

## **REPORT TO COUNCIL – 24 MAY 2006**

### **UNITARY DEVELOPMENT PLAN - REVIEW: RESPONSES TO OBJECTIONS RECEIVED ABOUT THE PROPOSED MODIFICATIONS AND THE COUNCIL'S STATEMENT OF DECISIONS, AND THE ADOPTION OF THE PLAN**

#### **REPORT OF EXECUTIVE DIRECTOR OF REGENERATION**

#### **OLDHAM UNITARY DEVELOPMENT PLAN**

##### **1.0 PURPOSE OF REPORT**

- 1.1 The purpose of this report is to set out the recommended responses of the Council to objections received on the proposed Modifications to the Oldham Unitary Development Plan (UDP) and the Council's Statement of Decisions. It seeks approval for these responses and the adoption of the UDP.

##### **2.0 EXECUTIVE SUMMARY**

- 2.1 The Council is at the final stages in the preparation of the replacement UDP. Consultation on the Proposed Modifications has now finished. A small number of objections were received, but they are not considered to have a material impact on the policies and proposals set out in the draft replacement UDP for the reasons set out in Appendix A. It is therefore unnecessary to hold a further Public Inquiry into these objections. As a result, the replacement UDP can be adopted by the Council as part of the Borough's statutory development plan and so form the basis for determining planning applications.
- 2.2 The process for adoption is set out in the Development Plan Regulations 1999, and involves two periods of advertisement; a Notice of Intention To Adopt, and then, after 28 days, a Notice of Adoption. Although the UDP formally becomes part of the Borough's statutory Development Plan as of the date the Notice of Adoption is published, there is then a six-week period during which legal challenges could be launched against the UDP.

### **3.0 RECOMMENDATIONS**

3.1 It is recommended that Members:

- (i) approve the recommended responses to objections made to the Council's schedule of Proposed Modifications and Statement of Decisions as detailed in Appendix A to this report; and
- (ii) approve the further technical changes as detailed in Appendix B; and
- (iii) approve the publication of the Notice of Intention to Adopt; and
- (iv) approve the publication of the Notice of Adoption, at which point the Oldham UDP becomes a part of the statutory Development Plan for the Borough.

### **4.0 BACKGROUND**

4.1 Following a Public Inquiry, held between January and October 2005, the Council published the Inspector's Report in January 2006. After consideration at its meeting on 8<sup>th</sup> February 2006, the Council published its Proposed Modifications to the UDP and its Statement of Decisions, thereby starting a 6 week public consultation period. This consultation ended on 10<sup>th</sup> April 2006 and resulted in a further 17 objections.

4.2 The Council must now consider its response to these objections and whether or not the replacement Oldham UDP can be adopted. The recommended response to these objections is set out in Appendix A of this report. A further Public Inquiry into these objections is considered to be unnecessary.

4.3 Further, a number of additional technical changes to the UDP have been identified. Appendix B of this report sets out these further technical changes which it is considered have no material impact on the policies and proposals contained in the Plan.

- 4.4 It is therefore considered that the Plan is ready for adoption, incorporating the proposed modifications and technical changes as published in February 2006 and the attached further technical changes.

### **Adopting the UDP**

- 4.9 Should Members recommend that the UDP be adopted as described in this report, a Notice of Intention To Adopt will be published in the appropriate media. After 28 days, unless the Secretary of State issues a direction to “call-in” or modify the Plan a Notice of Adoption will be published. Although the Plan is adopted as of the publication of the Adoption Notice, there is then a period of 6-weeks for the submission of a legal challenge to elements of the Plan.
- 4.10 From the point of adoption it is intended to publish the UDP Written Statement and Proposals Map as soon as practicably possible. Copies will be made available at all libraries, the One-Stop-Shop in the Civic Centre, the Business Centre and the Planning reception on Level 12 of the Civic Centre. Copies will also be sent to all Members and statutory consultees. The UDP will be made available in electronic format via the Council’s web site. Individuals and organisations that have participated in the UDP Review will be notified in writing that the Plan has been adopted.

### **5.0 CURRENT POSITION**

- 5.1 The Council has reached the final stage in the preparation of the replacement UDP. The Council is now in a position to adopt the Plan which will, along with the Regional Spatial Strategy for the North West, form the development plan for the Borough and as such will be used as the basis for determining planning applications in the Borough.

### **6.0 OPTIONS/ALTERNATIVES**

- 6.1 There are no practical alternatives. The Council is legally obliged to have an up-to-date adopted UDP as part of the Borough’s statutory Development Plan.

## **7.0 PREFERRED OPTION**

7.1 Adopt the UDP as set out in the Development Plan Regulations 1999.

## **8.0 CONSULTATION**

8.1 The UDP Review has been subject to extensive public consultation at key stages, including at First and Revised Deposits, Pre-Inquiry Changes and Proposed Modifications, that has involved the Members, Chief Officers, general public, statutory consultees, interest and community groups, land owners, developers and consultants.

## **9.0 FINANCIAL IMPLICATIONS /TREASURER'S COMMENTS**

9.1 "None apart from printing the written statement and proposals map which will be met from within the existing revenue budget (PB)."

## **10.0 CORPORATE HUMAN RESOURCES COMMENTS**

10.1 NONE.

## **11.0 LEGAL SERVICES' COMMENTS**

11.1 Legal Services have been involved in the production of the report and agree it's contents (MB)

## **12.0 TREASURER'S COMMENTS**

12.1 See 9.1 above.

## **13.0 IT IMPLICATIONS**

13.1 NONE.

## **14.0 PROPERTY IMPLICATIONS**

14.1 NONE.

## **15.0 ENVIRONMENTAL AND HEALTH AND SAFETY IMPLICATIONS**

15.1 The Replacement UDP has been the subject of sustainability appraisal throughout the process. Therefore, the plan should fully reflect environmental, community and economic considerations insofar as planning legislation permits.

## **16.0 COMMUNITY COHESION IMPLICATIONS (INCLUDING CRIME AND DISORDER IMPLICATIONS IN ACCORDANCE WITH SECTION 17 OF THE ACT)**

16.1 The Replacement UDP's spatial strategy can indirectly influence community cohesion, for example through the location of development and criteria which govern the nature and type of development. The Replacement UDP has had regard to national advice and Oldham's Community Cohesion Strategy.

## **17 FORWARD PLAN REFERENCE**

**KEY DECISION:- YES.**

**If YES:-**

*State the month and reference number of the item which gives notice of the intention to make this decision. If item was not included in forward plan include reference to general exception/special urgency procedures (paragraph 16 and/or 17 of Part 4 of the Constitution) and include dates of consultation with appropriate Overview and Scrutiny Chair(s). ( See guidance note attached also).  
(Essential Guide is located in the Intranet – reference section)*



## 18 SUPPORTING PAPERS

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***In the case of an EXEMPT report, this section can be deleted.***

*The following is a list of the background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by that Act.*

*File Ref –First Deposit Draft Replacement UDP, October 2001*

*Revised Deposit Draft Replacement UDP, October 2003*

*Pre-Inquiry Changes to the Replacement UDP, November 2004*

*Further Pre-Inquiry Changes to the Replacement UDP, January 2005*

*Inspector's Report into the Public Local Inquiry, December 2005*

*Proposed Modifications to the Revised Deposit Draft Replacement UDP and the*

*Council's Statement of Decisions, February 2006*

*Individual objections or representations made at the various public consultation stages.*

*Any Person wishing to inspect copies of the above background papers should contact:-*

*Len Harris, Strategic Planning & Information, telephone 0161 911 4163*