in mind together with my overall conclusions on the long term character of the Green Belt (paragraph 11.4) and the overall housing allocation (paragraphs 6.37–6.40), the objectors have clearly not advanced the exceptional circumstances which justify a reduction in the Green Belt in this location.

Recommendation

11.70 I recommend that no modification be made to the RUDP.

Site name Land at Woodbrook Farm (SE), Springhead

The objectors:

0167/1/002/O

Frost (Exors. of late Mr R.)

Summary of objection

- The site should be re-allocated for an alternative use, preferably residential.

Inspector's Reasoning and Conclusions

11.71 I agree that part of this objection site is unsightly, being used for vehicle dismantling and that it could be regarded as brownfield. However, a significant part the area is open but with some sporadic development. Although not to the same extent as the adjoining site (Woodbrook Farm NW), this land does contribute to the openness of the Green Belt of which it is an integral element helping to prevent further suburban sprawl. To allow redevelopment and additional development would dilute the strength of the designated area. As the Council points out, PPG2 states that the quality of the landscape is not relevant to the inclusion of land within a Green Belt. It follows that I do not consider that the points raised on behalf of the objectors constitute the exceptional circumstances which would justify a reduction in the designated area. I have dealt with the matter of additional Green Belt policies elsewhere (paragraph 11.4).

Recommendation

11.72 I recommend that no modification be made to the RUDP.

Site name Land below Ashdene, Knarr Lane, Delph

The objectors:

0045/1/004/O

Wiggett Construction Ltd

Summary of objection

- Exclude the land from the Green Belt and allocate for residential development.

Inspector's Reasoning and Conclusions

11.73 There is no doubt that this site has a significant Green Belt function in that it is part and parcel of the narrow strip of land so designated which separates Delph from Dobcross. There is already a substantial amount of scattered development in this locality and development of this land would further reduce the openness of the Green Belt, contrary to established policy. I also consider that this wooded land is intrinsically attractive and makes a positive contribution to the landscape. The introduction of “executive” homes would have a detrimental impact upon this quality, as has occurred in other locations in the Saddleworth villages. I have discussed changes to overall Green Belt policy elsewhere in my Report.

Recommendation

11.74 I recommend that no modification be made to the RUDP in response to this objection.

Site name Land between 6 & 8 Barnfield Rise, Shaw

The objector:

0025/1/001/O

J Lumb Esq

Summary of objection

- The land should be deleted from the Green Belt.

Inspector's Reasoning and Conclusions

11.75 I have read the planning history of the site of Barnfield Rise and that of the Green Belt in the area. I have noted that the site has been gardened and is considered to have been in residential use for more than 10 years. Whilst I accept that domestic gardens may be included in the Green Belt, common sense tells me that the objection site is an integral component of the residential cul-de-sac known as Barnfield Rise. I observed the rear boundary from the footpath at the end of Lowerfields Rise and there is no doubt in my mind that it ties in very closely with the rear boundaries of the neighbouring properties, providing a positive and defensible line as a boundary to the Green Belt. In addition, the planting along the rear of the gardened area is of a suburban character, thereby integrating with that of its neighbours. Whilst I have concluded elsewhere that there should be no major changes to the Green Belt in the RUDP, I consider that the boundary in this location is quite illogical. This justifies the recommendation that a minor change should be made. As far as any future development is concerned, that would be a matter for the development control process.

Recommendation

11.76 I recommend that the RUDP be modified by deleting the objection site from the Green Belt.

Site name Land between Ambrose Mount and Moorcrest, Diggle

The objectors:

0444/1/001/O

Mr K. W. Redfearn

0165/1/002/O

Mr Brian Lord

Summary of objections

- Remove the land from the Green Belt.

Inspector's Reasoning and Conclusions

11.77 The objection site is an integral part of the open countryside which is included in the Green Belt serving the vital function of separating Diggle from Delph and Dobcross. There is no doubt in my mind that Ambrose Mount and Moorcrest are intrusive in the open landscape but they appear to pre-date current planning controls. To allow development on the objection site would exacerbate this unsatisfactory situation and further reduce the openness of the designated area which would be contrary to fundamental and long established national Green Belt policy. As is submitted by the Council, Standedge Road provides a clear, defensible boundary as required by PPG2.

The latter also indicates that boundaries should not be changed because of the state of the land. No exceptional circumstances which justify an alteration to the Green Belt in this location have been submitted.

Recommendation

11.78 I recommend that no modification be made to the RUDP.

**Site names Land between Spinners Way & Albany Farm, Moorside
and at Alderney Farm, Ripponden Road**

The objectors:

0022/1/001/O	Peter Sykes
0093/1/001/O	Mr J. Jasolka

Summary of objections

- The sites should be removed from the Green Belt and allocated for housing.

Inspector's Reasoning and Conclusions

11.79 Having walked along the northern boundary between the two sites, there is no doubt in my mind that the larger of the two fields, one of the components of Mr Sykes' objection, and that land to the rear and north of the various dwellings referred to as Alderney Farm (Mr Jasolka) are important and integral components of the open countryside and of the Green Belt. Housing development would be intrusive and destroy the openness of this part of the designated area, contrary to established national and local planning policy. The points made by the objectors do not constitute the exceptional circumstances which justify deleting these significant pieces of land from the Green Belt.

11.80 As far as the smaller area of land is concerned (Mr Sykes objection – the field between the houses at the head of the cul-de-sac, known as Peak Close and the buildings associated with Sholver Moor Farm), whilst it makes some contribution to the openness of the Green Belt, I consider that this is limited. This is due to its location between the housing development to the south and the development to the north. The land immediately behind the Waggon and Horses is a domestic garden with a substantial Leylandii hedge along its eastern boundary. Sholver Moor Farm includes residential buildings, domestic garden and green houses. In other words, this group of buildings and gardens as a whole differs markedly in character from the surrounding open countryside. Consequently, it seems to me that the boundary of the designated area in this locality is illogical and I consider that this justifies some modification. I consider that the smaller western part of Mr Sykes' objection site, the areas which includes the buildings of Sholver Moor Farm and the domestic curtilages at Alderney Farm, together with the Wagon and Horses and the garden to the rear, should be removed from the Green Belt. This would give a clearly defensible boundary between the two areas discussed above. Whilst I have concluded that the overall housing strategy of the Plan is satisfactory (paragraphs 6.37- 6.40), the allocation of the smaller part of the objection site would, along with the other minor additions I have

recommended, provide some flexibility but would not prejudice overall allocations and future decisions.

Recommendation

11.81 I recommend that the RUDP be modified by changing the Green Belt boundary to follow the line described in paragraph 11.80 above and that the smaller, western part of Mr Sykes' objection site (as described in detail above) be allocated for housing purposes and included under Policy H1.2

Site name Land north of Coal Pit Lane

The objector:

0815/1/005/O

Mrs E. Bissill's Fund, Trustees/SDL

0815/1/012/O

Mrs E. Bissill's Fund, Trustees/SDL

Summary of objection

- Seeks land to be included as Land Reserved for Future Development for residential purposes if required.

Inspector's Reasoning and Conclusions

11.82 My general conclusions regarding the Green Belt and housing allocation are set out in paragraphs 11.4 and 6.37-6.40 above. It follows from these that it would not be appropriate to allocate this large site as Land Reserved for Future Development.

Recommendation

11.83 I recommend that no modification be made to the RUDP.

Site name Land off Burnedge Lane, Grasscroft

The objectors:

0050/1/001/O

John Roodhouse

Summary of objection

- The land should be removed from the Green Belt, as it is not overlooked and is not suitable for farming and there were once buildings 50m. away.

Inspector's Reasoning and Conclusions

11.84 This piece of land is not adjacent to the built-up area of Grasscroft and is an integral part of the Green Belt between that settlement and Dobcross. Clearly development of

the site would reduce the openness of the designated area and could lead to further undesirable suburban sprawl into the open countryside contrary to long established national and local planning policy . Bearing in mind my overall conclusions regarding the long term future of the Green Belt and the total housing allocation within the Borough, the submissions made by the objector clearly do not amount to the exceptional circumstances which would justify an alteration to the designated area.

Recommendation

11.85 I recommend that no modification be made to the RUDP.

Site name Land off Crib Lane/Long Lane, Dobcross

The objector:

0035/1/001/O

Mrs P. Lutener

Summary of objection

- Delete all or part of the land from the Green Belt and allocate for housing.

Inspector's Reasoning and Conclusions

11.86 I consider this extensive piece of land to be particularly significant in terms of the Green Belt which separates Dobcross from Diggle and development here would narrow the gap and erode the openness of the area. In addition, the land is an important element in the open setting of the conservation area centred on The Square. That part of the village has retained much of its architectural integrity and development as proposed could have a detrimental impact upon this. I have noted that there are no sites allocated for residential development at Dobcross but with my conclusions on the Plan's overall housing allocation in mind and the shortcomings of this site, I find no exceptional circumstances which would justify recommending a change to the Green Belt.

Recommendation

11.87 I recommend that no modification be made to the RUDP.

Site name Land off Delph Lane, Delph

The objector:

0168/1/001/O

Mr J. Whitehead

Summary of objection

- The site should be allocated for residential purposes, as it would be a logical extension of existing development.

Inspector's Reasoning and Conclusions

11.88 In this part of Delph, suburban-style development, which is at odds with the original character of the village, has sprawled into the open countryside which is included in the Green Belt. Whilst development might be more effectively controlled in the future, there is no doubt that the development of this objection site would seriously reduce the openness of the designated area as well as the gap between Delph and Diggle, contrary to long established national and local planning policy. With my general conclusions regarding the Green Belt and the overall housing allocation in mind, I see no reason to recommend the alteration of the boundary of the designated area.

Recommendation

11.89 I recommend that no modification be made to the RUDP.

Site name Land off Haigh Lane

The objector:

0384/1/001/O

Mr Ben Lancaster

Summary of objection

- Allocate the site for recreational use.

Inspector's Reasoning and Conclusions

11.90 The objection site is located in a particularly sensitive part of the Green Belt in that there is very little open land between Chadderton, Middleton and the Stake Hill Industrial Estate. The site is used for various purposes including storage and makes little contribution to the openness of the designated area. Paragraph 1.6 of PPG2 indicates that the use of land in Green Belts has a positive role to play in fulfilling various objectives including the provision of opportunities for outdoor sport and outdoor recreation near urban areas and to improve damaged and derelict land around towns. Mr Lancaster has produced an imaginative scheme for the site and the surrounding area which could well meet these objectives. However, as recreational use is acceptable in the Green Belt, it is not necessary to allocate the objection site specifically for such purposes. If the objector wishes to pursue his scheme, it seems to me that the appropriate course of action would be to submit a planning application.

Recommendation

11.91 I recommend that no modification be made to the RUDP.

Site name **Land off Huddersfield Rd, Denshaw**

The objectors:

0650/1/001/O

Mr J. McLintock

Summary of objection

- Amend the Green Belt boundary to allow residential development.

Inspector's Reasoning and Conclusions

11.92 The objection site is a visually prominent piece of sloping land, the development of which would undoubtedly reduce the openness of the Green Belt contrary to established policy. The objector has not advanced any substantive arguments for removing the land from the designated area. Certainly the points relating to the social and economic quality of Denshaw are not adequately supported. With my overall conclusions relating to the Green Belt and the overall housing allocation in mind, it would not be reasonable of me to recommend an alteration to the Green Belt.

Recommendation

11.93 I recommend that no modification be made to the RUDP.

Site name **Land off Manchester Road, Greenfield**

The objectors:

0604/1/001/O

J.G. McNeeney

0607/1/001/O

D. McNeeney

0608/1/001/O

K.A. McNeeney

Summary of objections

- The objectors seek the deletion of the land from the Green Belt and the re-allocation for housing purposes.

Inspector's Reasoning and Conclusions

11.94 My general conclusions regarding the Green Belt are set out in paragraph 11.4. Amongst other matters, I have pointed to government policy and the permanence of such designated areas. This objection site is located in the narrow strip of Green Belt which separates Greenfield from Grasscroft. I, along with the Council and many objectors and supporters, have stressed the need to maintain the identity of the Saddleworth villages. Whilst understanding the wishes of the objectors to build a home to provide security for their smallholding, this in itself does not constitute the exceptional circumstances which would justify altering the Green Belt boundary. However, the allocation of land as Green Belt does not prevent the construction of new buildings connected with agriculture. The need for such buildings can be established by means of the development control process. As far as 58A Manchester Road is concerned, I have recommended a modification to the Green Belt boundary in

order to make it more defensible in accordance with government guidance. I have noted the reference to the Tameside RUDP but this does not affect my conclusions in respect of this land.

Recommendation

11.95 I recommend that no modification be made to the RUDP in response to these objections.

Site name Land off Thornham Road, Shaw

The objector:

0170/1/001/O

I. Kershaw

Summary of objection

- Remove the land from the Green Belt to allow for development for stabling or other recreational purposes.

Inspector's Reasoning and Conclusions

11.96 The objection site performs an important function in that it is an integral component of the Green Belt which separates Royton from High Crompton as well as from Rochdale and Milnrow to the north. Thornham Road is a clearly defensible line, providing a positive boundary, which should prevent further suburban sprawl. To remove the land from the designated area would weaken that boundary and development would erode the openness of the Green Belt and narrow the gap between Royton and High Crompton contrary to fundamental national planning policy. As the Council indicates, essential facilities for outdoor sport and recreation are permissible under Green Belt policy. No exceptional circumstances have been submitted which justify making the suggested alteration.

Recommendation

11.97 I recommend that no modification be made to the RUDP.

Site name Land south of Argyll Park Road, Failsworth

The objectors:

0349/1/001/O

Redwaters Construction Limited

Summary of objection

- Allocate the site for housing.

Inspector's Reasoning and Conclusions

11.98 This piece of Green Belt land contributes to the important function of separating the settlement of Woodhouses from the southern edge of the built up area of Oldham. Clearly, to develop the site for housing would narrow that gap, contrary to Green Belt

policy. With my general conclusions regarding the latter, as well those pertaining to housing allocation in mind, there is no justification for deleting the land from the designated area.

Recommendation

11.99 I recommend that no modification be made to the RUDP.

Site name Land south of Higher Hills Farm, Grasscroft

The objectors:

0436/1/001/O West Pennine Plant

Summary of objection

- Remove the site from the Green Belt and allocate for housing in order to help achieve a balanced community.

Inspector's Reasoning and Conclusions

11.100 The objection site is an open grassed field at the northern edge of Grasscroft. It stands in a prominent location and is an integral part of the extensive area of open countryside which separates several of the Saddleworth villages from the main built-up area of Oldham and which is included in the Green Belt. Grasscroft has experienced a considerable degree of suburban sprawl to the north of the A669. As the Council has submitted, the Green Belt in this location quite clearly prevents further sprawl and encroachment of the built-up area into the countryside. I also agree that the boundary of the designated area is clear and easily defensible.

11.101 I have stated my general conclusions relating to the Green Belt in paragraph 11.4. PPG2 states that Green Belt boundaries should only be altered in exceptional circumstances. I have no reason to doubt that locals may have problems buying houses in Grasscroft. However, my views on the availability of affordable housing are set out elsewhere (paragraphs 6.164-6.174). I also acknowledge that persons may identify with particular settlements and that Oldham itself does not necessarily offer suitable accommodation for those born elsewhere. These factors do not constitute the exceptional circumstances that justify altering the Green Belt at Grasscroft. To develop all, or part of the land, would clearly encroach into the open countryside and would be contrary to fundamental national and local Green Belt policy. In coming to my conclusions, I have noted the objector's references to developments which have taken place within the Green Belt. I am not aware of the particular circumstances of these and they do not affect my conclusions on this objection. Similarly I appreciate the difficulties of farming in this area but these do not overcome the serious shortcomings of the objector's suggestions. As far as the Rural Exceptions Policy is concerned, I accept that the situation is not clear and consequently it would not be appropriate for me to take this into account at this stage.

Recommendation

11.102 I recommend that no modification be made to the RUDP.

Site name **Pickhill Reservoir, Uppermill**

The objector:

0345/1/002/O

David Sanderson

Summary of objection

- The land between Saddleworth School and the houses on the eastern side of Uppermill High Street should be designated as Green Belt or recreational open space to protect the site.

Inspector's Reasoning and Conclusions

11.103 I consider that this site is of significant amenity and recreational value. At the time of my visit on a Saturday afternoon, it was well used by anglers, children and strollers. There is no doubt in my mind that the site should be carefully protected. Whilst it is subject to Policy R1.1 and Conservation Area Policy, I consider that it would be useful to strengthen the protection if possible. It would not be appropriate to include the land in the Green Belt as it lies within the village. However, as it is contiguous with an area shown as Recreational Open Space on the Proposals Map, it would seem reasonable to include the land in that allocation.

Recommendation

11.104 I recommend that the RUDP be modified by allocating the land as Recreational Open Space.

Site name **Royal George Mills, Greenfield**

The objectors:

0045/1/002/O

Wiggett Construction Ltd

0368/1/001/O

Dr David Atherton

0345/1/004/O

David Sanderson

Summary of objections

- Wiggett Construction maintain that the mills should be identified as a Major Developed Site.
- Dr Atherton points out that the site has been omitted.
- David Sanderson submits that there is a need for an allocation.

Inspector's Reasoning and Conclusions

11.105 PPG2 indicates that Green Belts contain some major developed sites which remain subject to development control policies appropriate to such designated areas and the Green Belt notation should be carried across them. The Council has the discretion to identify such sites and has been consistent in its approach. It has stated correctly that this site is significantly smaller than the complex of mill buildings formerly occupied by Robert Fletcher (Greenfield) Ltd which *is* allocated as a Major Developed Site. I note and have observed that the Royal George Mills are now being re-developed. In these circumstances I see no reason to identify this site specifically. It may well be that Dr Atherton is not aware of government guidance on these matters but I consider the allegation against the Council of incompetence to be entirely inappropriate.

Recommendation

11.106 I recommend that no modification be made.

Site name **Shaws Lane, Uppermill**

The objector:

0048/1/001/O

Mr D Lawton

Summary of objection

- Delete the whole or part of the site from the Green Belt and allocate for housing.

Inspector's Reasoning and Conclusions

11.107 The village of Uppermill has sprawled up the slopes of the Pennines towards the Peak District National Park and development has not, in my opinion, always respected the traditional architectural and settlement forms. Whilst I am of the opinion that new innovative styles could well be acceptable in a locality such as this, there is no doubt that much of the recent development in the vicinity of the objection site has perpetuated a suburban style which is more appropriate to the edges of large cities than to a Pennine village. It seems to me that to allocate additional housing land on this site could well exacerbate the present unsatisfactory situation and lead to further sprawl into the open countryside.

11.108 Bearing in mind my general conclusions regarding the Green Belt and the overall housing allocations, no exceptional circumstances have been submitted which justify removing this land from the Green Belt

Recommendation

11.109 I recommend that no modification be made to the RUDP in response to this objection.

Site name **South of Shaws and Redwood Road, Uppermill**

The objector:

Summary of objection

- Allocate part of the land for housing development as an extension to the existing residential area.

Inspector's Reasoning and Conclusions

11.110 My conclusions in respect of this objection are identical to those in relation to the preceding objection, 0048/1/001/O.

Recommendation

11.111 I recommend that no modification be made to the RUDP.

Site name **Ward Lane, Diggle**

The objector:

0816/1/001/O

Karen Harvey

Summary of objection

- Allocate the land for housing, phasing based on the timing for the new station.

Inspector's Reasoning and Conclusions

11.112 The site is located adjacent to a small housing estate which intrudes into the extensive open landscape which extends upwards the Peak District National Park. Development of the objection site would clearly exacerbate the current unsatisfactory situation by further reducing the openness of the designated area. The Council has not made any specific comments regarding the need for housing near the proposed railway station but in this instance there is no substantive submission or special circumstances which justify altering the Green Belt. In coming to my conclusions I have borne in mind my conclusions relating to overall housing allocations and to the Green Belt

Recommendation

11.113 I recommend that no modification be made to the RUDP.

Site names **Land at Higher Quick Farm & Poplar Avenue, Lydgate**

The objectors:

0470/1/001/O

Mr G Heathcote

0470/1/002/O

Mr G Heathcote

0178/1/001/O

Mr D Hind

0178/1/002/O

Mr D Hind

Summary of objections

- Allow limited development in or close to Quick which will help to consolidate the historic form of the settlement without detriment to the countryside and Green Belt principles.

Inspector's Reasoning and Conclusions

11.114 I have discussed the general objection to Policy OE1.1 in paragraph 11.4 above. Quick is an ill-defined settlement consisting of sporadic development in that part which is located in Oldham MB, together with a ribbon of largely inter-war housing along Mossley Road to the south-east. The latter is situated in Tameside MB. The settlement lies entirely within the Green Belt and retains a degree of openness owing to the separated gardens of the properties in Poplar Avenue, the open farm land around Higher Quick Farm and the loose-knit development towards the Manor House. There is no doubt in my mind that to introduce even limited in-filling as suggested on behalf of the objector would exacerbate the existing somewhat unsatisfactory situation by reducing the openness of the Green Belt and eroding its effectiveness as a break between Greenfield and Mossley. This would clearly be contrary to the objectives of long established national and local planning policy. In coming to my conclusions, I have borne in mind the points relating to sustainability.

Recommendation

11.115 I recommend that no modification be made to the RUDP.

Site name Land at New Barn, Delph

The objector:

0463/1/001/O	Mr C P Dawson
0463/1/002/O	Mr C P Dawson

Summary of objection

- Allow limited development in or close to New Barn which will help to consolidate its historic form without detriment to the countryside and Green Belt principles.

Inspector's Reasoning and Conclusions

11.116 In my view it is not appropriate to regard New Barn as a settlement. The Council's description "an isolated group of buildings" is more accurate. As such it is characteristic of this part of the Pennines. Many of the older groups such as New Barn are attractive and important elements in the landscape. To infill as suggested on behalf of the objector would detract from its intrinsic qualities.

11.117 As far as the Green Belt is concerned, I have set out my conclusions in paragraph 11.4. Clearly, to allow infilling at New Barn would erode its openness. I understand the objector's reasons for wishing to relax Green Belt policy but, bearing in mind my overall conclusions regarding housing allocation, these do not constitute the exceptional circumstances which would justify altering it. There is also no doubt

development at New Barn could not be classified as sustainable in terms of PPG3.

Recommendation

11.118 I recommend that no modification be made to the RUDP.

Site name Land at Victoria Works, Dobcross

The objectors: `

0123/1/001/O	Chapman Saddleworth Ltd
0123/1/002/O	Chapman Saddleworth Ltd
0438/1/002/O	Exors. of J.Shepherdson

Summary of objection

- Remove from Green Belt and allocate for development/redevelopment (preferably housing in the case of Chapman Saddleworth).

Inspector's Reasoning and Conclusions

11.119 The Victoria Works are located in the narrow strip of Green Belt which separates Dobcross from Uppermill and Diggle. There is a degree of sporadic development in the vicinity of the objection site. I consider it important to maintain the separate identities of these villages. Planning permission has been granted for the redevelopment of the mill because it was considered that there were very special circumstances which justified the proposed development. I agree with the Council that it is not necessary or appropriate to remove the site from the Green Belt. It is of course normal practice to “wash over” sporadic development such as that which includes the objection site. I accept that the works are currently an eyesore and have noted the submission relating to sustainability but these points do not justify deleting the Victoria Works from the Green Belt.

Recommendation

11.120 I recommend that no modification should be made to the RUDP.

Policy OE1.2 : New Building in the Green Belt

The objectors:

0008/1/007/O	Countryside Agency
0038/1/019/O	Greater Manchester Ecology Unit

Summary of objections

- The Agency states that the policy should allow for new buildings required for diversification of existing rural enterprises.
- The Unit states that there is a need for cross referencing to other policies.

Inspector's Reasoning and Conclusions

11.121 I agree with the Council that OE1.11 would meet the problems identified by the Countryside Agency.

The Council has made an appropriate change which meets the concerns of the Ecology Unit.

Recommendation

11.122 I recommend that no modification be made to the RUDP.

Policy OE1.6 : Replacement Dwellings in Green Belt

The objectors:

0023/1/001/O	P. Wilson & Company
0113/1/018/O	Roland Bardsley Homes Ltd
0113/2/025/O	Roland Bardsley Homes Ltd

Summary of objection

- P. Wilson & Company seek the deletion of criteria a. and b. as they are too restrictive.
- Roland Bardsley Homes also regard criterion a. as too restrictive, and state that the policy should not exclude dwellings that are not of permanent construction and the new paragraph 11.36 gives a misleading definition of “substantially intact dwelling”.

Inspector's Reasoning and Conclusions

11.123 Paragraph 3.4 of PPG2 indicates that the replacement of an existing dwelling is not inappropriate. However, paragraph 3.6 of the Guidance goes on to say that development plans should make clear the approach local planning authorities will take, including the circumstances (if any) under which replacement dwellings are acceptable. In other words, local authorities have some discretion in the matter. Policy OE1.6 does not preclude replacement dwellings but sets out suitable ground rules so that the Council is in a position to assess the impact of a proposal in areas where development is restricted as the result of long established and fundamental national planning policy. It is clearly logical to indicate that dwellings that are not of permanent construction are not covered by the policy. Whilst I have noted the reference to appeal decisions made by the agents for Robert Bardsley Homes, I am of the opinion that such buildings can raise particular problems arising from the nature of their construction. I note that the Council has substantially re-written paragraph 11.36 (formerly 11.30) and it seems to me that this provides a clear indication of the Council's approach.

Recommendation

11.124 I recommend that no modification be made to the RUDP in the light of these objections.

Policy OE1.7 : Re-use of existing buildings in the Green Belt

The objectors:

0008/1/006/O	Countryside Agency
0021/1/053/O	Government Office for the North West
0106/1/007/O	Friezland Residents' Association

Summary of objections

- The Countryside Agency claims that the policy is too restrictive.
- GONW states that the words “Change of use” in the title should be replaced with “re-use” to accord with PPG2.
- The Residents' Association considers that buildings in the Green Belt such as the Royal George Mills should be available for employment uses rather than unsustainable housing development.

Inspector's Reasoning and Conclusions

11.125 As the Council submits, criterion a. gives preference to appropriate economic uses. I consider that Policy OE1.7 and its reasoned justification, particularly paragraph 11.40, along with other policies cited by the Council, provides a comprehensive framework and meets the objectives put forward by the Countryside Agency and the Residents Association. As far as the latter is concerned, I am aware that the Royal George Mills are being re-developed for residential purposes. That, of course, is not a matter for my determination or recommendation. The Council has changed the title of the policy to accord with PPG2.

Recommendation

11.126 I recommend that no modification be made to the RUDP.

Policy OE1.8 : Major developed site in the Green Belt

Site name	Robert Fletcher (Greenfield) Ltd
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The objectors:

0045/1/001/O	Wiggett Construction Ltd
0345/1/004/O	David Sanderson
0368/2/008/O	Dr David Atherton
0709/1/001/O	Robert Fletcher (Greenfield) Ltd
0709/2/006/O	Robert Fletcher (Greenfield) Ltd
1227/2/002/O	Martin Arthur
1780/2/001/O	Mr R. Knowles
1780/2/002/O	Mr R. Knowles

Summary of objections

- Wiggett, David Sanderson and Fletchers seek the introduction of a policy concerning major developed sites in the Green Belt.
- Dr Atherton maintains that the policy is too vague, lacking in imagination and that there is a need for development to provide facilities for local people.
- Mr Arthur considers that the potential of the site is not recognized. It should be landscaped as a parkland extension of the National Park.
- Mr Knowles seeks additions and corrections.
- Fletchers objected on a number of issues. These relate to the non-relevance of paragraph C3 of Annex C of PPG2; the area identified and the height of buildings; the rigidity of the line around the site and various omissions; restrictions and cost implications; the inappropriate mix of uses; the potential for environmental pollution and increased levels of nuisance; the absence of historic merit; the implication for tourism. They submit that there should be a new residential settlement at Greenfield.

Inspector's Reasoning and Conclusions

11.127 The Council has now identified the Fletcher site as a Major Developed Site in the Green Belt and introduced an appropriate policy in accordance with Annex C of PPG2. The reasoning behind this is clearly set out in the Open Land Topic Paper as well as in the reasoned justification to the policy.

11.128 Dr Atherton's objection is somewhat general in nature. He neither specifies the type of facilities which he would like to see provided nor which towns provide the facilities he has in mind. Policy 1.8 is comprehensive and contains an appropriate degree of flexibility. Exciting and imaginative proposals would no doubt be welcome to many but for the Council to spell out such possibilities could be unrealistic and be mere wishful thinking. As is so often the case, the future development/redevelopment of all or part of this site is probably dependent upon a developer or developers coming forward with proposals. I am satisfied that the policy provides a suitable framework to deal with such eventualities. Similarly, whilst many might welcome Mr Arthur's suggestion, it is unrealistic. Clearance and landscaping would be prohibitively expensive. As the Council points out, redevelopment would present an opportunity for environmental improvement, reduce pressure on other areas of Green Belt and hopefully lead to some employment. As far as Mr Knowles' objections are concerned, the Council has corrected the spelling of Dove Stone Reservoir and has also proposed the use of the words "strategically important" to replace "unique" in paragraph 11.45 (PIC77) which I consider to be acceptable. For the reasons stated by the Council, I see no need to add a statement relating to sewers.

11.129 A lengthy submission was made on behalf of Robert Fletcher (Greenfield) Ltd. On the relevance of paragraph C3 of PPG2, this may not be applicable at the present time but it could be applicable in the future. I am satisfied that the Council has correctly applied government guidance in criteria d. and e. of the policy. As the Council states, no substantive evidence has been submitted to support the allegation that the cost of remediation could not be borne within the area of the current footprint. I do not consider the objector's points regarding the footprint to be acceptable. The Proposals Map, as changed, clearly encloses those buildings which were directly concerned with the former industrial process. I acknowledge the extensive ownership of these

objectors but it is fundamental to national and local policy that the Green Belt be protected. As the Council states, those site constraints referred to by the objector are not matters for paragraph C6 of PPG2 and flood risk is covered elsewhere in the Plan, as are issues such as pollution and noise. Whilst I consider that there would be substantial expense prior to any redevelopment, no substantive evidence has been provided relating to clean-up costs. However, there is no doubt in my mind that the policy is sufficiently flexible and robust to meet the concerns of the objectors. There is clearly no commitment to a single user nor to live/work units and the objectors have not justified their objections on these issues. To my mind the policy provides a range of possible alternatives for a very sensitive and attractive location. The point relating to an earlier wording is not relevant. Any problems associated with buildings of heritage value could be resolved at the development control stage by means of the appropriate RUDP policies. There is disagreement on the possibility of tourist development and no useful evidence. Given the site's location it would be unrealistic and short-sighted to ignore the possibilities and I regard it as a crucial element of the policy. My general conclusions relating to housing provision are set out in paragraphs 6.37-6.40 of this Report. With these in mind, together with the concerns of GONW regarding housing in Saddleworth, it would not be reasonable to make additional provision on this site. In the light of the above remarks, I have come to the overall conclusion, that with the minor change put forward as PIC 77, the policy is satisfactory and should not be further modified.

Recommendation

11.130 I recommend that the RUDP be modified by replacing “unique” with “strategically important” in paragraph 11.45 as set out as PIC No.77 of the Council’s Schedule of pre-Inquiry Changes dated 29 November 2004.

Policy OE1.9 : Land Reserved for Future Development

The objectors:

0021/1/055/O	Government Office for the North West
0175/1/013/O	West Pennine Bridleways Association
0263/1/002/O	CPRE - Lancashire

Summary of objections

- GONW seeks clarification that no land in this category will be permitted in the Plan Period which would prejudice later comprehensive development.
- The Bridleways Association wishes to see a clearer statement regarding when land might be released for development.
- The CPRE seeks the deletion of paragraph 11.37 (now 11.51).

Inspector's Reasoning and Conclusions

11.131 The Council has promoted changes which meet these objections and which I consider to be appropriate. As far as paragraph 11.51 is concerned, I note that the Council may

need to review the situation to ensure that future development is in the most sustainable locations which could involve reserved and/or Green Belt land or presumably Local Green Gaps.

Recommendation

11.132 I recommend that no modification be made to the RUDP.

Site name LR3, LR4 Land at Foxdenton Lane, Chadderton

The objectors:

0673/1/001/O	Mr J C Blakeman
0673/1/002/O	Mr J C Blakeman
0673/1/003/O	Mr J C Blakeman
0673/1/004/O	Mr J C Blakeman
0041/1/005/O	Redrow Homes (Lancashire) Ltd
0006/1/018/O	Highways Agency
0653/1/002/O	Mr G & Mrs J Horn
0657/1/001/O	Mrs Enid Johnson
0663/1/001/O	John A Shaw
0666/1/001/O	Shirley Hamer
0667/1/001/O	Mr Donald Easton
0670/1/001/O	Mr Ronald Dawson
0684/1/001/O	T Gaunt
0124/1/011/O	Lancashire Wildlife Trust
0664/1/001/O	David S Owen

Summary of objections

- Redrow Homes seek the allocation of LR3 and LR4 for housing or mixed housing/commercial.
- Mr Blakeman seeks the allocation of part of LR3 adjacent to B1.1.10 for business/industrial purposes and part of LR4 at Derwent Drive for residential development.
- Several objectors wish to see the land protected and linked to a restored Rochdale Canal.
- The Wildlife Trust states that LR4 should incorporate a wildlife link.
- The Highways Agency state that it will need to be consulted on proposals for the development of sites such as this which could impact upon the operation of trunk roads.

Inspector's Reasoning and Conclusions

11.133 On the matter of the total re-allocation, I have indicated in my conclusions regarding objections to Policy 1.10: Green Gaps (paragraph 11.148) that I am satisfied that the Council's decision to distinguish between Land Reserved for Future Development and what are currently referred to as "Local Green Gaps" is rational and appropriate. As far as the former is concerned, Policy OE1.9 clearly states, amongst other matters, that

planning permission will be refused for development which would prejudice the later comprehensive development of Land Reserved for Future Development. Paragraph 11.51 of the reasoned justification states that, in future reviews of the UDP, such land will be the first to be considered if allocated sites and stocks of brownfield land are insufficient to meet needs. In paragraph 5.5 of this Report I have suggested that there could be overprovision of business and industrial land. Elsewhere (paragraphs 6.37-6.40) I have set out my overall conclusions regarding housing allocation and have stated that I see no need for substantial additional allocations. Consequently, it would not be reasonable for me to re-allocate the whole of these sites as suggested by the objector.

11.134 Notwithstanding the above points and the various arithmetical submissions, there is a case for maintaining industrial allocations and in some instances adding to them because of the advantages of a particular location such as B1.2.6, Albert Street, Hollinwood (see paragraph 5.28). It seems to me that the Broadway Business Park, even with the addition of B1.1.10, is potentially tightly constrained. There is no doubt that this park has been highly successful. As is submitted on behalf of the objector it has a number of locational advantages and appears able to compete with other strategic sites. Whilst acknowledging the Council's objective of ensuring a spread and variety of sites, I consider that it could be shortsighted not to make provision for some additional expansion in this prime location. However, none of these points apply to Mr Blakeman's other site, for which there is no need at this stage.

11.135 In view of the functions of Land Reserved for Future Development and the extent of LGG3, there is no justification for including LR3 and 4 in the latter allocation. I return to this in paragraph 11.155. I have noted that the Transportation section of the Council raised no difficulties regarding access and I have no reason to differ. Bearing in mind the rationale behind Policy OE1.9, there is no justification for allocating the land as a nature reserve or wildlife corridor or for providing a link to the Rochdale Canal. I am satisfied that the Plan contains the necessary provisions for consultation with the Highway Agency.

Recommendation

11.136 I recommend that the RUDP be modified by allocating the land which is the subject of objections 0673/1/001/O and 0673/1/002/O to Business and Industry under Policy B1.1.

Site name LR5 Moston Brook, Failsworth

The objectors:

0236/1/004/O

BAE Systems Properties Ltd

Summary of objection

- Seeks the allocation of the site for mixed development.

Inspector's Reasoning and Conclusions

11.137 I acknowledge that there may be problems for the objectors and their holdings in the future. However, as I have concluded in paragraph 11.148, I consider that the

Council's approach to Land Reserved for Future Development and Local Green Gaps as set out in its various submissions and in the Open Environment Topic Paper to be acceptable. In view of my general conclusions relating to housing strategy and the Green Belt (paragraphs 6.37-6.40 and 11.4), it would not be reasonable to allocate LR5 for mixed development at this stage. I have stressed the need to maintain the gap between Failsworth and New Moston in paragraph 11.157.

Recommendation

11.138. I recommend that no modification be made to the RUDP.

Site names LR7, LR8 Haven Lane, Moorside

The objectors:

0632/1/001/O	Mr J Gregory
0632/1/002/O	Mr J Gregory
0614/1/001/O	Mr P & Mrs P Glynn
0614/1/002/O	Mr P & Mrs P Glynn
0096/1/002/O	North Ainley Halliwell Solicitors
0610/1/001/O	E Leeks
0611/1/001/O	Mr & Mrs H Pearson
0612/1/001/O	J Brears
0613/1/001/O	Moorside East Residents Association
0616/1/001/O	Mr Trevor Cash
0619/1/001/O	C Ambrose & D Johnson
0620/1/001/O	Mr & Mrs P Bailey
0622/1/001/O	Mr & Mrs D Beard
0623/1/001/O	I J Bolton
0625/1/001/O	Mr G Brand
0628/1/001/O	James Donohoe
0629/1/001/O	Ronald Graham
0642/1/001/O	Edith Mary Larder
0643/1/001/O	Mr & Mrs E Ogden
0644/1/001/O	Mr & Mrs M Seddon
0645/1/001/O	Mr&Mrs D J Shore
0646/1/001/O	C & D Tennant
0647/1/001/O	Jean Tennant
0101/1/001/O	Mr R. Cocking
0624/1/001/O	Mr & Mrs A C Bradbury
0632/1/002/O	Mr J Gregory
0638/1/001/O	A & J Haigh
0648/1/001/O	Marie Trainer
0651/1/001/O	Harold D Whitby
0652/1/001/O	I & L Wormald
0821/1/001/O	M. Lynes

Summary of objections

- Two of the objectors seek the allocation of the site/sites for housing.
- The majority wish to see the sites as Local Green Gaps.

Inspector's Reasoning and Conclusions

11.139 I accept the Council's argument that both the sites have development potential. They are well related to the urban form, both having an existing road frontage and development on three sides. Whilst I accept that the combination of on-street parking and the use of Haven Lane by through traffic causes concern to local residents, the accident record does not demonstrate a serious safety problem. Moreover, the evidence on traffic volumes does not suggest that the lane is overloaded or lacks the capacity to cater for a modest amount of additional development. The Council's approach to Land Reserved for Future Development is clearly justified. Consequently, I do not consider that it would be appropriate to allocate the sites as Local Green Gaps.

11.140 Although it considers that the sites have long term potential, the Council states that no future use has been decided. Additionally they are green field sites whose unnecessary release for housing would conflict with the Government's and the Council's objective of maximizing the re-use of previously developed land. Bearing in mind my overall conclusions regarding housing allocation (Paragraphs 6.37 - 6.40), I am of the opinion that it is unnecessary and unwise to allocate the Haven Lane sites in the present plan.

Recommendation

11.141 I recommend no modification to the RUDP.

Site name Hebron Street/Bullcote Lane

Note: This response deals with objections to both LR10 and LGG9

The objectors:

0169/1/001/O	Ms Halliwell & Ms Douglass
0169/2/003/O	Ms Halliwell & Ms Douglass
1841/2/001/O	Mr M Buckley
1844/2/001/O	Mrs V Buckley
1845/2/001/O	D Downes
1846/2/001/O	J Buckley
1846/2/002/O	J Buckley
1847/2/001/O	Mr & Mrs B Bakes
1848/2/001/O	M. H. Beaver
1849/2/001/O	R & P Bennian & Reynolds
1850/2/001/O	J Conway
1851/2/001/O	G & L Frost
1853/2/001/O	G Hardy
1854/2/001/O	Dorothy McHugh
1855/2/001/O	Mr & Mrs Whiteoak
1856/2/001/O	Mr/Mrs P J Mayhew
1858/2/001/O	A Miller
1860/2/001/O	E & R Mills
1861/2/001/O	Mrs B Stott
1862/2/001/O	Alan Waterhouse
1863/2/001/O	Mrs G Morris
1864/2/001/O	M & E Ogden
1865/2/001/O	J & S Rushton
1866/2/001/O	B.P. Edwards

1867/2/001/O	E Goddard
1868/2/001/O	A & P Haines
1934/2/001/O	Mr & Mrs McHugh
0152/1/006/O	Oak Street Area Community Group

Summary of objections

- Ms Halliwell and Ms Douglass seek the re-allocation of the part of LGG9 adjacent to LR10 as Land Reserved For Future Development and land next to the existing recreation ground section as POS.
- Others seek Local Green Gap or Green Belt designation for LR10.
- The Community Group objected to the change from POL in the Adopted Plan to industrial use and seek a species study.

Inspector's Reasoning and Conclusions

11.142 The objection sites lie at the edge of an area which has been developed intensively for housing and industry. Beyond, to the east, is an extensive area of Green Belt which separates Royton from Sholver. As far as the objections of Ms Halliwell and Ms Douglass are concerned, I accept the point made by the Council that Land Reserved for Future Development could serve to reduce pressure on the Green Belt. It would not be entirely unreasonable to allocate part of LGG9 as Land Reserved For Future Development as suggested by Ms Halliwell and Ms Douglass. Although I do not consider LR10 to be unrealistically small for some form of development, the suggested allocation would enable the Council to give some consideration to some rationalisation of land uses and urban form in this amorphous area. On the other hand, under Policy OE1.9, the objection site would be amongst the first to be considered for development if allocated sites and brownfield land became insufficient to meet changing needs. It is a greenfield site, there are potential access problems, there is some wild life interest and the Green Belt itself will be reviewed in the future. On balance, I have come to the conclusion that it would be in the interests of sound longer term planning to maintain this RUDP allocation. In coming to this conclusion I have borne in mind the problems of farming urban fringe land such as this but I do not consider that this justifies a re-allocation at this stage.

11.143 On the other objections, as I have indicated in the previous paragraph, LR10 is suitable for some limited development as it is located adjacent to existing residential streets as well as to the industrial site on Mossdown Road. I accept the submission of the Council that limited development would be unlikely to affect wildlife in the area, given the large amount of open space in the vicinity. The latter, together with the recreation ground, provides an extensive amenity area. LGG9 is already extensive with a large area of Green Belt beyond. In the light of my overall conclusions regarding the Green Belt, there are no exceptional circumstances to justify extending the designated area. The RUDP allocation will provide some useful flexibility for the future.

11.144 As far as the Oak Street Community Group is concerned, the site is no longer allocated for industrial use and I am satisfied that the current allocation is appropriate and will ensure that the land is kept free from development for the Plan Period. I agree with the Council's submission that, because of this long-term safeguard, it would not be appropriate to undertake in-depth species studies at this stage. That of course does

not necessarily prevent an appropriate organization from carrying out such work if resources were available.

Recommendation

11.145 I recommend that no modification be made to the RUDP in response to these objections.

Policy OE1.10 : Local Green Gaps

The objectors:

0021/1/056/O	Government Office for the North West
0021/1/068/O	Government Office for the North West
0038/1/006/O	Greater Manchester Ecology Unit
0038/1/021/O	Greater Manchester Ecology Unit
0218/2/003/O	Dr A Butterworth

Summary of objections

- GONW states that the policy is too restrictive and also seeks the deletion of the reference to the Green Belt in criterion a. as well as the inclusion of an indication of the development which would be permissible.
- The Ecology Unit requests that the key to the Proposals Map should provide an explanation of each allocation. There should also be cross-referencing to other open environment policies.
- Dr Butterworth objects to the re-wording of the policy which he maintains allows “free development” of all Green Gaps in the Borough.

Inspector's Reasoning and Conclusions

11.146 I find the Council's re-appraisal of Other Protected Open Land and the subsequent decision to distinguish between Land Reserved for Future Development and what are currently referred to as “Local Green Gaps” to be rational and appropriate, as is the reasoned justification. I am satisfied that the areas defined in accordance with the principles set out in paragraph 11.53 of the RUDP will be protected for the Plan Period and that only minor development would be permitted. However, the Council has deleted reference to the Green Belt in the body of the policy but has retained it in criterion a. I consider this to be confusing and it raises the question, “Why is such land not included in the Green Belt?”. Whilst I shall not make a firm recommendation on a precise re-wording of the criterion, I consider that it would be appropriate to include reference to planning permission not being granted if a proposal were to have a detrimental impact upon the local distinctiveness of an area, as the latter seems to be fundamental to the Local Green Gap concept. This brings me to a further confusion. That is, the title itself. An examination of the Local Green Gaps shown on the Proposals Map leads me to the conclusion that this is a geographical misnomer. A number are not gaps at all but large areas of land on the edge of the built up area. I consider that it would be more appropriate to revert to the title “Other Protected Open Land” as this is precisely what they are. To my mind, having read the submissions, some of the numerous site specific objections under Policy OE1.10 might not have arisen if these elements of the policy had been clearer.

11.147 I note that the Council intends to have a link to relevant policies in the key to the Proposals Map and I accept that to have a full explanation would not be possible. I have concluded on the matter of cross referencing in paragraph 1.0 of this Report. As far as Dr Butterworth's objection is concerned, it is perfectly clear that the Local Green Gap policy does not allow free development of all such areas. As land which is not in the Green Belt and in view of national policy in relation to that designated land it would not have been reasonable for the references to the Green Belt to remain. There is no justification for this objector's comments regarding the Council's legitimate changes at the First Deposit Stage.

Recommendation

11.148 I recommend that the RUDP be modified by deleting the words "Green Belt" from criterion a. and replacing them with an indication of what would be permissible. Replace the title "Local Green Gaps" with " Other Protected Open Land". Replace other references to Local Green Gaps as appropriate.

Site specific objections

Site name LGG1 Royley Clough, Royton

The objectors:

0031/1/003/O

Mr J Wood

Summary of objection

- Allocate part of the land for residential purposes.

Inspector's Reasoning and Conclusions

11.149 Having walked for some time around this area of land, I have come to the conclusion that although it is need of some maintenance it accords with the principles set out in paragraph 11.53 of the reasoned justification of this policy. It is also clearly serves as an effective Green Corridor. With my general conclusions regarding housing allocation in mind, it would not be reasonable to change the allocation of the land as proposed on behalf of the objector.

Recommendation

11.150 I recommend that no modification be made to the RUDP.

Site name LGG2 Land off Ferneyfield Road, Chadderton

The objectors:

0126/1/001/O

Holroy Developments

Summary of objection

- Change the allocation to residential.

Inspector's Reasoning and Conclusions

11.151 I have no doubt that this attractive wedge of open space meets all the requirements of Local Green Gaps as set out in paragraph 11.53 of the Plan.

Recommendation

11.152 I recommend that no modification be made to the RUDP.

Site name LGG3 Land at Foxdenton Lane, Chadderton

The objectors:

0041/1/001/O

Redrow Homes (Lancashire) Ltd

Summary of objection

- Allocate for housing or mixed uses or as Land Reserved for Future Development.

Inspector's Reasoning and Conclusions

11.153 As is the case with LGG2, I have no doubt that this land meets all the requirements for allocation as a Green Gap as set out in paragraph 11.53 of the Plan. In addition, as is submitted by the Council, it would provide a buffer against the possible future development of LR3 and LR4. The objectors consider that the Council has made an arbitrary distinction between the quality of the landscape of the latter two allocations and this Local Green Gap. I have walked the area several times and have come to the conclusion that, although the Council has perhaps exaggerated the differences, parts of LGG3 do have qualities which are not present in the Land Reserved for Future Development. There are also very well defined boundaries. I would add that, as far as LR3 is concerned, the view of characterless industrial buildings at the western end is a significant negative factor in terms of landscape analysis.

Recommendation

11.154 I recommend that no modification be made to the RUDP.

Site name LGG6 Moston Brook, Failsworth

The objectors:

0236/1/005/O

BAE Systems Properties Ltd

Summary of objection

- The objectors wish to see the extension of the land allocated as LR5 in order to achieve the maximum extent of land for redevelopment.

Inspector's Reasoning and Conclusions

11.155 Having walked the length of this open area, there is no doubt in my mind that it meets the requirements of a Local Green Gap. In particular, I consider that it is crucial to maintain the separation of the heavily built up area of New Moston to the north and Failsworth to the south. I consider that it essential to provide a “breathing space” such as this within this densely developed part of the Greater Manchester Conurbation. I also accept the significance of the green corridor which should not be reduced. No substantive evidence has been submitted on behalf of the objectors which justifies removing any of the LGG allocation.

Recommendation

11.156 I recommend that no modification be made to the RUDP in response to this objection.

Site name LGG8 Oldham Edge and associated Green Corridor

The objectors:

0032/1/001/O	Lattice Property
0032/1/004/O	Lattice Property
0779/1/001/O	The Blue Coat School
0779/1/002/O	The Bluecoat School
1417/2/001/O	Joan Broadbent

Summary of objections

- Lattice Property seeks an amendment to the Local Green Gap and the Green Corridor to maximize the amount of brownfield land available for development.
- The land adjacent to the Bluecoat School should be removed from the Green Gap and the Green Corridor.
- Joan Broadbent wishes to see the land retained in the LGG as the area is an accident blackspot

Inspector's Reasoning and Conclusions

11.157 The Council has removed part of the land from the Green Gap and Corridor and included it in PEZ 16. As the Council states and, as I observed, the remainder is well-treed. Consequently, it is appropriate to retain that land as Local Green Gap and Green Corridor as an important buffer to the industrial area. As far as the other objections are concerned, it is clearly appropriate to remove the land adjacent to Bluecoat School from the Green Gap as a sports hall has been built on it.

Recommendation

11.158 I recommend no modification be made to the RUDP.

Site name Land at Malby Street, Oldham

The objectors:

0801/1/001/O	Anne Marrington
0801/1/005/O	Anne Marrington
0702/1/001/O	J & A Patterson
0799/1/001/O	Mr P Siddall
0800/1/001/O	Ernest Fleming
0803/1/001/O	Mr M. Sharif
0701/1/001/O	Miss L. Armstrong
0804/1/001/O	Mr & Mrs Kershaw

Summary of objection

- Allocate as Local Green Gap.

Inspector's Reasoning and Conclusions

11.159 I am satisfied that the land is adequately protected as a result of it being added to the adjoining Recreational Open Space and Green Corridor and Link (see paragraph 10.31).

Recommendation

11.160 I recommend that no modification be made to the RUDP.

Site name LGG10 (part previously LR2) Shawside, Shaw (Moss Hey)

The objectors:

0166/1/002/O	P & D Northern Steels Ltd
0166/1/003/O	P & D Northern Steels Ltd
0166/1/006/O	P & D Northern Steels Ltd
0124/1/002/O	Lancashire Wildlife Trust
0152/1/011/O	Oak Street Area Community Group

Summary of objections

- P & D Northern Steels seek to reduce of the Local Green Gap to allow for additional housing allocation to the west.
- The Wildlife Trust wished to see LR2 altered so that it falls outside the adjacent SBI.
- The Community Group sought the removal of the LRFFD allocation.

Inspector's Reasoning and Conclusions

11.161 My conclusions on these objections are similar to those relating to LGG9 (paragraphs 11.144 & 11.145). The objection sites lie at the edge of an intensively developed area. They adjoin an extensive tract of Green Belt. Whilst housing could lead to a rounding off of this part of Shaw and ensure effective comprehensive development, I

consider that it is important to retain the openness of this area, at least for the Plan Period. As is submitted by the Council, the development of the LGG would increase the sense of enclosure and would remove the feeling of connection with the open area to the east. From my own experience, despite the views of PEZ 22, there is a sense of relief in leaving Sumner Street and entering on to the nature trail which provides access to, and extensive views of, the extensive countryside. I noted that even in winter it was well used. I have concluded on PEZ 22 in paragraphs 5.116 - 5.120 and the SBI in paragraph 11.224.

11.162 As far as the former LR2 is concerned, my colleague, the UDP Inspector, recommended that this land should be allocated as POL as there was no significant difference between it and the adjoining open land and considered that it provided a Green Belt function. It seems to me that circumstances are unlikely to have changed and it is, therefore, appropriate that the Council has changed the RUDP allocation from Land Reserved for Future Development to include it in the Green Gap. This, of course, meets two of the objections.

Recommendation

11.163 I recommend that no modification be made in respect of these objections.

Site name LGG11 Land at Greenacres, Lees

The objectors:

0116/1/001/O

Mr K. Payne

Summary of objection

- Re-allocate all or part of the land for residential purposes.

Inspector's Reasoning and Conclusions

11.164 This objection site is part of a very substantial area of land allocated as a Local Green Gap whose most important function to my mind is to separate the built-up areas of Oldham, Lees and Austerlands. I consider that the objection site is of no intrinsic value. In view of my overall conclusions regarding housing allocation, I have discounted the suggestion made on behalf of the objector but I have given some thought to recommending that it should be allocated as Land Reserved for Future Development. However, this could lead to unsatisfactory piecemeal development. Because of the strategic importance of the whole area and the fact that part of it is included in the HMR or adjacent to it, I have come to the conclusion that the proper approach, if the Council is so minded, is to review the whole LGG at the next stage of Oldham's Development Plan process.

Recommendation

11.165 I recommend that no modification be made to the RUDP.

Site Name **LGG12 (East of) Knowls Lane**

The objectors:

0041/1/007/O Redrow Homes (Lancashire Ltd)

Summary of objection

- Allocate for housing or mixed housing/commercial.

Inspector's Reasoning and Conclusions

11.166 This is a substantial area of attractive open land which has much in common with the open countryside to the south. It serves to separate the extensive suburbanised area of Grotton to the east and the existing and proposed housing areas to the west. The Council has submitted comprehensive support for the Local Green Gap allocation. I fully agree with this and consider it unnecessary to repeat it here. However, I would emphasise the point that if the housing site H1.2.10 is developed it is imperative that LGG12 remains open. My overall conclusions regarding housing allocations are set out in paragraphs 6.37-6.40. I agree with the Council that the objector has not provided substantive evidence relating to the criteria set out in paragraph 6.23 of the First Deposit Draft but, in any event, no evidence has been submitted which justifies the development of this significant area of open land.

Recommendation

11.167 I recommend that no modification be made to the RUDP.

Site name **LGG13 Stonebreaks, Springhead**

The objectors:

0027/1/001/O	Norman Thompson
0049/1/001/O	Mr G. F. Wood
0040/1/013/O	Saddleworth Parish Council
0115/1/001/O	L. Perrins
0115/1/002/O	L. Perrins

Summary of objections

- Mr Thompson seeks the allocation of the land adjoining the cricket ground for residential purposes.
- Mr Wood and Mr Perrins seek the allocation of all or part of the Local Green Gap for housing.
- The Parish Council wishes to see the LGG extended to include the quarry itself.

Inspector's Reasoning and Conclusions

11.168 The objection sites are allocated as Protected Open Land in the adopted UDP. Mr Wood also objected to that allocation. My colleague, the previous Inspector, noted

that the designation had been carried forward from the Borough Plan and has been long established. He was of the opinion that it helps to strengthen the permanence of the Green Belt immediately to the east by providing an intermediate open area. He pointed to the two public footpaths and a bridleway which cross the land and mentioned the extensive views. In conclusion he supported the allocation.

11.169 Whilst I have no reason to disagree with my colleague's findings, I consider it appropriate to stress the value of the majority of the land, including the cricket ground. As well as forming an obvious link to the open countryside, it is intrinsically attractive, part of it having something of the character of open moorland. Not only are there extensive views out, it can itself be seen from a wide area. To my mind its quality is enhanced because of the contrast with its surroundings which consist largely of extensive, bland, suburban housing. As the Council submits, the land forms part of the setting of the Stonebreaks Conservation Area, it forms a link between the urban area and the open countryside and it separates the built-up areas of Grotton, Springhead and Stonebreaks. During my first visit when the weather was somewhat inclement, I noted that there were a number of walkers using the footpaths. There is no doubt that the land is an important open area which should be maintained.

11.170 I have set out my conclusions on housing land supply earlier in my Report. The previous Inspector expressed the view that the land could be allocated for development in the longer term if required. Because of the value I place on the land, I have come to a different conclusion. As far as the quarry itself is concerned, this is not included in the Local Green Gap and it differs in character from the rest of the LGG. It seems likely that there could be difficulties in developing the quarry and that only a very limited amount of land would be available. In line with the Council's approach to these matters, I consider that it would not be appropriate to allocate the small amount which would be readily developable for housing purposes.

11.171 As far as Mr Thompson's objection is concerned, I consider that the small triangular area does not contribute to the overall value of the Local Green Gap. It is not part of the continuous open space. For much of the year it is screened from the rest of the LGG by a substantial hedge and line of trees and it can only be seen from restricted view points. The other Inspector did not specifically comment on this piece of land. It appears to me as a vestigial plot which is closely related to the adjacent housing area. Development for housing purposes would not prejudice the Local Green Gap as a whole. The allocation of this small site would provide some flexibility without prejudicing the overall housing strategy.

Recommendation

11.172 I recommend that the RUDP be modified by allocating the triangular piece of land immediately to the west of the cricket ground for housing purposes and included under Policy H1.2. No other modifications to be made in response to these objections.

Site name LGG15 Wall Hill, Dobcross

The objectors:

0040/1/009/O
0105/1/005/O

Saddleworth Parish Council
Dobcross Village Community

Summary of objections

- The LGG allocation should be extended to the east.
- It should be included in the Green Belt.

Inspector's Reasoning and Conclusions

11.173 The Local Green Gap has been extended south of the footpath which crosses the site, as it is steeply sloping, heavily treed with limited development potential. From my visit, I consider that this an acceptable extension. I agree with the Council's submissions regarding the Green Belt which accord with national planning policy. LGG15 is consistent with the overall approach of the Council as set out in detail in its Topic Paper "Open Environment".

Recommendation

11.174 I recommend that no modification be made to the RUDP.

Site name LGG 16 (that part formerly LR10) Ryefields Drive, Uppermill

The objectors:

0007/1/020/O	Uppermill Residents Association
0040/1/015/O	Saddleworth Parish Council
0043/1/001/O	Mr Frank Mallalieu
0105/1/009/O	Dobcross Village Community
0160/1/001/O	Brian Lee
0160/2/006/O	Brian Lee
0161/1/001/O	Anita Lilley
0162/1/001/O	Mr S.V. Sedgwick
0345/1/003/O	David Sanderson
0526/1/001/O	James Grimwood
0528/1/001/O	Kevin Sanders
0529/1/001/O	E McCarthy
0606/1/002/O	Saddleworth Conservation Action Group
0828/1/005/O	Saddleworth Civic Trust
0095/1/001/O	Mr S. Howarth
0095/2/002/O	Mr S. Howarth

Summary of objections

- The majority of objectors seek to retain the openness of the land and it should be allocated as a Local Green Gap.
- The Uppermill Residents Association wish to see it allocated as a Site of Special Scientific Interest.
- Mr Lee seeks the removal of criteria a. and b. and replaced by a statement indicating that no development will be permitted.
- Mr Howarth considers that the land should be allocated for residential purposes.

Inspector's Reasoning and Conclusions

1.175 The Council has now included LR10 in LGG16. I consider this to be logical as the former is a wooded area of the same character as the original LGG16. This change clearly accords with the Council's approach as set out in the Topic Paper "Open Environment". LR10 is a well wooded ravine which, whilst it may be physically possible to develop, is an amenity area of some significance. As the Council points out, the designation of SSSI's is not a matter for the RUDP. As I have indicated elsewhere (paragraph 11.148), I am satisfied that Policy OE1.10 accords with national planning policy and is appropriately restrictive. The approach to what was previously Protected Open Land in the adopted UDP has become more rigorous and only minor development would be granted planning permission. It follows from these conclusions that it would not be reasonable to allocate the old LR10 for residential development.

Recommendation

11.176 I recommend that no modification be made to the RUDP.

Site name LGG17 Stoneswood, Delph

The objectors:

0039/1/001/O	Mr B.H. Tomlinson
0157/1/001/O	Mr & Mrs M. Bowker
0164/1/001/O	Mr M. Buckley
0714/1/001/O	Karen Mather
0716/1/001/O	Mr M. Kenny
0748/1/001/O	Martin Capper

Summary of objections

- Mr Tomlinson seeks the allocation of the land for housing.
- The other objectors wish to see the site included in the Green Belt.

Inspector's Reasoning and Conclusions

11.177 My colleague who reported on the objections to the UDP considered that the site which was then allocated as Protected Open Land had considerable visual quality, constituting one of the most valuable areas of open land in the Borough. He went on to say that its presence helps to strengthen the Green Belt by providing an intermediate area from which land required for longer term development may be sought and prevents the further encroachment of the built up area into the countryside. I have no reason to think that the visual quality of this very prominent site has changed. However, the Council's approach to Protected Open Land has, of course, changed and I have accepted that this is right and proper. There is no doubt in my mind that the allocation of the objection site accords with that approach as set out in the Open Environment Topic Paper and Policy OE1.10 itself. In addition to its intrinsic aesthetic qualities, as the Council submits, the site provides a link between the built-up area of Delph and the Green Belt and it helps to give some distinction between the ribbon developments which extend along Stoneswood Road and Oldham

Road. Whilst I have recommended a few additional small sites for housing development, the shortcomings of this site and the overall housing provision does not justify changing the RUDP allocation of this land.

11.178 As was the case with the previous Inspector, the land is important in terms of the Delph Conservation Area. A large proportion of the site lies within that area and the remainder is significant in terms of its setting. As the previous Inspector commented, the development of this land for housing would unacceptably change its nature and the character and appearance of the Conservation Area would neither be preserved nor enhanced.

11.179 It follows from paragraph 11.177 above, and from my conclusions regarding Local Green Gaps, that it would not be appropriate to include the land in the Green Belt.

Recommendation

11.180 I recommend that no modification be made to the RUDP in the light of these objections.

Site name Land between LGG17 Stoneswood & H1.1.15 Bailey Mill

The objectors:

0718/1/006/O	Ms C. M. Wheeler
0153/1/001/O	Mr P Buckley
0040/1/010/O	Saddleworth Parish Council
0112/1/014/O	Mr G Bayley
0112/1/008/O	Mr G Bayley

Summary of objections

- The objectors wish to see the land included in either the Green Belt or LGG17.

Inspector's Reasoning and Conclusions

11.181 Whilst I have acknowledged the overall need to leave the Green Belt unchanged at this stage of the development plan process, it seems to that there is some illogicality as far as the boundary of the Green Belt in this locality is concerned. The site and its immediate surroundings to the south-west are similar in character and are similar to many other areas within the Borough which are “washed over” and included in the Green Belt. It would be logical to include the land in the designated area and effective development of H1.1.15 could provide a readily defensible boundary to the Green Belt which does not exist at the moment. I note that the site lies within the Delph Conservation Area. The modification I am recommending would help to ensure that its character and appearance would be preserved or enhanced. On the other hand, I do agree that it would not be appropriate to allocate the land as a Local Green Gap for the reasons cited by the Council.

Recommendation

11.182 I recommend that the RUDP be modified by including this objection site in the Green Belt.

Site name **LGG18 Rumbles Lane, Delph**

The objectors:

0099/1/001/O	John Saxon Ltd
0157/1/002/O	Mr&Mrs M. Bowker
0527/1/001/O	Andrew Clark
0636/1/003/O	Jennifer Clark
0714/1/002/O	Karen Mather
0716/1/002/O	Mr M. Kenny
0721/1/001/O	Joyce Castle
0748/1/002/O	Martin Capper
0112/1/010/O	Mr G.Bayley
0112/1/013/O	Mr G.Bayley
0473/1/001/O	Mrs V. Ward
0473/1/002/O	Mrs V. Ward

Summary of objections

- The majority of the objectors seek the inclusion of the land in the Green Belt.
- Mr Bayley wishes to see a small piece of land adjacent to the Local Green Gap included in that designation.
- Mrs Ward seeks a Phase 1 housing allocation. The site does not meet the criteria for designation as a Local Green Gap.

Inspector's Reasoning and Conclusions

11.183 My general conclusions regarding the Green Belt and its permanence are set out in paragraph 11.4. For the reasons submitted by the Council the objection site does meet the requirements of Policy OE1.10 and I am satisfied that Local Green Gap (or the recommended alternative) is an appropriate designation and consequently it will be subject to rigorous constraints. The objectors have not advanced any exceptional circumstances which justify altering the Green Belt. The smaller piece of land does not have the characteristics of a Local Green Gap as described in the Open Environment Topic Paper and it does not relate well to LGG18. I have given some consideration to the possible allocation of the larger site as Land Reserved for Future Development but it seems to me that there could be problems of access.

11.184 The last point above brings me to Mrs Ward's objections. Rumbles Lane is unsuitable for the traffic that would be generated by housing and access would need to be achieved by way of the proposed mixed use development to the west. There is no certainty that this could be achieved because the proposal has been called-in for determination by the Secretary of State. My general conclusions regarding housing allocation are contained in paragraphs 6.37-6.40. I am satisfied that the Plan, if modified as I recommend, will provide sufficient sites to meet housing demand over the five year period following adoption. I also give considerable weight to the emphasis which PPG3 and the RSS place on the development of brownfield sites and

this is clearly greenfield. Finally, as far as Mrs Ward's objection is concerned, I recognize that the lower part of the site is less conspicuous than the area to the north. However, it is still visible from Huddersfield Road, the main approach to the village from the north west and I do not consider that there is any compelling reason to treat it differently from the site as a whole.

Recommendation

11.185 I recommend that no modification be made to the RUDP in response to these objections.

Site name LGG19 Ainsley Wood, Delph

The objectors:

0040/1/011/O	Saddleworth Parish Council
0097/1/001/O	Kirstail Properties
0157/1/003/O	Mr&Mrs M. Bowker
0714/1/003/O	Karen Mather
0716/1/003/O	Mr M. Kenny
0748/1/003/O	Martin Capper
0828/1/002/O	Saddleworth Civic Trust
0112/1/007/O	Mr G.Bayley
0112/1/015/O	Mr G.Bayley

Summary of objections

- The Parish Council, the Civic Trust and Mr Bayley seeks an extension to the LGG to include an unallocated piece of land at Hull Lane.
- Kirstail Properties wish to see part of the site (at Ammons Way) allocated for housing.
- The others seek the inclusion of the land in the Green Belt. Mr Bayley wishes to see the land to the north east of LGG19 in the Green Belt (as an alternative to LGG).

Inspector's Reasoning and Conclusions

11.186 The Council has logically included the unallocated land near Hull Lane in the Local Green Gap. The whole site is very prominent and is an attractive open feature with recreational possibilities. It accords with the Council's approach to Local Green Gaps. I have indicated that I consider this to be appropriate in paragraph 11.144. Bearing in mind these points and my general conclusions on housing, there is no justification for such an allocation in this case. In view of the long term characteristics of the Green Belt and the wording of Policy OE1.10 and its reasoned justification, the inclusion of the land now shown as LGG19 is also not appropriate.

Recommendation

11.187 I recommend no modification to the RUDP.

**Site names LGG20 Land south of Oaklands Road, Grasscroft and
Lydgate Tunnel/land adj. to Oaklands Estate**

The Objectors

0051/1/001/O	Mr R.A Fleming
0174/1/016/O	Greenfield & Grasscroft Residents Assoc
0177/1/003/O	David Chadderton
0776/1/001/O	David O Haines
0827/1/001/O	G Winterbottom
0040/1/012/O	Saddleworth Parish Council

Summary of objections

- Mr Fleming seeks the allocation of the western half of the land for housing or Land Reserved For Future Development, the remainder as Local Green Gap.
- Three of the other objectors wish to include the railway cutting at the mouth of the Lydgate Tunnel in LGG20 as well as the section 106 land which formed part of Oaklands Park.
- Saddleworth Parish Council seeks to allocate the cutting as Green Corridor.

Inspector's Reasoning and Conclusions

11.188 As my colleague, the previous Inspector, in his report on objections to what is now the adopted UDP, stated, the site which is the subject of Mr Fleming's objection is clearly visible from a number of vantage points on the far side of the valley of the River Tame. He went on to say that its open nature provides an effective break between the residential area of Grasscroft to the north-west and the built development of Greenfield on the lower slopes of the valley to the south. The Inspector who determined an appeal in respect of the land was of a similar opinion.

11.189 I have examined the site from a number of locations. Whilst it is largely screened from view from parts of Manchester Road, the A635, to the south, because of a belt of trees, it can be seen from a number of other points particularly along a considerable stretch of Well-i-Hole Road, the B6175. I have come to the conclusion that there is no reason to differ from my colleague. Time has passed, parts of the Oaklands Park development can be seen from the south and outline planning permission has been granted at Oaklands House. Consequently, I consider it to be even more important that the objection site, which is well vegetated, together with the adjoining strip of land which runs down to Greenfield Station, remain open as a visual break between Grasscroft and Greenfield as well as part of the foreground to Wharmton Rise.

11.190 If housing land were to be in short supply, it seems to me that there are a number of other sites in the Plan area which are of less visual significance and more suitable than this. I, therefore, do not consider that it would be appropriate to modify the plan as suggested by the objector. On the other hand, given the openness of the land to the east, it would be sensible to extend the Local Green Gap (re-named) along to the station. It would also be more rational in cartographic terms as it would appear as a more effective link to the Green Belt.

11.191 As far as the other objections are concerned, the Council has extended the Green Corridor. I accept the Authority's submission for the reasons it has stated that it is more appropriate to designate the land in this way rather than as Local Green Gap.

Recommendation

11.192 I recommend that the RUDP be modified by extending Local Green Gap 20 (appropriately re-named) eastwards between Oldham Road and the railway to Greenfield Railway Station.

Site name LGG21 (formerly LR9) Summershades Lane, Grasscroft

The objectors:

There are a large number of objectors. Their names are included in the Appendix to this Report.

Summary of objections

- Some objectors wish to see the site included in the Green Belt as the RUDP Green Gap designation would still allow development to take place. The land should be preserved for recreation. There was concern at loss of amenity, visual intrusion, wildlife habitat and allocation as a nature reserve, access and highway safety, the site's suitability for development and the effect upon services.

Inspector's Reasoning and Conclusions

11.193 I have set out my general conclusions regarding the Green Belt in paragraph 11.4. National Planning Guidance (PPG2) states that Green Belt boundaries should only be altered in exceptional circumstances. The Council's Topic Paper "Open Environment" clearly explains the Council's current approach to open land. I have concluded on this matter in paragraph 11.148. From my several visits to the objection site and the surrounding area, there is no doubt in my mind that LGG (or the replacement title that I have recommended) is an appropriate allocation. I have recommended a modification to Policy OE1.10 but it is clear that it will be almost as restrictive as the Green Belt policy. The reasoned justification, if appropriately modified, will clarify and strengthen the policy. I am fully satisfied that this piece of attractive open land will be adequately protected for the duration of the Plan. For the reasons stated by the Council, I also accept that it would not be appropriate to allocate the site as a Nature Reserve, as a conservation area nor as public open space.

Recommendation

11.194 I recommend that no modification be made to the RUDP

Site name LGG22 Cowlshaw (formerly LR1)

The objectors:

There are a large numbers of objectors and their names are listed in the Appendix to this Report.

Summary of objections

- The site should be allocated as Green Belt. There should be no development. There is already traffic congestion on the access roads and the site is distant from public transport. Ponds, marshes, wildlife and grassland should be protected. Allocation as Green Belt would bring more secure, long-term protection than Local Green Gap. Two objectors (Mr & Mrs S K Thornton) would prefer allocation as Protected Open Land. Three objectors suggest that parts of the site should be allocated as recreational open space and three that it should be made into a country park.
- Land south of Denbigh Drive/ Netherhouse Road should be allocated for housing.

Inspector's Reasoning and Conclusions

11.195 My general conclusion relating to the Green Belt are contained in paragraph 11.4 above. The part of those conclusions most relevant to these objections is that a strategic re-examination of the Green Belt is not required before 2011. I have indicated that I am satisfied that the Council's approach accords with national planning policy and recent Regional Strategy. My general conclusions concerning Local Green Gaps are set out in paragraph 11.148. Apart from recommending that these areas should revert to the title used in the adopted UDP which, as it happens, would satisfy Mr and Mrs Thornton, I have made no other recommendations. The policy clearly indicates that only small-scale development which would not affect the openness, character or visual amenity of the land would be permitted.

11.196 The RUDP allocation and restrictions would apply until a future review of the Plan which will take place under the new development plan procedures. In coming to my conclusions, I have noted that the land was allocated as Protected Open Land in the adopted UDP when it was stated that the Council recognized that the land might be required for development beyond the Plan Period. It was also initially, of course, allocated as Land Reserved For Future Development in the First Deposit Draft. In the light of the significance of the land for informal recreational purposes and the fact that less safeguarded land was needed, the Council changed to the current allocation. Although the area is to my mind of limited landscape quality, I am satisfied that it fulfils some of the functions of Local Green Gaps as set out in paragraph 11.53 of the RUDP and that it will be adequately protected for the Plan Period. In these circumstances, where as the Council states, there is no means of implementation, I see no need to allocate parts of the site as recreational open space. The designation of Country Parks is not part of the Unitary Development Plan process.

11.197 As for those seeking residential allocation of the Denbigh Drive area, my general conclusions regarding such allocations are set out in paragraphs 6.37 and – 6.40 of this Report. No convincing evidence was produced to demonstrate that there is a lack of community facilities or affordable housing in this part of the Borough that could only be met by developing part of the site for housing. Whilst not a reason in itself to justify changing the allocation, the large numbers of objectors, does reflect the value of the open land to those living nearby. The removal of the slaughter house does not override the arguments for retaining the land in its predominantly open state.

Recommendation

11.198 I recommend that no modification be made to the RUDP.

Site name **Land Below Ladcastle Farm**

The objectors:

0828/1/006/O

Saddleworth Civic Trust

Summary of objection

- The Trust seeks the allocation of this land as Local Green Gap.

Inspector's Reasoning and Conclusions

11.199 I accept that the land fails to meet most of the RUDP criteria for a Local Green Gap. However, it is predominantly open and it does seem to me that it has much in common with many areas of “washed over” land in the Saddleworth area which are included in the Green Belt. It is separated from the latter by the railway but because of its openness and the numerous trees, I consider it to be visually and logically, part and parcel of that designated area. The canal, the bridge, and Moorgate Street and the adjoining path would provide a defensible boundary to the Green Belt in this locality. Consequently, I have come to the conclusion that a minor amendment to the designated area is appropriate.

Recommendation

11.200 I recommend that the RUDP be modified by including this objection site in the Green Belt.

Policy OE1.11 : Farm Diversification

The objectors:

0008/1/005/O

Countryside Agency

0023/1/002/O

P. Wilson & Company

0038/1/022/O

Greater Manchester Ecology Unit

0117/1/004/O

North West Tourist Board

0825/1/003/O

English Heritage

Summary of objection

- The Agency states that the policy should be amended to reflect the revised PPG7 and Agency policy as it is too restrictive.
- P. Wilson & Co. seek the deletion of criterion g. as it is too vague and subjective.
- The Ecology Unit considers that the cross-referencing should be within the main text.

- The Tourist Board considers that the policy should promote schemes such as camp sites, farm shops and other facilities as a means of diversification in order to attract visitors.
- English Heritage says that the reasoned justification should indicate the need to consider the effects of proposed development upon traditional farm buildings.

Inspector's Reasoning and Conclusions

11.201 As the Council points out, PPG7 has been superseded by PPS7. This recognizes that non-agricultural activities are vital to the continuing viability of many farm enterprises. It states that schemes should help to sustain the agricultural enterprise, be consistent in scale with their rural location, preserve the openness of a Green Belt, not result in excessive expansion and encroachment into the countryside and have regard to the amenity of nearby residents and other rural businesses. To my mind the criteria of the policy echo these requirements and are not over-restrictive.

11.202 I have responded to a similar objection of P. Wilson & Co. in paragraph 11.6. It is not necessary to repeat my conclusions here. I accept the Council's submission regarding cross-referencing. The sentence at the end of paragraph 11.64 of the reasoned justification is clear and adequate. That paragraph also states that diversification can enhance tourism. The policy and others in the RUDP provide an appropriate framework for assessing any relevant tourist-related schemes. Similarly, policies are in place against which to consider the effects of a proposal upon traditional farm buildings. In coming to my conclusions on these last three objections, I have borne in mind paragraph 3.1 of PPG12 which states that plans need to be clear and succinct. It seems to me that to meet these and other objections of this type would result in an overlong document which would be contrary to government advice and less digestible.

Recommendation

11.203 I recommend that no modification be made to the RUDP.

Policy OE2 : Nature & Landscape

The objectors:

0036/1/005/O	Peak District National Park
0036/2/007/O	Peak District National Park
1616/2/001/O	The National Trust

Summary of objections

- There should be reference to the strategic importance of the Peak District National Park and there should also be a reference to the need to protect the Park from harmful developments. The revised wording does not adequately reflect the duties of authorities to have regard to National Park purposes.
- The National Trust say that the second sentence of the additional text at the end of paragraph 11.70, the second sentence should appear in the policy itself rather than in the supporting text.

Inspector's Reasoning and Conclusions

11.204 As far as the National Park is concerned, it seems to me that its concerns have been met by the Council's changes at Second Deposit Stage and pre-Inquiry Change, no's 78 - 80 and that its interests will be adequately protected. Similarly, the Council's pre-Inquiry Change appropriately meets the objections of the National Trust.

Recommendation

11.205 I recommend that the RUDP be modified by making the changes set out as PIC No's 78-80 of the Council's Schedule of pre-Inquiry Changes dated 29 November 2004.

Policy OE2.1 : Landscape

The objectors:

There are large numbers of objections to this policy. Their names are listed in the Appendix to this Report.

Summary of objections

- There should be some flexibility in the consideration of development proposals.
- The open environment is not sufficiently protected.
- The policy does not adequately reflect the duty to have regard to the purposes of the Peak District National Park.
- The supportive text at the end of paragraph 11.75 should be included in the policy.

Inspector's Reasoning and Conclusions

11.206 The Council has introduced wording which provides an appropriate degree of flexibility and balance. There is no doubt in my mind that, as originally drafted, the policy was too restrictive and was tantamount to a blanket restriction on development. It follows that I do not accept the points made by a large number of objectors that it was not sufficiently protective. I find that I accept the Council's submissions concerning the National Park. I have made a recommendation that a modification be made to Policy OE2 which I consider will protect the interests of the Park. The additional sentence at the end of paragraph 11.75 provides a clear explanation of the application of the Policy OE2.1.

11.207 It seems to me that the emphasis of the policy is in need of some slight change. Whilst it is important to protect local distinctiveness, the basic thrust of the policy should be to protect the landscape of the Borough as a whole. In fact, much of the open landscape is an integral component of the Pennines which are a national landscape feature. Although there are unique local features, to mind the maintenance of local distinctiveness is a secondary factor. Consequently, I am recommending a minor modification.

Recommendation

11.208 I recommend that Policy OE2.1 be modified by changing the first sentence to read as follows,

“The Council will protect the character of the landscape and maintain local distinctiveness.”

Policy OE2.2 : Green Corridors & Links

The objectors:

0038/1/024/O	Greater Manchester Ecology Unit
0046/1/002/O	Broadhurst Engineering (UK) Ltd
0179/1/002/O	Commhoist Ltd
0617/1/003/O	Medlock Limited
0711/1/002/O	U-Aerials & Communications Ltd
0712/1/002/O	Medlock Communications Ltd
0713/1/002/O	Medlock Construction

Summary of objections

- The Ecology Unit suggests that amendments or a new policy may be required to meet Conservation Regulations.
- The other objectors seek the deletion of the policy because there is no clear justification for it and it overlaps other policies.

Inspector's Reasoning and Conclusions

11.209 I note that the Council has responded satisfactorily to the Ecology Unit's objection under Policy OE2.3. As far as the other objections are concerned, I am satisfied that the Green Corridors and Links are unique features with particular functions which are clearly defined by the Council. I have visited a number of these linear green features and there is no doubt that they merit this separate policy. Whilst there are a number of policies concerned with open space and recreation, I consider that these are essential if open land is to be protected from inappropriate development in the extensive and heavily built-up conurbation within which Oldham is located.

Recommendation

11.210 I recommend that no modification be made to the RUDP.

Site name Adjacent Royton Waste Water Treatment Works/ Land at Birchinlee Mill, Royton

The objectors:

0024/1/001/O	United Utilities Property Solutions
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0046/1/001/O	Broadhurst Engineering (UK) Ltd
0179/1/001/O	Commhoist Ltd
0617/1/002/O	Medlock Limited
0711/1/001/O	U-Aerials & Communications Ltd
0712/1/001/O	Medlock Communications Ltd
0713/1/001/O	Medlock Construction
0893/2/003/O	B J Deaville

Summary of objection

- Delete the Green Corridor and Link allocation for which there is no proper justification. There is a plethora of such policies.
- Mr Deaville seeks an extension to the designation.

Inspector's Reasoning and Conclusions

11.211 I have set out my general conclusions regarding Green Corridors in paragraph 11.210 above and there is no need to repeat them here. I have walked the length of this open land and came to the conclusion that this open space provides needed relief from the dominating presence of the adjoining retail park as well as from the extensive suburban development to the north. It is a well vegetated and attractive area, the pond to the east making a particular contribution. My colleague, the previous Inspector, considered the site to be too small and that it did not meet the tests included in Policy LR2.6. It is over eleven years since my colleague reported and is likely that the vegetation has matured and the visual quality has improved. The Council's approach to what was Other Protected Open Land has changed. Whilst the site is small, it has been extended to the retail park boundary and is comparable in size to other Local Green Gaps such as LGG's 16 and 17. It is also significant in relation to the adjacent built-up areas which it separates as well as meeting several other factors mentioned in paragraph 11.53. There is no doubt in my mind that the Green Corridor and Link notation should remain but I also consider that it should be allocated as Other Protected Open Land. I consider the boundaries as now defined are rational and should not be further extended as suggested by Mr Deaville. I have noted that a planning permission for four houses was granted in 1992 on the land north of the pond. This has, of course, lapsed and I consider that this part of the objection site is an integral and important component of the whole open area. The fact that it is not in a river valley, as submitted on behalf United Utilities, is not relevant in view of the terms of Policies OE2.2 and OE1.10

Recommendation

11.212 I recommend that the RUDP be modified by allocating the objection site as Other Protected Open Land.

Site name Land at Huddersfield Road, Diggle (B1.1.28)

The objectors:

0127/1/001/O	Mr Andy Friedrich
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Summary of objection

- Mr Friedrich seeks an extension to the Green Corridor.

Inspector's Reasoning and Conclusions

11.213 Whilst I am sympathetic to the objector's suggestion, I find that I agree with the Council in that it would be impractical to extend the designation along the Huddersfield Road frontage. As the Local Planning Authority points out, there is already a corridor running through PEZ 31 and the buffering of B1.1.28 would be likely to be addressed by means of landscaping conditions attached to a planning permission.

Recommendation

11.214 I recommend that no modification be made to the RUDP in response to this objection.

Site name Land at John Street, Lees

The objectors:

0708/1/001/O

Phyllis Lord & John K Shaw

Summary of objection

- The site should be allocated as a housing site.

Inspector's Reasoning and Conclusions

11.215 The land appears to have been a garden area which might be considered as a brownfield site. However, I consider that it is an attractive feature which is clearly visible and which is an integral part of the green corridor which links with LGG13. I accept the Council's submission that it is important to maintain this link. I have recommended in paragraph 6.67 that the land adjoining to the north should be allocated as Other Protected Open Land as a logical extension of what is currently LGG13. This objection site clearly links with that land and I am of the view that it should be retained for its amenity value and also allocated as Other Protected Open Land.

Recommendation

11.216I recommend that the RUDP be modified by allocating the land as Other Protected Open Land.

Site name Part of Long Clough, off Broadway, Royton

The objectors:

0626/1/001/O

Stockwell Construction (Midlands) Ltd (Dissolved)

Summary of objection

- The land should be allocated for residential development.

Inspector's Reasoning and Conclusions

11.217 Whilst I accept the notion of Green Corridors, this site clearly does not perform that function, being separated from the bulk of Long Clough by the busy A663, Broadway. It is, however, an attractive treed area which could provide the setting for an innovative housing scheme of significant quality. As with the other small sites that I have recommended for allocation as housing, this would provide some flexibility without prejudicing the overall housing strategy.

Recommendation

11.218 I recommend that the RUDP be modified by including the objection site under Policy H1.2.

Policy OE2.3 : Habitat Protection**The objectors:**

There are a large number of objectors to this policy. Their names are listed in the Appendix to this Report.

Summary of objections

- The boundaries of the various protected areas should be shown on the Proposals Map and wrongly placed labels corrected.
- There should be reference to European site scrutiny and inaccuracies should be corrected.
- Different levels of protection should be acknowledged.
- Candidate Special Areas of Conservation should be included.
- There is a lack of protection for birds and other wildlife in the Green Belt.
- Wind turbines should not be sited within, or on the margins of, internationally, nationally or regionally designated sites.

Inspector's Reasoning and Conclusions

11.219 As the Council states, boundaries can change and I accept that it would not be appropriate to show them on a plan of this time-span. In addition I consider that because of the amount of detail which is already included on the Proposals Map and overlaid on an OS base, to include further non-essential boundaries could lead to confusion. The Council has made appropriate corrections which are included in a list of proposed technical changes. Paragraph 11.90 of the RUDP has been changed to include suitable reference to European sites and scrutiny. PPG12 states clearly that

development plans should have regard to regional guidance and should implement regional policy at local level. I am satisfied that Policy OE2.3 accords with this as well as with PPS9. The different levels of protection are clear and I consider that the policy is comprehensive and that the suggested additions would lead to unnecessary duplication. Similarly, I am of the opinion that, as the candidate SAC's have now been formally recognized under the Habitats Directive, the objector's suggestion is not necessary. As the Council say, the Green Belt is a land use designation which provides some general protection to wild life. Specific protection is afforded by OE2.3 and OE2.4. As far as wind turbines are concerned, I have dealt with this fully in Chapter 13. However, Policy OE2.3, along with Natural Resource policies, affords comprehensive protection to designated habitat and wild life areas and accords with national guidance

Recommendation

11.220 I recommend that no modification be made to the RUDP.

Site name Oozewood Clough

The objectors:

0091/1/001/O

Thornham Area Neighbourhood Council

Summary of objection

- Oozewood Clough should be shown as an SBI to protect the Green Belt and the area surrounding it.

Inspector's Reasoning and Conclusions

11.221 The area in the vicinity of the Clough is included in the Green Belt and is therefore well protected. As is indicated in its submission, the designation of an SBI is not a matter for the Council

Recommendation

11.222 I recommend no modification to the RUDP.

Site name Shawside SBI

The objectors:

0166/1/004/O

P & D Northern Steels Ltd

0166/1/005/O

P & D Northern Steels Ltd

Summary of objections

- Add wording to Policy OE2.3 to require definition of SBI boundaries and require agreement of maintenance regimes in advance of development proposals. Delete the SBI symbols from the Proposals Map until SBI's are defined.

Inspector's Reasoning and Conclusions

11.223 The supporting text to OE2.3 clearly states that the boundaries and gradings of some SBI's will change during the life of the RUDP. It also states that the boundaries are available from the Council and that these will be regularly up-dated. I appreciate the possible problems facing the objectors but in view of the lack of certainty I have identified, I consider that it would not be reasonable to modify the Plan in response to these two objections. On the other hand, I have recommended a minor extension to PEZ22 (paragraph 123) to make at least some provision for the firm's possible expansion.

Recommendation

11.224 I recommend no modification to the RUDP.

Policy OE2.4 : Species Protection Policy

The objectors:

0038/1/026/O
0124/1/001/O

Greater Manchester Ecology Unit
Lancashire Wildlife Trust

Summary of objections

- The Ecology Unit say that the policy should be re-worded to take account of the impact of proposed development on European protected species as well as on species listed in the Oldham Biodiversity Action Plan.
- The Trust seeks the inclusion of a reference to rare species.

Inspector's Reasoning and Conclusions

11.225 The Council has made appropriate changes at Second Deposit which meet the concerns of the objectors.

Recommendation

11.226 I recommend that no modification be made to the RUDP.

Chapter 12: Conservation of the Historic Environment

Policy C1 : Conservation of the Historic Environment

The objectors:

0007/1/014/O	Uppermill Residents' Association
0106/1/006/O	Friezland Residents' Association
0825/1/004/O	English Heritage
0125/1/003/O	M. Farrand

Summary of objections

- Uppermill Residents' Association seeks the inclusion of provision for preserving and removing an historic building to another site.
- The Friezland Residents' Association wants to see the policy strengthened to conserve and regenerate the industrial heritage.
- English Heritage seeks a stated intention to prepare a "local list" of buildings of architectural or historic importance.
- Mr Farrand seeks an additional policy via a detailed appraisal to identify historic settlements where additional development could be accommodated.

Inspector's Reasoning and Conclusions

12.0 I would go further than the Council as I consider that the need to move a historic building is likely to be a very rare occurrence and I accept the suggestion that it is something which should be considered on its merits. There is no doubt in my mind that the policy is sufficiently robust to meet any eventualities and there is no need to strengthen it as requested by the Friezland Residents' Association. As far as English Heritage's objection is concerned, I consider that it would be useful if a local list of buildings of architectural or historic importance were to be prepared. However, this could be difficult for the Council who might require specialist staff. Consequently, it seems to me that an indication that this is something the Council wishes to do at some time in the future is all that I can reasonably recommend. I accept the Council's submission that an additional policy is not necessary. My overall conclusions regarding housing allocations are set out in paragraphs 6.37-6.40. There are adequate policies against which to assess proposals for development in historic settlements.

Recommendation

12.1 I recommend that the RUDP be modified by adding the following sentence to 12.12 of the reasoned justification of Policy C.1, "Resources permitting, the Council will prepare a local list of buildings of architectural or historic interest".

Site name Royal George Mills, Greenfield

The objectors:

0106/1/001/O	Friezland Residents' Association
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Summary of objection

- Conservation area statements should be stronger to protect designated areas such as the Royal George and to enhance the Green Belt.

Inspector's Reasoning and Conclusions

12.2 As indicated in paragraph.12.1 above, I consider that this policy is sufficiently robust. This also applies to Green Belt policies. I accept the Council's submission that it is not necessary to introduce additional policies to protect specific conservation areas. I note that the Council will prepare assessments as and when resources permit

Recommendation

12.3 I recommend that no modification be made to the RUDP.

Policy C1.1 : Development within or affecting the Setting of Conservation Areas

The objectors:

As there are large numbers of objections, their names are listed in the Appendix to the Report.

Summary of objections

- The policy should be re-written in order to simplify its content and to express its intentions more clearly.
- The setting of a conservation area could be seriously compromised by the presence of wind turbines. The words "including views in or out" should be re-instated.

Inspector's Reasoning and Conclusions

12.4 I find the policy with the proposed changes to be quite clear and appropriately detailed. Paragraph 4.14 of PPG15 clearly states that the desirability of preserving or enhancing a conservation area should be a material consideration in a planning authority's handling of development proposals which are outside such an area but would affect its setting, or views into or out of it. The subsequent paragraph of the guidance states that it is particularly important that policies for conservation areas, insofar as they bear on the exercise of development control, should be set out in the development plan. It follows that the Council's proposed pre-Inquiry change, No.81, to re-introduce the words "including views in or out", is appropriate and necessary.

Recommendation

12.5 I recommend that the RUDP be modified by making the change set out as PIC81 in the Council's Schedule of pre-Inquiry Changes dated 29 November 2004.

Policy C1.2 : Demolition of buildings in conservation areas

The objectors

0021/1/042/O	Government Office for the North West
0045/1/019/O	Wiggett Construction Ltd.

Summary of objections

- Amendments are sought to criteria a. and c. to bring them into line with the Act and Government Guidance.

Inspector's Reasoning and Conclusions

12.6 As amended the policy accords with the Act and PPG15.

Recommendation

12.7 I recommend that no modification be made to the RUDP.

Policy C1.3 : Retention of Distinctive Local Features or Structures in Conservation Areas

The objectors:

0021/1/039/O	Government Office for the North West
0045/1/016/O	Wiggett Construction Ltd

Summary of objection

- GONW suggests that the circumstances in which, exceptionally, development proposals might be approved should be set out.
- Wiggett Construction wishes to see the policy deleted as it duplicates C1.1 and C1.2.

Inspector's Reasoning and Conclusions

12.8 A qualifying statement in response to GONW which I consider to be appropriate has been introduced. As is submitted on behalf of the Council, C1.3 relates to matters not covered by C1.1 and C1.2. In view of the importance attached to conservation in government guidance, I have come to the conclusion that C1.3 helps to give additional robustness to the range of conservation policies.

Recommendation

12.9 I recommend that no modification should be made to the RUDP.

Policy C1.4 : Alterations, Extensions and Additions to Buildings in Conservation Areas

The objectors:

0045/1/018/O Wiggett Construction Ltd

Summary of objection

- The policy should be re-written to be less onerous to reflect the need to conserve or enhance a conservation area, not just individual buildings.

Inspector's Reasoning and Conclusions

12.10 I accept that the policy as proposed to be amended provides a clear basis for considering the design of proposed extensions to unlisted buildings in conservation areas.

Recommendation

12.11 I recommend that no modification be made to the RUDP.

Policy C1.7 : The Re-use of Historic Buildings

The objectors:

0021/1/040/O Government Office for the North West
0693/1/004/O Mr P. Whitehead

Summary of objection

- GONW seeks an amendment to the wording in order to conform to legislation and Government Guidance.
- Some older buildings which have come to the end of their useful life should be demolished and replaced by modern units.

Inspector's Reasoning and Conclusions

12.12 Policy C1.2 clearly sets out the criteria against which the proposed demolition of unlisted buildings in conservation areas will be considered. As the Council points out, the demolition of non-listed buildings outside conservation areas does not normally require planning permission. I am satisfied that policies in the Plan including C1.7 (as amended) are comprehensive and provide the means to deal with proposals for conversion and demolition in accordance with government guidance.

Recommendation

12.13 I recommend that no modification should be made to the RUDP

Policy C1.10 : Demolition of a Listed Building or Structure

The objectors:

0021/1/041/O

Government Office for the North West

Summary of objection

- PPG15 should be given its correct title.

Inspector's Reasoning and Conclusions

12.14 The amended wording incorporates the correct title.

Recommendation

12.15 I recommend that no modification should be made to the RUDP.

Policy C1.13 : The Protection of Parks and Gardens of Special Historic Interest

The objectors:

0828/2/037/O

Saddleworth Civic Trust

Summary of objection

- Additional wording is needed to accommodate any later entries to the Register of Parks and Gardens of Special Historic Interest.

Inspector's Reasoning and Conclusions

12.16 The policy as amended indicates quite clearly that it applies to any designated historic park or garden. Paragraph 12.58 is, to my mind, merely informative of the situation at the time the plan was prepared.

Recommendation

12.17 I recommend that no modification be made.

Chapter 13: Natural Resources and Environment Quality

Policy NR1.1 : Protection of Amenity (formerly GS7)

The objectors:

0038/1/012/O	Greater Manchester Ecology Unit
0045/1/020/O	Wiggett Construction Ltd
0082/1/002/O	Crown Castle UK Ltd
0110/1/013/O	Paul Speak Properties Ltd
0138/1/003/O	Lawrence Watson
0825/1/001/O	English Heritage
0021/2/031/O	GONW
0008/1/021/O	Countryside Agency
0006/1/017/O	Highways Agency

Summary of objections

- The Ecology Unit seeks a definition of “significant harm” in the reasoned justification.
- Wiggett Construction and Paul Speak Properties say that Policy GS7 should be deleted.
- Crown Castle and GONW state that the policy is too restrictive and inflexible. The former are concerned that it would stifle the development of modern telecommunications infrastructure.
- Lawrence Weston states that the RUDP should contain stronger protection of residential amenity against noise and pollution.
- English Heritage seeks the addition of reference to historic parks and gardens.
- The Countryside Agency requests a change of wording in order to encourage considerate development.
- The Highways Agency seeks definitions of “security” and “convenience” in criterion C.

Inspector's Reasoning and Conclusions

- 13.0 The Council deleted large sections of GS7 which meets the concerns of a number of the objectors. The words “significant harm” in Policy NR1.1 relate only to residence and workplace and I find the policy and the reasoned justification to be clear and comprehensive. Taken as a whole, I am satisfied that the RUDP provides an adequate level of protection of amenity. There is no doubt in my mind that the word “amenity” is fundamental to the planning process and it is essential to retain in this re-worded policy. The reference to the use of conditions or Section 106 agreements in the policy itself, together with paragraph 13.16 of the reasoned justification, clearly provide flexibility. It would not now be appropriate to include a reference to historic parks and gardens which are covered by the RUDP’s policies relating to the historic environment.

Recommendation

- 13.1 I recommend that no modification be made to the RUDP.

Policy NR1.2 : Air Quality

The objectors:

0021/1/044/O

Government Office for the North West

0021/2/105/O

Government Office for the North West

Summary of objections

- The policy should state how applications outside AQMA's will be dealt with.
- In order to make the RUDP self-contained, the types of development identified in the Air Quality Management Plan should be listed along with an indication of unacceptable levels of pollutants.

Inspector's Reasoning and Conclusions

13.2 This policy has been substantially re-worded. It now focuses on the development types highlighted in the Air Quality Action Plan. The policy is clear and I note that it satisfies the first of GONW's objections. In view of the need for the RUDP to reach adoption as quickly as possible, it seems to me that the proposed Air Quality SPD which is included in the Local Development Scheme is preferable to updating the RUDP itself.

Recommendation

13.3 I recommend that no modification be made to the RUDP.

Policy NR1.4 : Noise and Vibration

The objectors:

0007/1/015/O

Uppermill Residents Association

Summary of objection

- There should be a specific figure in relation to the words "unacceptable impact".

Inspector's Reasoning and Conclusion

13.4 As the Council submits, it would not be practical to include a figure in view of the many variables which might have to be taken into account in dealing with development proposals. I am satisfied that the policy is sufficiently robust and that the development control system with appropriate consultation is capable of meeting any potential problems.

Recommendation

13.5 I recommend no modification be made to the RUDP in respect of this objection.

Policy NR1.7: (formerly NR1.5) Hazardous Installations

The objectors

0773/1/001/O
0665/1/003/O

Health and Safety Executive
Environment Agency

Summary of objections

- There should be a policy relating to the location of establishments where hazardous substances are used or stored and to the development of land within the vicinity of establishments where hazardous substances are present.
- The policy should make specific reference to the hazardous potential of landfill gas migration.

Inspector's Reasoning and Conclusions

13.6 The policy has been completely rewritten to take account of the concerns of the Health and Safety Executive and to my mind is now satisfactory. I am also satisfied that concerns of the Environment Agency are addressed in Policy NR1.6.

Recommendation

13.7 I recommend that no modification be made to the RUDP.

Policy NR2 : Water Resources & Infrastructure

The objectors:

0038/1/028/O
0117/1/006/O

Greater Manchester Ecology Unit
North West Tourist Board

Summary of objection

- The Ecology Unit requests the inclusion of mill lodges as well as ponds.
- The Tourist Board wish to see the policy encouraging the use of water resources in order to distribute visitor pressures more evenly.

Inspector's Reasoning and Conclusions

13.8 There is now a reference to mill lodges in the re-numbered paragraph 13.39. The previous paragraph, together with paragraph 13.42, recognises the recreational value of water resources as does the Nature and Landscape section of Chapter 11. The previous chapter, no. 10, makes comprehensive provision for recreation including the use of canals, while Chapter 5 identifies the general importance of tourism. I find that I agree with the Council in that the concerns of the Tourist Board are adequately covered in the RUDP.

Recommendation

13.9 I recommend that no modifications should be made to the RUDP.

Policy NR2.1 : Water Infrastructure

The objectors:

0038/1/009/O	Greater Manchester Ecology Unit
0771/1/002/O	The Inland Waterways Association - NW
0175/1/014/O	West Pennine Bridleways Association
0422/1/003/O	British Waterways
1737/2/001/O	Mr & Mrs McNeeney

Summary of objection

- The Ecology Unit states that a policy on development adjacent to the canal or an SPG should be prepared.
- As that section of the Rochdale Canal that lies within Oldham does not receive water from the Huddersfield Canal, the Inland Waterways Association say that the last sentence of paragraph 13.36 should be removed.
- The Bridleways Association states that the Plan does not address the ability of the public sewerage system and treatment works to accommodate the foul sewage potential arising from large scale housing developments.
- British Waterways seek additional wording in paragraph 13.48 to include a reference to canal water supply and to change to “will” rather than “may need to” on the matter of consultation.
- Mr and Mrs McNeeney seek a strengthening of paragraph 13.51 so that developers have to contact United Utilities plc to discuss the adequacy of the public sewerage network.

Inspector's Reasoning and Conclusions

13.10 I note that a new paragraph has been added to the reasoned justification drawing attention to the status of the Rochdale Canal. As far as an SPD is concerned, it seems to me that whilst the Council might give consideration to this at some time in the future, the Plan provides an appropriate framework for dealing with development proposals alongside the canal.

13.11 The additional paragraph 13.51 provides comprehensive guidance relating to the public sewerage system and I agree that further changes are not necessary. Similarly, appropriate additional wording regarding the supply of water has been added to paragraph 13.48. For the reasons cited by the Council, I accept that “will” should not be substituted for “may need to” and there is no need to strengthen paragraph 13.51 as requested by Mr and Mrs McNeeney.

Recommendation

13.12 I recommend that no modification be made to the RUDP.

Policy NR2.2 : Flooding & Flood Protection

The objectors:

0684/2/002/O	T Gaunt
0123/2/004/O	Chapman Saddleworth Ltd
0104/2/017/O	Bellway Homes
1415/2/001/O	Troll Pension Fund
0709/2/005/O	Robert Fletcher (Greenfield) Ltd

Summary of objections

- Several objectors state that the Indicative Flood Risk Areas are not fully comprehensive. The map is diagrammatic and could be misleading. Robert Fletcher maintain that the policy is over cautious and restrictive.

Inspector's Reasoning and Conclusions

13.13 I note that following an objection by the Environment Agency (0665/1/001/O) the Council made a number of changes which satisfied the Agency. The flood risk areas are included in the Map Changes in the RUDP and will be included in the Proposals Map when the Plan is adopted. As the latter now meets the requirements of the statutory body responsible for these matters, I see no reason to recommend further changes.

Recommendation

13.14 I recommend that no modifications to the RUDP be made in response to these objections.

Introduction to Energy Policies

The objectors:

0007/1/016/O	Uppermill Residents Association
0105/1/007/O	Dobcross Village Community
0105/2/009/O	Dobcross Village Community

Summary of objections

- The Residents Association objects to paragraph 13.70 as it is considered that there is nowhere sufficiently remote in the Borough to tolerate wind turbines.
- The Dobcross Village Community is concerned at the targets for wind farms and also considers that HEP schemes would not be viable.

Inspector's Reasoning and Conclusions

13.15 As the Council states, the RUDP is not an appropriate vehicle to challenge national energy strategy or the viability or efficiency of wind power. PPS22 clearly indicates that planning authorities should set out the criteria that will be applied in assessing

applications for renewable energy projects. As I conclude elsewhere, the RUDP has set out comprehensive policies to meet such eventualities. The Residents Association has not submitted any evidence to substantiate its assertion. There is no doubt in my mind that the RUDP, in particular Policies NR3.1 and NR3.2, provides the means to fully assess the implications of any applications for renewable energy projects. As far as energy efficient light bulbs are concerned, these are also important, but do not override the need to anticipate the type of planning application mentioned above. The Residents Association are somewhat dogmatic in stating that wind turbines are visually ugly. This could be regarded as a subjective view and I am aware that there are those who think otherwise. However, this does not remove the need for the policies that I have discussed.

- 13.16 On the matter of targets, the Council has explained the background to these. They are targets for the North West Region to which Oldham could contribute. There is no requirement for an Oldham specific target and it would not be reasonable for me to recommend one. There are also unknowns and differing views regarding small scale hydro but, as the Council submits, the RUDP policies provide a robust framework to determine any relevant applications. The various pre-Inquiry changes put forward by the Council satisfactorily clarify a number of points, refer to new Government Guidance and go some way towards meeting objections.

Recommendation

- 13.17 I recommend that the RUDP be modified by making the changes set out as PIC No's 82-86 of the Council's Schedule of pre-Inquiry Changes dated 29 November 2004**

Policy NR3 : Energy Developments

The objectors:

0243/2/013/O
1938/2/005/O

Alan Roughley
Hugh Broadbent

Summary of objections

- Both objectors consider that the words “which improve energy efficiency and conservation” should not be deleted. Mr Roughley expresses concern regarding wind turbines.

Inspector's Reasoning and Conclusions

- 13.18 Policies D1.1 and D1.2, as re-drafted, clearly indicate the Council's commitment to energy efficiency and conservation. There is, therefore, no need to repeat the phrase in this chapter which, as the Council points out, relates only to renewable energy. PIC87 appropriately refers to PPS22 and I also consider that the Council's latest suggested changes help to clarify matters, I recommend accordingly. Mr Roughley's points regarding wind turbines are dealt with in my overall conclusions under Policies NR3.1 and NR3.2.

Recommendation

13.19 I recommend that the RUDP be modified by replacing the title and the policy with the following:

PART 1 POLICY

RENEWABLE ENERGY DEVELOPMENTS

THE COUNCIL WILL SUPPORT DEVELOPMENT PROPOSALS FOR ALL FORMS OF RENEWABLE ENERGY GENERATION WHICH CONTRIBUTE TO REDUCING GREENHOUSE GAS EMISSIONS, SUBJECT TO CONSIDERATION OF THEIR POTENTIAL ENVIRONMENTAL AND HEALTH IMPACTS.

I also recommend that the RUDP be modified by making the change set out as PIC No 87 of the Council's Schedule of pre-Inquiry Changes dated 29 November 2004

Policy NR3.1 : Renewable Energy Developments

The objectors:

There are large numbers of objections to this policy. The names of the objectors are listed in the appendix to the Report

Summary of objections

- In the absence of substantive research and debate the reference to wind energy in paragraph 13.73 should be deleted.
- There should be additional criteria to safeguard various features and attributes.
- An additional paragraph clarifying the approach to views in and out of the Peak District National Park is required.
- It is considered that there is inadequate protection of the Green Belt.
- Paragraph 13.77 is too complex and obscure and should be deleted. There is also an objection to the first sentence of that paragraph.
- There should be a requirement for the removal of concrete footings from pylons in areas where there would be damage to the environment as well as a requirement for restoration. There is concern that a company may go out of business and it is suggested that there should be a requirement for a producer to pay into a trust fund to finance restoration. There should also be a requirement for an assessment of the environmental effects of a proposal to be submitted with any planning application for renewable energy development.
- The proposed SPD should be subject to the same public debate as the RUDP.
- The Plan should be specific about the level of detail required from potential developers.
- There is concern regarding the practicality of assessing possible damage and the criteria to be used in assessing levels of compensation.

- The policy should be more flexible.
- There should be an additional paragraph specifying the minimum distance from residential buildings that wind turbines would be permitted.

Inspector's Reasoning and Conclusions

- 13.20 It has been a governmental requirement for some years that development plans should include policies for renewable energy. Current national policy indicates that plans should promote and encourage, rather than restrict, the development of renewable energy resources. Paragraph 1(iii) of PPS22 states that the government may intervene where it considers that the constraints being proposed by local authorities are too great or have been poorly justified. Government policy is pre-eminent and development plans are expected to conform to government guidance. It is clear that the Council has undertaken appropriate consultation. I also find that I agree that it has gone beyond its statutory obligations and that there is an on-going process. Some objectors at the Round Table Session argued that the Council has slavishly followed government policy and that there is an over reliance on wind energy. There is no doubt in my mind that this is an exaggeration. Policy NR3.1 clearly refers to any form of renewable energy and paragraph 13.73 states that it is intended to apply to all renewable energy technologies. That paragraph and paragraph 13.81 explain why a separate policy for wind turbines has been included. As I have indicated in paragraph 13.15 above, the RUDP is not an appropriate vehicle to challenge national energy strategy or the viability or efficiency of wind power. This may or may not change in the future. If it does, future versions of Oldham's Development Plan would presumably accommodate it, but this is not a matter for me. The government's objectives in respect of renewable energy are clearly set out in PPS22 and it would be irresponsible and shortsighted of the Council not to include relevant policies.
- 13.21 The impact of wind turbines in the Saddleworth area is undoubtedly the principal concern of the majority of objectors. As is stated in the Companion Guide to PPS22 (CD/A/20), the UK is particularly well placed to utilise wind power, having access to something like 40% of the entire European wind resource. Given the locational requirements of wind turbines, it seems to me that it is a matter of commonsense that the Pennine Uplands, not just those within Oldham MB, can provide technically suitable locations. Whilst the planning system is plan-led, any applications for wind turbines or other renewable energy developments would be most likely to come from the private sector, from individuals or companies. There is no disagreement that parts of the area covered by the RUDP together with the adjoining Peak District National Park are environmentally sensitive in one way or another and that there are attributes which should be protected. It is, therefore, of fundamental importance that the Plan should contain policies which would enable the Council to assess fully any application and to undertake any necessary consultations. Elsewhere, other objectors have submitted that the RUDP contains a plethora of protective policies some of which are unnecessary. I have disagreed and have come to the conclusion that, overall, the Plan, as changed, and also taking into account the Council's more recent suggested pre-Inquiry changes, accords with national and regional policy. It contains a comprehensive range of such policies providing the Council with the potential to deal effectively with any application, including proposals for renewable energy projects. Consequently, whilst I acknowledge the understandable concerns of the objectors to NR3.1 and NR3.2, I do not consider that there is any need or justification to include additional criteria or to make any other changes to NR3.1. I am also satisfied that the

policy is sufficiently flexible and would accommodate new technologies if necessary.

- 13.22 The references in the preceding paragraph to the range of policies and to the Council's changes and suggested pre-Inquiry changes apply to most of the objections to Policy NR3.1. Additionally I find paragraph 13.77 to be perfectly clear. It seems to me that the level of detail required from applicants is appropriate as is the intention to include additional detail in an SPD. As far as the latter is concerned, I have concluded on the matter of consultation in paragraph 2.0 of my Report. It also seems clear to me the words "compensated for" do not refer to financial compensation.

Recommendation

- 13.23 I recommend that the RUDP be modified by making the changes set out as PIC No's 88-93 of the Council's Schedule of pre-Inquiry Changes dated 29 November 2004**

Policy NR3.2 : Wind Developments

The objectors:

There are large numbers of objectors to this policy. Their names are listed in the Appendix to this Report.

Summary of objections

- Some objectors express general opposition to windfarms.
- Others state that turbines are inefficient and cause pollution.
- It is claimed that Tameside have refused to include a wind farm policy and that Oldham is a major target for such schemes and that they are a foregone conclusion.
- There are concerns that they are dangerous.
- They will adversely affect skylines, the landscape, the Pennine Way, the Peak District National Park, the Green Belt, archaeological sites, tourism and recreation, nature conservation interests, aircraft, safety, as well as residential amenity There should be a requirement for applicants to submit a statement of the environmental effects of an application. There is also an objection to the PIC's 94 and 98 because they would introduce a requirement for all applications to be accompanied by an EIA contrary to published regulations.
- The Areas of Search should be deleted along with the text referring to schemes outside such areas together with the reference to two or fewer turbines.
- A detailed SPG should be prepared.
- Other renewables should be given more emphasis.
- There should be a minimum period for wind speed testing and there should be a requirement for all applicants to include information relating to the amount of energy a scheme is likely to generate.
- There are objections to various deletions.
- There should be references to buffer distances between wind turbines and sensitive land uses including rights of way.
- Planning permission for ancillary pylons should be sought at the same time as turbine applications.
- The onus should be on the applicant to demonstrate the means of decommissioning

and restoration. There should be a requirement to pay into a restoration trust fund.

- A number of objectors are concerned at what they regard as omissions.
- There are concerns regarding the need to weigh harm against benefit and the criteria to be applied to different scales of development.
- There are a number of objections to detailed wording in the reasoned justification which generally overlap with other objections.
- Some objections are concerned at a lack of clarity in some of the terms used in the policy and the reasoned justification.

Inspector's Reasoning and Conclusions

- 13.24 Many of the objections to this policy are similar if not identical to objections to NR3.1. My conclusions in respect of that policy (paragraphs 13.21 & 13.22) clearly also apply to a high proportion of the objections to NR3.2. Other than emphasise that it is not for the RUDP to challenge national energy policy and that I consider that it would be unreasonable and irresponsible for the Council not to include a policy or policies relating to wind turbines, I shall not repeat those conclusions here.
- 13.25 Because of the changes that the Council has already made and the numerous proposed changes (PIC's 82-100), it is inevitably difficult to read the Natural Resources section of the Plan at this stage as a whole. However, after carefully reading and re-constructing the section, together with the Council's detailed responses and the objections themselves, I have come to the conclusion that the section is clear and comprehensive in terms of renewable energy generally. Additionally, Policies NR3.1 and 3.2 provide, as the Council submits, a criteria-based rigorous framework for the assessment of wind energy developments. I am also satisfied that some of the concerns of objectors have been met and that further details are best dealt with by means of an SPD which as already indicated would go through a process of public consultation.
- 13.26 The possibility of Tameside refusing to include a wind farm policy is not a matter for me and does not affect my conclusions on these issues. In the light of the extensive protective policies, it is unreasonable to suggest that the construction of turbines is a foregone conclusion. The Council has appropriately suggested that Areas of Search should be deleted in line with PPS22. The latter also advises that LPA's should not make assumptions about the technical and commercial feasibility of projects in view of possible technological change. It follows from that that it should not impose wind speed requirements or buffer zones. As far as ancillary pylons are concerned, this is effectively covered in Policy NR3.1 and paragraph 13.85 addresses the matter.

Recommendation

- 13.27 I recommend that the RUDP be modified by making the changes set out as PIC No's 94-98 of the Council's Schedule of pre-Inquiry Changes dated 29 November 2004.**

Policy NR3.3 : Renewable Energy in Major New Developments

The objectors:

1536/2/005/O	Mr David Makin
0021/2/094/O	Government Office for the North West
0040/2/032/O	Saddleworth Parish Council
0042/2/011/O	Shaw & Crompton Parish Council
0112/2/023/O	Mr G Bayley
0165/2/005/O	Mr Brian Lord
0243/2/023/O	Alan Roughley
0828/2/034/O	Saddleworth Civic Trust
1777/2/008/O	Delph Community Association

Summary of objections

- Several of the objectors seek an increase in the percentage renewable energy requirement. Mr Roughley states that the Policy should allow the 10% equivalent to be saved by the installation of high levels of insulation in new developments.
- The Parish Council wishes to see the policy applied to all sizes of development and considers that there is an over-reliance on wind energy.
- Mr Bayley objects to the first sentence of paragraph 13.92.
- GONW requires paragraph 13.95 to be moved to the end of the policy.

Inspector's Reasoning and Conclusions

13.28 The Council has explained the background to this policy and the reasoning behind the figure of 10%. Policies such as this are at an early stage and in the light of Government policy, it is clear that the Council should not stifle developers by onerous requirements and there should be a degree of flexibility. I have noted that this Oldham Policy is cited in the Companion Guide to PPS22 as an example of the way this type of policy can be developed. That seems to me some indication that the 10% is an appropriate level. It may be that the Government target of 20% by 2020 could be promoted at the next stage of Oldham's development plan process. The same point applies to the threshold. Small scale development could be stifled and I agree with the Council that larger developments which have a greater demand for energy are more likely to offer greater flexibility and also benefit from any possible economies of scale. As the Council states, energy efficient measures are addressed in Policy D1.2

13.29 As far as Mr Bailey is concerned, I have concluded in relation to Government policy in earlier paragraphs (paragraphs 13.15 and 13.21-22). The Council has responded to the objection by GONW and has proposed a number of changes which I consider will meet this objection. I also accept that it ought to go some way to satisfying some of the other objectors. In coming to this conclusion, I have borne in mind PIC's 4-9 upon which I have concluded in paragraph 3.11. The changes are quite complicated and I shall set them out in full.

Recommendation

13.30 I recommend that the RUDP be modified as follows:

Add at the end of the policy, "Where it is claimed that such a requirement would be non-viable in relation to a particular proposal, the claim should be supported by a development appraisal substantiating the claim of non-viability with regard

to the type of development proposed, its location and design.”

Paragraph 13.94 to read as follows:

“Passive solar design, that is designing a building to take maximum advantage of sunlight, and energy efficiency measures can significantly reduce the overall energy consumption of a building. However, passive solar design and energy efficiency measures will not be counted towards the 10% requirement because they are already requirements through Policies D1.1 and D1.2 in the Design Chapter of the Plan. Nevertheless, there is a clear benefit to applicants in maximizing the energy efficiency and effective passive solar design of buildings as this will reduce the overall energy requirement and consequently the contribution needed from renewable energy resources to meet the requirement.”

Replace paragraph 13.95 with the following:

“A successful claim of non-viability in relation to the requirement for 10% of total predicted energy requirements to be provided on site from renewable energy sources would result in the Council negotiating a lower percentage requirement, having regard to the details of the claim itself, the type of development proposed, its location and design. In the context of this policy, viability is defined in terms of:

- (i) the overall economic viability of the proposed development (not that of individual renewable energy technologies); or
- (ii) the existence of any insurmountable technical problems.

Policy NR4 : The Need for Minerals

The objectors:

0021/1/046/O	Government Office for the North West
0021/1/047/O	Government Office for the North West
0521/1/002/O	Derbyshire County Council
0602/1/001/O	Aggregate Industries UK Ltd

Summary of objections

- Aggregate Industries state that the Mineral Resource Zones Map is unclear and should be at a different scale or the Zones should be shown on the Proposals Map.
- Both GONW and Derbyshire County Council question the requirement for applicants to demonstrate need which is contrary to Government advice.
- GONW is concerned that that Areas of Search have not been identified and that it is not clear whether any proposals for future mineral working are likely to come forward during the Plan period. There is a need for more certainty.

Inspector's Reasoning and Conclusions

- 13.31 As far as the Minerals Resources Zones Map is concerned, there is no doubt that it is unclear and the Council's intention to redraft the map on a separate sheet to the same scale as the Proposal Map is to be welcomed. Whilst I consider that to incorporate the MRZ into the latter would result in cartographical confusion, the Council's reasons for non-inclusion should be made clearer.
- 13.32 I have noted the Council's points regarding the draft MPS. It may be that the Government's approach will change in the future, although I am not convinced from my own reading that it is changing in any radical way. The draft MPS continues to stress the need for an adequate supply. It states that in areas subject to special protection consideration of mineral applications should include an assessment of the need but it does not suggest that should be a requirement imposed on the applicant. However, this is not a matter for my recommendation. For the moment current guidance is contained in MPG1 which states quite clearly that MPA's should not include development control policies in their plans which require developers to provide evidence of need. I find that I agree with my colleague who stated in the Report relating to the Derbyshire Minerals Local Plan that mineral development will rarely be undertaken without some adverse environmental effect and that need will often enter into the balance in decision making. There is no doubt in my mind that Policy NR4 without criterion A is robust. Along with the Plan's range of protective policies it provides a rigorous framework with which to assess any mineral application. However, I consider that in view of the Council's considered approach, it might be helpful to add words to the effect that where there is environmental concern need must be demonstrated.
- 13.33 Paragraph 46 of MPG1 indicates that each Mineral Planning Authority will be responsible for making sufficient provision in its plan to meet the anticipated need over the period of the plan and to maintain continuity of supply and it sets out ways by which this might be achieved. Despite its lack of clarity, it appears from an examination of the Minerals Resource Zones Map and the Council's comments that there is no shortage of crushed rock aggregate. However, the position in relation to sand and gravel is less clear and more complicated. It seems that this could be a problem. MPG6 indicates that it should be demonstrated that sufficient resources have been identified or can be identified to ensure that the land bank can be maintained at the requisite level throughout the Plan period. However, after due consideration, I have come to the conclusion that the Council cannot predict this with any certainty at all. This also applies to predicting the likelihood of proposals coming forward. Because of the nature of mineral reserves within the Plan area and the overall uncertainty, it seems to me that the Mineral Resource Zones rather than Areas of Search would at least provide some guidance to minerals operators. I have also come to the conclusion that, in view of the considerable uncertainty, the Authority must rely on the policy as amended according to my recommendation below.

Recommendation

13.34 I recommend that the RUDP be modified by,

deleting criterion A. Criterion B to become Criterion A.

Inserting the following as Criterion B:

Where there is an environmental concern, need must be demonstrated.

Policy NR4.1 : Prevention of Mineral Sterilisation

The objector:

0021/1/048/O

Government Office for the North West

0021/1/049/O

Government Office for the North West

Summary of objections

- There appears to be a section missing at the start of the policy.
- There should be a clearer commitment to the safeguarding of mineral deposits which are, or may become, of economic importance.

Inspector's Reasoning and Conclusions

13.35 The omission has been rectified. I am satisfied that the policy and the reasoned justification provide adequate safeguards and accord with government guidance as set out in MPG's 1 and 6.

Recommendation

13.36 I recommend that no modification be made to the RUDP.

Policy NR4.2: Primary, Secondary and Recycled Aggregates

The objector:

0021/1/050/O

Government Office for the North West

Summary of objection

- The statement in sub-paragraph (b) of paragraph 13.74 appears to contradict Policy NR4.1

Inspector's Reasoning and Conclusions

13.37 The omission of the "offending" phrase removes any ambiguity and meets the objection.

Recommendation

13.38 I recommend that no modification be made.

Policy NR4.3: Criteria for Assessing Proposals for Mineral Working and Processing

The objectors:

0021/1/043/O
0038/1/032/O
0521/1/003/O

Government Office for the North West
Greater Manchester Ecology Unit
Derbyshire County Council

Summary of objections

- The Ecology Unit seeks an addition to the list of protected interests to cover species or their habitats protected by law.
- The requirement to demonstrate need is contrary to government guidance.

Inspector's Reasoning and Conclusions

13.39 I have noted the Council's additional criterion which I consider to be appropriate and which meets the Ecology Unit's request.

13.40 I have concluded on the question of need under Policy NR4. It follows from that that I consider a modification to be necessary.

Recommendation

13.41 I recommend that the RUDP be modified as follows:

Replace the second bullet point with the following :

“Where there is environmental concern need must also be demonstrated, taking into account the prevailing landbank within Greater Manchester and the sub-regional apportionment made by the Regional Aggregates Working Party, derived from the current regional guideline figure as set out in MPG6.”

Chapter 14: Waste Management

Policy W1 : Waste

The objector:

0021/1/038/O

Government Office for the North West

Summary of objection

- There is an omission in the first paragraph.

Inspector's Reasoning and Conclusions

14.0 The omission has been rectified.

Recommendation

14.1 **I recommend that no modification be made to the RUDP.**

Policy W1.2 : Provision of Sites for Waste Management Facilities

Site name

High Moor Landfill, Scouthead

The objectors:

0602/1/002/O

Aggregate Industries UK Ltd

0007/1/030/O

Uppermill Residents Association

Summary of objection

- Mineral extraction operations may be complete by 2006. Consequently, an extension of landfill and extraction activities may need to be considered during the Plan Period.
- The Residents' Association claim that the policy reads as though the site is used for the disposal of waste from Oldham MBC.

Inspector's Reasoning and Conclusions

14.2 In the absence of information regarding new waste management infrastructure, the Council has adopted a criteria-based approach to the problem of waste disposal and treatment. A Greater Manchester Waste Plan is to be prepared which will identify specific sites. In these circumstances it would not be appropriate to allocate this site for extension at this stage. Paragraph 14.15 of the reasoned justification points out that waste movements are highly complex and pay little heed to county, let alone individual local authority boundaries, so Oldham cannot consider its own needs in isolation. The Council correctly refutes the suggestion that the policy either explicitly or implicitly indicates the nature or origin of waste inputs to High Moor quarry.

Recommendation

14.3 I recommend no modification to the RUDP.

Policy W1.3 : Criteria for Assessing Proposals for Waste Management, Treatment and Disposal Facilities

The objectors:

0038/1/027/O	Greater Manchester Ecology Unit
0040/1/004/O	Saddleworth Parish Council
0521/1/001/O	Derbyshire County Council

Summary of objections

- The Ecology Unit and the Parish Council seek additions to the list of protected assets.
- The County Council objects to the requirement for applicants to demonstrate a clear shortfall in existing waste treatment or disposal capacity.

Inspector's Reasoning and Conclusions

- 14.4 The concerns of the Parish Council regarding tourism are covered by the list of assets as amended. The additional asset (v) meets the suggestion of the Ecology Unit. The proposed addition to paragraph 14.19 of the reasoned justification will enable the Council to review the existing SPG to form an SPD as part of the Local Development Framework.
- 14.5 To my mind the requirements criticized by the County Council are not unreasonable and they do not conflict with current national guidance. There is no support for the allegation that innovation would be inhibited. It seems to me that, in view of the points I have made in paragraph 14.3 above, the Borough Council has adopted the correct approach. Until such time as there is a clearer overall picture of the overall need and demand It is right to expect a thorough assessment for any proposal that may be submitted. There is also no substantive justification regarding the possibility of a “knock on effect” with regard to the impact upon Derbyshire. As is the Case with the Borough Council, I find the suggested alternative wording unclear and imprecise.

Recommendation

14.6 I recommend that the RUDP be modified by making the change set out as PIC101 of the Council’s Schedule of pre-Inquiry Changes dated 29 November 2004.

Policy W1.4 : Provision of Civic Amenity & Other ‘Bring’ Recycling Sites

The objectors:

0040/1/005/O	Saddleworth Parish Council
0543/1/008/O	Denshaw Community Association

Summary of objections

- The Parish Council assumes that the policy sought to identify an additional landfill site in the Saddleworth area.
- Denshaw Community Association would like to see more being done in terms of “door step recycling” and civic education in relation to waste disposal.

Inspector's Reasoning and Conclusions

14.7 It is clear from the Council’s submissions that the Saddleworth Parish Council was mistaken and that the policy only relates to civic amenity and other “bring sites”. I accept that the Council is committed to meeting its obligations under the relevant legislation and operates a number of schemes. I also agree that it would not be appropriate to include these various initiatives or other non land-use approaches in the RUDP.

Recommendation

14.8 I recommend that no modification be made to the RUDP.

LIST OF PROPOSED TECHNICAL CHANGES

I am satisfied that these changes are necessary and appropriate for the reasons set out by the Council.

Recommendation

I recommend that the RUDP be modified by incorporating the changes set out in the Council's List of Proposed Technical Changes to the Plan, dated August 2005.

POLICY CHANGES PROPOSED THROUGH INQUIRY APPEARANCES OR WRITTEN RESPONSES TO REPRESENTATIONS

I have recommended in the relevant part of the Report that the Plan be modified by making the proposed changes to Chapters 5, 7, and 13. The three proposed changes to Appendix B are also appropriate and I recommend accordingly.

Recommendation

I recommend that the RUDP be modified by making the changes to Appendix B as set out in the Council's list of Policy Changes Proposed through Inquiry Appearances or Written Responses to Representations

