Hearing Statement – Matter 1

Pegasus Group on behalf of North Lumb Farm Ltd.

Land at Failsworth Road, Woodhouses

Date: November 2026 | Pegasus Ref: P18-1012_RO11v2_PL_MAN_KR_ST

Author: Kate Roberts and Sebastian Tibenham

Document Management.

Version	Date	Author	Checked/ Approved by:	Reason for revision
RO11v1	November 2026	KR	ST	Peer Review
RO111v2	November 2026	KR	ST	Peer Review

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1. Introduction.

1.1. Pegasus Group have been instructed on behalf of their client, North Lumb Farm Ltd, to prepare statements in respect of their land holding at Land at Failsworth Road, Woodhouses.

1.2. This Statement deals with Matter 1 – Legal and Procedural Compliance.

2. Matter 1 Questions.

2.1. The following provides a response to some of those questions identified within the Matters, Issues and Questions document (EL1.004b). These are dealt with in the order that they appear within EL1.004b.

Issue 1: Has the Council complied with all relevant procedural and legal requirements in the preparation of the Local Plan?

2.2. Below, we provide a response to the questions provided within document EL1.004b.

Q1.1 Annex 1 of the National Planning Policy Framework (December 2024) sets out transitional arrangements for plans that include policies to deliver the level of housing and other development set out in a preceding local plan (such as a joint local plan containing strategic policies) adopted since 12 March 2020. Places for Everyone (2022-2039) (adopted 21 March 2024) (PFE) [PW09] would constitute a 'preceding local plan' in this context; this document was examined under the 2021 Framework. As a result, does the 2021 Framework constitute the relevant previous version of the Framework for the purposes of the Oldham Local Plan examination (as per paragraph 235 of the 2024 Framework)? Are there any subsequent iterations of the Framework that would also provide context for the examination?

2.3. Pegasus Group agrees that the 2021 version of the National Planning Policy Framework (NPPF) is the version of the Framework upon which the PfE was prepared, submitted and examined upon.

2.4. The Inspector's post hearing note (IN39) on the examination process was published on 11th August 2023, which referred to the Main Modifications that were required to make the plan sound. Consultation on the required modifications took place between 11th October and 6th December 2023 and the final Inspector's Report was published on 15th February 2024. It was noted at the time, that the 2023 NPPF would be applicable once the PfE was adopted and therefore one of the Main Modifications to PfE Policy JP-H1 to reflect the changes required to maintain a 5-year supply of housing sites.

2.5. That said, reference within Policy JP-H1 was simply made to the application of national planning policy (rather than any particular method to be applied to necessary buffers). What is made clear by Policy JP-H1 is that each local authority must assess their housing supply on an annual basis and this should include specific deliverable sites in their district, irrespective of any shortfalls or surpluses achieved in other districts and the plan area overall (unless national policy requires a different figure to be used).

2.6. With regard to non-strategic policies, the Local Plan also needs to be cognisant of the 2026 NPPF, given that it contains National Decision-Making Policies (NDMPs) which will need to be considered when determining planning applications being brought forward through the Local Plan. Indeed, paragraph 2 in Annex A of the 2026 NPPF is clear that development plan policies (or parts of those policies) which are materially inconsistent with NDMPs should be given very limited weight. As such, the development management policies contained in the Local Plan should be checked against the NDMPs so as to avoid a situation where a policy can only be given very limited weight upon adoption. In relation to transitional arrangements, the 2024 version of the NPPF is also relevant.

2.7. However, in general terms and in the context of strategic strands and policies of the Local Plan, we accept that these need to be tested under the 2021 NPPF.

Does the Plan clearly distinguish between strategic and non-strategic policies?

2.8. The submitted Local Plan states it does not include any strategic policies and therefore the distinction between strategic and non-strategic policies are not set out. In the event that some of the Local Plan policies are deemed to be strategic, a distinction should be made.

Are there any policies that should be identified as strategic in line with the definition set out in national policy?

2.9. Paragraphs 1.56-1.58 address the relationship of the PfE with the District Local Plans Paragraph 1.57 states the following:

> *'The evidence that underpins the Places for Everyone Plan will also inform district level plans but, as a strategic plan, it does not cover everything that a district local plan would. Districts will continue to produce their own Local Plans setting out more detailed policies including both strategic and non-strategic policies, as appropriate, reflecting local circumstances'*

2.10. As such, there is evidently an expectation that the that Local Plans would also include strategic policies.

2.11. Paragraph 20 of the 2021 NPPF confirms:

> *'Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for:*
>
> *a) housing (including affordable housing), employment, retail, leisure and other commercial development;*
>
> *b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);*
>
> *c) community facilities (such as health, education and cultural infrastructure); and*
>
> *d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.'*

2.12. Paragraph 28 of the 2021 NPPF states:

> *'Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.'*

2.13. We accept that the two NPPF paragraphs allow for a degree of bandwidth in terms of where policies may sit. However, several policies in the submitted Local Plan are clearly strategic in terms of what they seek to achieve e.g.

- Policy E1 – Employment Floorspace Requirements sets out the need to achieve specific floorspace requirements for office (57,481 sq m) and industrial and warehousing development (240,656 sq m) over the 2022-2039 plan period. Whilst these figures are derived from the application of the PfE Policies JP-J3 and JP-J4, those policies do not distribute the amount of employment floorspace required across the PfE Plan area to the respective districts. It clearly sets a new employment land requirement for Oldham and clearly fills a strategic policy gap which the PfE did not address. It is therefore hard to see how Policy E1 is not strategic in nature given the volume of floorspace that is deemed to be required in Oldham.

- Policy H1 – Delivering a diverse and Sustainable Housing Offer sets out the district specific housing requirements identified in the PfE but also goes on to set policies regarding favourable locations (relating to previously developed sites and accessible sites using the GMAL), which relates to the expected pattern of development;

- Policy H3 – Housing Mix directs residential developers to contribute to a specific mix of homes as set out in Table H3 which is based on the 2024 Local Housing Needs Assessment.

- Policy H5 – Affordable Housing on the basis that it seeks to meet the affordable housing needs of the area and the PfE does not explicitly set out affordable housing requirements for each district (noting the sub-regional target is 50,000 and this includes Stockport). This policy sets specific percentage requirements for geographical areas within the Local Plan area (based on a viability assessment) that has not specifically been addressed before.

- Policy C01 – The protection of Open Space, Sport and Recreation – Whilst we accept the designation of open spaces might not typically be a strategic policy matter, it is noted that footnote 158 to the policy specifically states 'Strategic Open Spaces' will be identified on the policies map, and all other open spaces as identified in the Open Space Study 2022). The distinction between strategic open spaces and other open spaces is not explicit on the policy map key, which would therefore indicated that all of the 'Open Spaces' identified on the Policies Map are in fact the Council's proposed strategic open spaces which would have the effect of restricting future development in certain locations particular in locations where the proposed designation has not been robustly justified (we comment on this further below).

- Policy OTC1 – Oldham Town Centre which seeks to deliver the ambitions of the Oldham Town Centre Development Framework for over 2,000 new homes, redevelopment of the Spindles Shopping Centre, re-use of prominent listed buildings and community facilitates, etc. It sets a clear strategic and spatial strategy to deliver a very high proportion of Oldham's housing and retail needs and therefore it is hard to see how this major ambition is not strategic in nature.

Does the Policies Map [SD03 and SD04] correctly illustrate geographically the application of policies of the Plan?

2.14. We have a particular concern with two Open Space designations that are identified on the supporting Proposals Map, relating to:

- Woodhouses Trotting Track (oval turquoise green area north of Woodhouses village), which we say should be removed from the Policies Map as it does not represent public open space and is simply an area of private equestrian land; and
- Parts of the Cutler Bridge Natural and Semi-Natural Open Space area of land relating to two parcels of land between Woodhouses and Failsworth (parts of the large olive-green area) on the basis that they are in private ownership, fenced off, comprise of agricultural / paddock land and benefit from no public access.

Woodhouses Trotting Track

2.15. The Woodhouses Trotting Track is an oval area identified on the proposed Policies Map to the immediate north of Woodhouses village. It sits north of an existing pub car park and existing residential homes. It is illustrated as Parcel A in **Figure 1** (see below).

Figure *1* – Areas of Open Space (to be Removed from the Policies Map)



2.16. It is not identified on the Oldham UDP Policies Map, the Oldham Joint Core Strategy Policies Map or the PfE policies map, which did not seek to define new areas of public open space but was supported by the 2022 POS Assessment, which is being used as part of the evidence base for the new Oldham Local Plan.

2.17. It is therefore a newly proposed area of Public Open Space that will be formally designated as part of the submitted Oldham Local Plan.

2.18. It was identified by name in Appendix C of the 2022 POS Assessment prepared for the PfE by TEP as an outdoor sports facility, with a quality score of 80, quality banding of very good, a total value score of 16% and a value banding of Low. However, without the specific site

proforma, it is impossible to determine how these scores and banding have been justified, particularly given the main body of the report makes no further reference to this proposed designation.

2.19. The Trotting Track:

- Does not meet the definition of a Playing Pitch.
- Does not meet the definition of a Local Green Space and is not identified as such.
- Is privately owned and leased as a privately used equestrian area along with some of the neighbouring fields.
- Is not, and has never been, publicly accessible (at last for the last 30 years and perhaps longer);
- Does not have any public rights of way across it or next to it;.
- Is not part of a riding school or other facility where members of the public can pay to use the track for outdoor sport or recreation. Instead, it is only for the sole use of the tenant who occupies the site with their own horses.

2.20. Notably, no other land in privately owned equestrian facilities/menages or even riding schools that are accessible to the public within Oldham appear to have been identified as Open Space on the Proposals Map, further raising doubt over why this private land has been.

2.21. The Woodhouses Trotting Track should therefore be removed from the Proposals Map as designated Public Open Space on the basis that the designation is not justified and does not even meet the broad criteria set out in the PPG (paragraph 37-001-20140306).

Cutler Bridge Natural and Semi Natural Open Space (land located between Woodhouses and Failsworth)

2.22. On the proposed Policies Map, there is a large area of open space that is identified that sites between Woodhouses and Failsworth, which is known as the Cutler Bridge Natural and Semi Natural Open Space area. Failsworth Road splits the designated area into two distinct areas to the west and east of Failsworth Road.

2.23. It was first identified on the Oldham UDP policies map, was carried over to the Oldham Joint Core Strategy policies map and was also identified on the supporting plans of the 2022 POS assessment supporting the PfE.

2.24. Within the 2022 POS it is named as the Cutler Bridge NSA albeit it is incorrectly listed as being within the Saddleworth North Area on three separate lines within Appendic C of that document (electronic page 147) suggesting it might have been reviewed as three separate parcels but the individual and respective boundaries of these parcels are not provided within the 2022 POS Assessment. Regardless, each parcel is provided with a quality score of 76, quality banding of 'good', a value of 65% and value banding of 'high' indicating that in TEP's view each parcel scored equally.

2.25. Pegasus Group recently liaised with the consultant (TEP) who prepared the 2022 POS assessment who confirmed areas which were either below 0.2 ha or above 10 hectares, where not audited, but instead formed part of the quantity and accessibility analysis. This is confirmed at paragraph 3.11 on page 19 of the 2022 POS Assessment. TEP also confirmed the Cutler Bridge area was not formally assessed by them in terms of undertaking site visits and a detailed appraisal of their quality (notwithstanding the scores contained within Appendix C) and the Council have not released any of the individual site assessment proforma prepared by TEP, on the basis that they have indicated that this is private/internal information collated by consultant for their own purposes.

2.26. In short, the Cutler Bridge open space area boundary has therefore not been formally re-assessed since its first including the Oldham UDP, which is now significantly out of date. On this basis alone, there is insufficient proportionate evidence or justification to continue to designate the area of open space.

2.27. We accept that the Inspector could undertake their own site visit and come to a different view. If the Inspector is minded to do this, we would specifically request that the Inspector looks at two particular areas of land within the designation within our client's control.

2.28. These are shown on the plan at Figure 2 (see above) and include:

- **Parcel B** (located to the west of Failsworth Road) – This parcel comprises of two privately owned and adjoining paddock areas that are independently fenced off to prevent public trespass and access. One is located adjacent to a residential property that fronts onto Failsworth Road, which is managed by the residential owner for their own private use. The paddock to the rear of this forms part of the leased area to the tenant of the nearby trotting track and is used by them to accomodate some the feed/hay for their horses and is a turn out area for the horses (along with the neighbouring field to the west, which isn't defined within the open space area). Both of the paddock areas are removed from Lords Brook, which runs through the gap between Woodhouses and Failsworth and both are fenced off from nearby PROW and informal paths that are located further to the north.

- **Parcel C** (located to the east of Failsworth Road)– This is an agricultural field that is located to the east of Failsworth Road and adjacent to the M60 and forms part of this parcel. This is a single field in private ownership and farmed. No PROW pass through the site and there are no national or local ecological designations within it.

2.29. Based on our own site visits, the Cutler Bride area functions as follows:

- The parcel to the west of Failsworth Road contains Lords Brook which runs through it east to west within a relatively central part of the designation. PROW run through parts of the open space designation in this location and there are also well used informal paths that are very evident. This area also once included a small Site of Biological Importance (at the time when the Oldham UDP was prepared and adopted and is also annotated on the Joint Core Strategy Policies Map with an SBI symbol). The SBI designation has since been revoked by the Greater Manchester Ecological Unit due to the lack of management and increase in invasive species within this specific area.

- All of the land to the east of Failsworth Road is in private ownership and in agricultural / equestrian use. No PROW cross it and there are no national or local ecology

designations within or boarding it. Part of this area once accommodated a canal line, which has since closed and been filled in.

2.30. Based on its role and function, we can see no merit or justification in the land to the east of Failsworth Road being included in the open space designation (i.e. Parcel C and the surrounding land east of Failsworth Road).

2.31. We can see some merit in the majority of the designation to the west of Failsworth Road being retained as natural /semi-natural open space on the basis there is a greater level of public access to it. However, this should be limited to locations where the public have genuine access rights via the PROW and well-established informal paths that run to north and south of Lords Brook but the boundary should follow established boundaries that assist in defining this area and exclude areas that are genuinely not accessible to the public. In doing so, it is our strong view that any new boundary should exclude Parcel B (as shown on Figure 2 above) on the basis that both of the paddocks in this area are clearly fenced off from the existing PROW and therefore not publicly accessible, both are in private use, and neither include any existing or former ecological designations or protected habitats. On that basis, they do not meet the broad criteria set out in the PPG (paragraph 37-001-20140306).

Is the Plan period (2022-2039) justified, effective and consistent with national policy which requires strategic policies to look at least 15 years ahead from adoption?

2.32. The draft Local Plan covers a period of 2022 to 2039, which mirrors the PfE plan period.

2.33. Paragraph, 156 of the PfE states:

> ***…Local plans will be expected to look ahead a minimum period from their adoption, in line with national policy. In the event that a local plan looks beyond 2039, the minimum requirement figures set out in Policies JP-J3, JP-J4 and JP-H1 should be used to inform local plan target(s).***

2.34. Whilst the PfE does not explicitly necessitate it, there is a clear acknowledgement that Local Plans will be expected to look ahead for a minimum period in line with national policy and therefore may need to look beyond the PfE plan period and where this is the case, the strategic office, industrial and warehousing and housing requirements are expected to role forward to inform the Local Plan targets.

2.35. Other PfE authorities have opted to extend their plan period on this basis including Bolton (up to 2042), Bury (up to 2043), Salford Local Plan Part 2 (up to 2043), and Tameside (up to 2042). Conversely, others such as Manchester, Rochdale, Trafford and Wigan are advancing plans up to 2039 but none of these plans have formally undergone an examination process. Oldham's Local Plan is at the front of the pack in this regard.

2.36. As established at the outset, this Local Plan is to be principally examined under the 2021 NPPF. Paragraph 22 makes it clear that the minimum development plan period should be 15 years in relation to strategic policies and from the point of adoption. As noted above, we consider the Oldham Local Plan does include a range of strategic policies and therefore the minimum 15-year plan period should be applied.

2.37. The Council's Local Development Scheme (LDS March 2025) envisaged submission in May 2026 and adoption by Spring 2027. Given the age of the LDS and that there has clearly

been a delay in the submission of the Local Plan for examination (august 2026), the Council will need to provide an updated timetable with a revised timescale for adoption. However, even on the basis of adoption in 2027, this would only provide a plan period of 12 years.

2.38. As a minimum, the plan period should therefore be extended to at least 2042 to ensure consistency with the requirements of the PfE and promote the delivery of growth and strategic developments within the borough.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

Manchester
Queens House, Queen Street,
Manchester, M2 5HT
T 0161 3933399
E Manchester@pegasusgroup.co.uk
Offices throughout the UK.

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Registered Office: 33 Sheep Street, Cirencester, GL7 1RQ

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