

# **Oldham Local Development Framework**

**Draft Vibrant Centres  
Supplementary Planning Document  
Determination Statement**

**February 2012**

#### **Availability of Document**

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# **Oldham Council Vibrant Centres Supplementary Planning Document: Determination Statement**

## **January 2012**

### **Purpose of the Vibrant Centres SPD**

Oldham Council Joint Core Strategy and Development Management Policies Development Plan Document (the 'Joint DPD') was adopted in November 2011.

The council is now preparing a Vibrant Centres Supplementary Planning Document (SPD). The SPD will provide further guidance on the relevant policies contained within the Local Development Framework (LDF). It will assist council officers and applicants in implementing policies.

When considering applications for night-time economy uses and hot food takeaways the following policies will be relevant:

- Policy 1 Climate Change and Sustainable Development
- Policy 5 Promoting Accessibility and Sustainable Transport Choices
- Policy 9 Local Environment
- Policy 15 Centres
- Policy 16 Local Services and Facilities
- Policy 20 Design
- Policy 24 Historic Environment
- Policy 25 Developer Contributions

A key aim for Oldham is to promote and enhance the vitality and viability of all the borough's centres.

Our Centres act as focal points for commercial, shopping, social, civic, community and cultural activities, and play a major part in the borough's identity and image. The SPD will have a particular emphasis on the night-time economy within Oldham Town Centre and new hot food takeaways across the borough.

The objectives of the SPD are to:

- Provide clear and consistent guidance for new developments and for changes of use involving hot food takeaways.
- Provide clear and consistent guidance for new developments and changes of use linked to the night-time economy.
- Assist in the determination of planning applications for hot food takeaway and night-time economy proposals.
- Minimise the concentration or clustering of hot food takeaways.
- Minimise the impact on the local environment or the amenity of neighbouring residents and business uses.
- Ensure all development contributes positively to the visual appearance of the area during opening and non-opening hours.
- Minimise impacts on traffic generation or highway safety as a result of these developments.
- Contribute to community safety.
- Provide guidance and advice on the design of shop fronts and business premises.

## **Planning and Compulsory Purchase Act 2004 and the Town and Country Planning Regulations 2004**

Under the Town and Country Planning Act Regulations 16 and 17 required that Supplementary Planning Documents (SPDs) were supported by a Sustainability Appraisal (SA).

The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009 removed the requirement to prepare a Sustainability Appraisal report for SPDs.

However, the explanatory Memorandum to the 2009 Regulations (2009 No. 401) advises that Local Planning Authorities are still required *"to screen their SPDs to ensure that legal requirements for SA are met where there are impacts that have not been covered in the appraisal of the parent Development Plan Document (DPD) or where an assessment is required by the SEA Directive."*

This determination statement therefore screens the Vibrant Centres SPD to ensure legal requirements are met.

## **European Directive 2001/42/EC and The Environmental Assessment of Plans and Programmes Regulations 2004**

The European Directive 2001/42/EC requires a formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment. This applies to plans and programmes whose preparation began on or after 21 July 2004.

Where plans are subject to the Directive the responsible authority (Oldham Council) must prepare a report on its likely significant effects, consult environmental authorities and the public and take the report and the results of the consultation into account during the preparation process.

The Directive requires the council to determine whether or not the plan is likely to have significant environmental effects. The Directive and the Environmental Assessment of Plans and Programmes Regulations 2004 set out the determinations of the responsible authority.

## **The Environmental Assessment of Plans and Programmes Regulations 2004 Part 2 Regulation 9**

Under Regulation 9 (1), where a plan for which the first formal preparatory act is after 21 July 2004 and where the plan sets the framework for future development consent of projects, the Council must determine whether the plan is likely to have significant environmental effects.

Under Regulation 9 (2), before making a determination under Regulation 9(1), the Council shall take into account the criteria specified in Schedule 1 to the Regulations and consult three consultation bodies, the Environment Agency, Natural England and English Heritage. Schedule 1 sets out the criteria for determining the likely significant effects on the environment.

## **Considering Part 2 Regulation 9**

### **Regulation 9 (1) (a)**

The Vibrant Centres SPD will begin preparation after 21 July 2004. However the amendments made by the 2009 Regulations removed the requirement for SPDs to be subject to a SA.

The SPD will support the implementation of the joint Core Strategy and Development Management Development Plan Document (the 'Joint DPD'). It will provide further guidance on the relevant policies within the Joint DPD. The Joint DPD itself sets the framework for future development consent of projects. The Joint DPD has been subject to a Sustainability Appraisal, incorporating the requirements of the Strategic Environmental Assessment. The SPD will provide more detail on that adopted framework.

### **Regulation 9 (1) (b)**

The SPD does not relate to the use of a small area at a local level. The SPD does relate to town and country planning and land use, however it does not set the framework for future development consent of projects listed in Annex I or II to Council Directive 85/337/EEC (as amended) on the assessment of the effects of certain public and private projects on the environment.

The Vibrant Centres SPD is subject to a Habitats Regulations Assessment (HRA) screening opinion. The Screening Opinion has established that it is not necessary for a full appropriate assessment to be carried out.

It is viewed that the SPD does not fall within the requirements of Regulation 9 (1) (b).

### **Regulation 9 (1) (c)**

The SPD does not concern a minor modification to a plan or programme and therefore Regulation 9 (1) (c) is not relevant.

### **Regulation 9 (2)**

Regulation 9 (2) requires that the council considers the criteria specified in Schedule 1 before making a determination on whether the SPD is likely to have significant environmental effects.

<b>Schedule 1: Criteria for determining the likely significant effects on the environment</b>	
<b>1. The characteristics of plans and programmes, having regard, in particular, to -</b>	
(a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	<p>The Vibrant Centres SPD will support the implementation of the Joint DPD through providing further guidance on relevant policies within the Joint DPD.</p> <p>The Joint DPD itself sets the framework for future development consent of projects and has been subject to a Sustainability Appraisal, incorporating the requirements of the Strategic</p>

	<p>Environmental Assessment.</p> <p>The Joint DPD sets out a long-term spatial vision, objectives and the planning and development strategy for the borough up to 2026, core policies and development management policies and a monitoring and implementation framework. The Joint DPD includes policies on the night-time economy, food and drink.</p> <p>The SPD is topic based and will provide more guidance on that adopted framework relating to the night-time economy, food and drink.</p>
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	<p>The Vibrant Centres SPD will provide further guidance on the policies contained within the Joint DPD. Its role will be to assist in implementing the Joint DPD when assessing development proposals.</p> <p>The Joint DPD has been subject to a Sustainability Appraisal, incorporating the requirements of the Strategic Environmental Assessment.</p>
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	<p>The Vibrant Centres SPD will support the implementation of the Joint DPD which promotes sustainable development.</p> <p>The Joint DPD has been subject to a Sustainability Appraisal, incorporating the requirements of the Strategic Environmental Assessment. This took into account environmental considerations to ensure that the Joint DPD promotes sustainable development.</p> <p>The SPD will provide further guidance on the relevant policies within the Joint DPD. It will cover issues on: need and concentration, local environment, amenity, waste and litter, design, traffic &amp; highway impact and community safety. The SPD aims to improve the quality of life in the borough.</p>
(d) environmental problems relevant to the plan or programme; and	<p>The Vibrant Centres SPD will support the implementation of the Joint DPD which addresses environmental issues. The Joint DPD has been subject to a Sustainability Appraisal.</p>

	<p>The Vibrant Centres SPD aims to improve the quality of life in the borough, including addressing environmental problems.</p> <p>The SPD will provide further guidance on the Joint DPD. It will cover issues on: need and concentration, local environment, amenity, waste and litter, design, traffic &amp; highway impact and community safety.</p>
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	<p>The Vibrant Centres SPD will support the implementation of the joint DPD. The SPD provides further guidance on relevant policies within the Joint DPD.</p> <p>The SPD will provide further guidance on the Joint DPD. It will cover issues on: need and concentration, local environment, amenity, waste and litter, design, traffic &amp; highway impact and community safety.</p> <p>The Joint DPD has been subject to a Sustainability Appraisal, incorporating the requirements of the Strategic Environmental Assessment and has taken into account relevant legislation on the environment.</p> <p>The Vibrant Centres SPD has been subject to a Habitats Regulations Assessment (HRA) screening opinion and therefore the European Habitats Directive is relevant. The Screening Opinion concludes that further assessment is not required.</p>
<b>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to -</b>	
(a) the probability, duration, frequency and reversibility of the effects;	<p>The Joint DPD has been subject to a Sustainability Appraisal, incorporating the requirements of the Strategic Environmental Assessment.</p> <p>The Joint DPD Sustainability Appraisal concludes that the sustainability process did not identify any negative social, environmental or economic effects for the preferred way forward. The policies relevant to the SPD scored positively.</p> <p>The Vibrant Centres SPD will support the implementation of the joint DPD. The SPD provides further guidance on</p>

	<p>relevant policies within the Joint DPD. The SPD will therefore result in positive effects.</p>
(b) the cumulative nature of the effects;	<p>The Joint DPD has been subject to a Sustainability Appraisal, incorporating the requirements of the Strategic Environmental Assessment.</p> <p>The policies relevant to the SPD scored positively in the Sustainability Appraisal of the joint DPD. The SA took into account cumulative effects and concluded that Policy 15 was likely to contribute positively towards the visual appearance of an area and contribute towards community safety and security.</p> <p>The Vibrant Centres SPD will support the implementation of the joint DPD. The SPD provides further guidance on relevant policies within the Joint DPD. The SPD will therefore result in positive effects.</p>
(c) the transboundary nature of the effects;	<p>The Joint DPD has been subject to a Sustainability Appraisal, incorporating the requirements of the Strategic Environmental Assessment.</p> <p>The policies relevant to the SPD scored positively in the Sustainability Appraisal of the joint DPD. The SA took into account trans-boundary impacts and noted where there may be cross boundary impacts with neighbouring local authorities.</p>
(d) the risks to human health or the environment (for example, due to accidents);	<p>The Vibrant Centres SPD will support the implementation of the Joint DPD which addresses environmental and social issues, such as health.</p> <p>The Vibrant Centres SPD aims to improve the quality of life in the borough, including addressing environmental and human health issues.</p> <p>The SPD will cover the criteria on: need and concentration, local environment, amenity, waste and litter, design, traffic &amp; highway impact and community safety.</p> <p>The Joint DPD has been subject to a Sustainability Appraisal, incorporating the requirements of the Strategic</p>



	<p>Environmental Assessment.</p> <p>The policies relevant to the SPD scored positively in the Sustainability Appraisal of the joint DPD. The SPD will therefore result in positive effects.</p>
<p>(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);</p>	<p>The Vibrant Centres SPD covers the whole borough (apart from part of the borough which falls within the Peak District National Park).</p> <p>However, the SPD provides further guidance on relevant policies within the Joint DPD and will aid its implementation. The Joint DPD has been subject to a Sustainability Appraisal, incorporating the requirements of the Strategic Environmental Assessment.</p>
<p>(f) the value and vulnerability of the area likely to be affected due to –</p> <p>(i) special natural characteristics or cultural heritage;</p> <p>(ii) exceeded environmental quality standards or limit values; or</p> <p>(iii) intensive land-use; and</p>	<p>Oldham has a number of nature characteristics. These include:</p> <p>Special Protection Areas for Birds (SPAs), Special Areas of Conservation (SACs), Sites of Special Scientific Interest (SSSI's), Sites of Biological Interest (SBIs) and a Local Nature Reserve (LNR).</p> <p>There is also a number of Conservation Areas, Listed Buildings, Registered Parks and Gardens, Scheduled Ancient Monuments and significant archaeological remains.</p> <p>Oldham has a Air Quality Management Area.</p> <p>All of these have been considered as part of the SA of the Joint DPD. The Vibrant Centres SPD will provide further guidance on the relevant policies within the Joint DPD.</p>
<p>(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>Oldham has a number of important nature conservation areas. This includes Special Protection Areas for Birds (SPAs), Special Areas of Conservation (SACs), Sites of Special Scientific Interest (SSSI's), Sites of Biological Interest (SBIs) and a Local Nature Reserve (LNR).</p> <p>A Landscape Character Assessment has been prepared.</p>

	All of these have been considered as part of the SA of the Joint DPD. The Vibrant Centres SPD will provide further guidance on the relevant policies within the Joint DPD.
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### **Consultation**

Under Regulation 9 (2) consultation with the Environment Agency, Natural England and English Heritage should be undertaken before making a determination.

Under Regulation 11 (1) the Council will send to each of the three consultation bodies a copy of the determination within 28 days of making a determination and under Regulation 11 (2) the Council will keep a copy of the determination available at the principal office for inspection by the public and will take appropriate steps to bring the determination to the attention of the public within 28 days of making a determination.

The Environment Agency, Natural England and English Heritage were consulted on the 23<sup>rd</sup> January 2012. No comments were received as a result of this consultation.

### **Determination**

The Council considers that after having regard to the Environmental Assessment of Plans and Programmes Regulations 2004 the Vibrant Centres SPD does not require a Strategic Environmental Assessment (SEA). Any effects are likely to be positive.