Hearing Statement – Matter 8

Pegasus Group on behalf of North Lumb Farm Ltd.

Land at Failsworth Road, Woodhouses

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Author: Kate Roberts and Sebastian Tibenham

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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 8 – Biodiversity and Natural Environment Policies.

2. Matter 8 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 12: Does the Plan set out a positively prepared strategy and policies (Policies OL1 to OL5; N1 to N4; CO1 to CO2) for biodiversity and the natural environment, which is justified, effective and consistent with national policy?

Q8.3 Is Policy OL2 justified and consistent with national policy?

2.2. Paragraph 16 of the NPPF seeks to avoid unnecessary duplication of policies (including those within the NPPF itself). This policy largely repeats what is in national planning policy (see NDMP Policies GB6 and GB7 of the 2026 NPPF). It is unclear why the policy needs to detail specific uses (agricultural buildings, stables, change of use, sport and recreation) when these are already sufficiently covered in the NPPF.

2.3. The policy text should be updated to state;

"Development proposals within Oldham's Green Belt will be determined in line with national planning policy."

2.4. This would also ensure that the policy remains up to date throughout the plan period and can take into account matters including grey belt and developments near well-connected stations.

Is Policy N4 effective, justified and consistent with national policy? Is it supported by convincing evidence?

2.5. Pegasus Group supports the requirement to retain trees wherever possible, and this is consistent with the NPPF (paragraph 131 of the 2021 NPPF and Policy N2 of the 2026 NPPF), however it is considered that Policy N4 goes further than this by specifically providing a closed list of when the loss of trees is acceptable.

2.6. There may be other reasons as to why tree loss may occur on a site, for instance, to achieve a safe site access or to accommodate necessary site infrastructure. As such, for consistency with national policy, the wording of the policy should simply state that trees should be retained wherever possible.

Is Policy CO1 effective, justified and consistent with national policy? Has the identification of open space been based on appropriate and up to date evidence?

2.7. We do not have a particular issue with the wording of this policy, which seeks to protect open space and also allows for some flexibility for scheme to result in the loss of open space where a quantitative or qualitative improvement can be made. Overall, we consider it is acceptable and provides sufficient flexibility. However, it's restrictive nature must

therefore mean that the areas to which this policy applies must be fully justified by a clear understanding of how the area functions and is used.

2.8. As part of our Matter 1 Statement, we have made specific objections to the designation or land as open space on the policies map in relation to various parcels of land located between Failsworth and Woodhouses. Those comments are equally applicable here.

2.9. Footnote 158 of the Policy confirms such open spaces comprise of 'strategic open spaces identified on the policies map and all other open spaces as identified in the Open Space Study (2002), or any subsequent update'. The policies map only includes reference to Open Spaces indicating that all of the areas identified on the policies map must therefore represent strategic open spaces in the context of this policy.

2.10. We firstly question if this is correct and if a distinction needs to be made between strategic and other open spaces? Secondly, we question the reference to subsequent updates. The policy should be founded on tangible and accessible evidence base to demonstrate why the designations should apply now. Any future evidence collated on this matter should also go through a consultation and examination process if it is to inform the Policies Map or planning decisions in the future.

2.11. Thirdly, we originally raised a point in our Regulation 19 representations that stated the 2022 Open Space Study has not been issued as a key evidence base document as part of this consultation process. We note the Council's response on this matter and retract this point.

2.12. However, we are aware that TEP (the authors of the 2022 POS Assessment) prepared site proforma assessment for a large number of the open space areas proposed and we would respectfully request that these are made available as it is not transparent at this stage as to why certain areas of open space (particularly those that are newly identified areas of open space that have not formally been designated before such as the Woodhouses Trotting Track) have been included as an open space designation.

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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