HBF House, 27 Broadwall,
London SE1 9PL
info@hbf.co.uk
hbf.co.uk

Chris Martin – Homes Builders Federation (HBF)
Oldham Local Plan Examination
Matters, Issues and Questions – Matter 9

Matter 9 – Design and Historic Environment Policies

Issue 13: Does the Plan set out a positively prepared strategy and policies (Policies HE1 to HE5; D1 to D4) for design and the historic environment which is justified, effective and consistent with national policy?

Policy D1

Q9.1 Are the requirements of Policy D1 sufficiently clear and understandable for decision makers and applicants and is the policy effective as a result? Does the inability to prepare an SPD to provide further guidance impact the effectiveness of Policy? Consequently, should key design requirements be set out more explicitly in policy rather than through reference to local design guides and design codes?

1. The HBF considers that whilst broad and general in nature, the criteria in Policy D1 are generally understood, albeit many of these requirements are replicated in the NDMPs in the 2026 NPPF (namely Policy DP3).

2. It is noted that paragraph 16.10 of the Local Plan relies on future design guides and codes to supplement Policy D1 and provide additional detail. Given that local planning authorities can no longer produce Supplementary Planning Documents (SPDs), it is unclear under which legislation such documents will be produced. This needs to be explained by the Council.

3. The HBF is aware that in the absence of being able to produce SPDs, many local planning authorities are issuing informal guidance notes instead. The HBF does not support this approach as such notes can be produced with little or no consultation and therefore little or no opportunity for scrutiny by our members, whilst also putting in place requirements which may add significant cost to a development. Whilst such documents should only be given very limited weight, our members are finding that in practice, many local planning authorities are nevertheless rigorously applying the requirements of such informal guidance.

4. It is the HBF's view that for Policy D1 to be effective, such additional detail should be clearly set out in the Local Plan itself. This will provide the clarity and certainty which developers need in order to bring forward development.

HBF

Q9.2 Is the policy sufficiently clear with regard to the operation of the local design review process, and what would constitute a 'significant design issue'? Is the policy effective as a result?

5. As outlined in our Regulation 19 consultation response, the term 'significant design issue' is not defined within the Local Plan and so it is unclear as to the thresholds for when a local design review is required. This uncertainty makes the policy ineffective and is unhelpful in promoting growth in the borough.

6. Whilst the HBF does not oppose local design reviews and considers they can be helpful tools which can drive improvements in local design, this can only be the case where the process is tightly and precisely defined.

7. Currently the requirement is not only vague in relation to when a local design review will be required, it is also unclear as to the format of such a design review and the process that is to be followed. The Local Plan references the Design Council's guidance titled *Design Review Principles and Practice* but this document itself provides different ways in which design reviews can be carried out. The Council therefore need to be clear on when a scheme will be referred, how such a scheme will be scored/evaluated, whether the applicant attends the review, how and when feedback will be given (including timescales) and if there can be any type of follow-up and re-evaluation. The Council will also need to be certain that it has the resources available (or access to resources) to undertake the reviews in a timely manner.

8. Without defining these areas clearly, there is a risk of a lack of transparency and consistency in the process and uncertainty over timescales for feedback and the determination of the planning application itself. Our members' experiences are that when local design reviews do not provide these details, there is a risk of significant delays to planning applications as design expectations are unclear and the process is not readily understood.

Q9.3 Are the design requirements for strategic developments justified and effective? Is it sufficiently clear what constitutes 'strategic development'?

9. We look forward to the Council explaining this in more detail as this is currently unclear.

Policy D2

Q9.4 Is Policy D2 positively prepared, justified and effective?

Policy D3

Q9.5 Is Policy D3 justified and effective? Is the policy consistent with paragraph 97 of the 2021 Framework with regard to ensuring public safety and security?

Policy D4

Q9.6 Is the policy sufficiently clear with regards to how it interacts with Policies D1, OL2, OL3 and OL4, in particular whether it is intended to apply in addition to these policies? Is the policy justified and effective as a result?

Policy HE1

Q9.7 Is Policy HE1 justified and effective?

Q9.8 Is the term 'restoration' suitably defined within Policy HE1 and is the policy effective as a result?

Policy HE2

Q9.9 Is Policy HE2 consistent with national policy, particularly with regard to the reference to 'sustain and enhance'?

Q9.10 Are the requirements of Policy HE2 sufficiently clear and understandable for decision makers and applicants and is the policy effective as a result?

Policy HE3

Q9.11 Is Policy HE3 consistent with national policy?

Q9.12 What is the extent of conservation area appraisal coverage across the Borough's 36 conservation areas? Do any gaps and/or older appraisals undermine the effectiveness of the policy?

Q9.13 Are the requirements of Policy HE3 sufficiently clear and understandable for decision makers and applicants, both in isolation and in conjunction with Policies HE1 and HE2, and is the policy effective as a result?

Policy HE4

Q9.14 Are the requirements of Policy HE4 sufficiently clear and understandable for decision makers and applicants and is the policy effective as a result? In particular:

- **(a) Are there any mills that are designated heritage assets (e.g. they are listed or fall within a conservation area)? If so, how would Policy HE4 operate in conjunction with Policies HE1 to HE3?**
- **(b) Is the policy sufficiently clear in relation to non-designated heritage assets and the different mill priority levels?**

(c) **Is the policy sufficiently clear in relation to mill clusters? Is it clear what the status of these clusters is compared to the priority categories and would the policy provide an effective basis to assess planning applications within the clusters?**

Q9.15 What is the status of the Oldham Mills Strategy? Is it justified to rely on this strategy to assess future development proposals?

Q9.16 Are the mills that would be subject to the policy clearly set out on the Policies Map, to allow for Policy HE4 to be implemented effectively?

Policy HE5

Q9.17 Is Policy HE5 justified and effective?

Q9.18 Is the terminology in the policy consistent with national policy?

Q9.19 Are the requirements of Policy HE5 sufficiently clear and understandable for decision makers and applicants, both in isolation and in conjunction with Policies HE1, HE2 and HE3, and is the policy effective as a result?

Q9.20 Is the term 'restoration' suitably defined within Policy HE5 and is the policy effective as a result?

Overall

Q9.21 Are the policies in Chapters 15 and 16 of the Plan otherwise positively prepared, justified, effective and consistent with national policy?

Q9.22 Are any Main Modifications required to ensure the policies are sound?

10. In line with our comments made in response to Q9.2 above, the HBF considers that additional details should be provided regarding the parameters of the local design review.