



The Planning
Inspectorate

Report to Oldham Council

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an Inspector appointed by the Secretary of State for Communities and Local Government

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PLANNING AND COMPULSORY PURCHASE ACT 2004
SECTION 20

**REPORT ON THE EXAMINATION INTO THE
OLDHAM JOINT CORE STRATEGY
AND DEVELOPMENT MANAGEMENT POLICIES
DEVELOPMENT PLAN DOCUMENT**

Document submitted for examination on 28 February 2011

Examination hearings held between 02 and 16 June 2011

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ABBREVIATIONS USED IN THE REPORT

¶	paragraph
AA	Appropriate Assessment under the Habitats Directive/Regulations
AHVA	Affordable Housing Viability Assessment
AMR	Annual Monitoring Report
ANR	Another
Appx	Appendix
BEA	Business and Employment Area
CPO	Compulsory Purchase Order
CS	Core Strategy
DCLG	Department for Communities and Local Government
DPD	Development Plan Document
dw/yr	dwelling per year
EA	Environment Agency
ELR	Employment Land Review
GB	Green Belt
GONW	Government Office for the North West
G&T	Gypsy and Traveller
HA	Highways Agency
Ha	Hectares (1 Hectare = 10,000 square metres)
HC	High Court
HMA	Housing Market Area
HNDS	(Oldham) Housing Needs and Demands Study
JMDPD	Greater Manchester Joint Minerals Development Plan Document
JWDPD	Greater Manchester Joint Waste Development Plan Document
Joint DPD	The Oldham Joint Core Strategy and Development Management Policies DPD
LAA	Local Area Agreement
LB	Listed Building
LDF	Local Development Framework
LDS	Local Development Scheme
LRFD	Land Reserved for Future Development
NE	Natural England
NPPF	National Planning Policy Framework
NT	National Trust
4NW	Regional Leaders Board for the North West
NWRA	North-West Regional Assembly
NWRSS	North-West of England Regional Spatial Strategy to 2021
OPOL	Other Protected Open Land
ORESAA	Oldham and Rochdale Economic and Skills Alliance
PC	Proposed Change
POS	Planning Officers' Society
PPG	Planning Policy Guidance (national)
PPS	Planning Policy Statement (national)
RSS	Regional Spatial Strategy
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SEA	Strategic Environmental Assessment
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SPA	Special Protection Area
SPD	Supplementary Planning Document
SSCLG	Secretary of State for Communities and Local Government
SSSI	Site of Special Scientific Interest

UDP Unitary Development Plan
MWrS Ministerial Written Statement

Non-Technical Summary

This report concludes that the Oldham Joint Core Strategy and Development Management Policies Development Plan Document provides an appropriate basis for the planning of the Borough over the next 15 years. The Council has sufficient evidence to support the strategy and can show that it has a reasonable chance of being delivered.

A limited number of changes are needed to meet legal and statutory requirements. These can be summarised as follows:

- a change to the supporting text accompanying Policy 3: Address of Choice to make clear that the Site Allocations DPD will deal with phasing arrangements (PC1);
- changes to the supporting text accompanying Policies 3: Address of Choice and 11: Housing to make clear that small housing developments not allocated or previously identified (in the SHLAA) will not necessarily be excluded under Policy 3 (PC2, PC3);
- change to the supporting text accompanying Policy 15: Centres to clarify the purpose of Criterion (a) to make it clear that it does not refer to quantitative or qualitative need in the sense in which that term is used by PPS4.

All the changes recommended in this report are based on proposals put forward by the Council in response to points raised and suggestions discussed during the public examination. These changes do not alter the thrust of the Council's overall strategy.

Introduction

1. This Report contains my assessment of the Oldham Joint Core Strategy and Development Management Policies Development Plan Document (the Joint DPD) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004. It considers whether the DPD is compliant in legal terms and whether it is sound. Planning Policy Statement (PPS) 12 (¶ 4.51-4.52) makes clear that to be sound, a DPD should be justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the submission Joint DPD (September 2010) published for consultation from 14 October to 26 November 2010.
3. In February 2011, at submission stage, Oldham Council published a List of Minor Amendments nos. 1-29 [CD004]. These minor amendments relate to factual updates, typographical corrections or improvements to the legibility of the Joint DPD. The starting point for the Examination is the submitted DPD with these minor amendments appended. For clarity they are attached to this Report at Appendix B.
4. My report deals with the changes that are needed to make the DPD sound and they are identified in bold in the report (PC). These changes have been proposed by the Council. I recommend these changes, which are presented in Appendix A. None of these changes should materially alter the substance of the plan and its policies, or undermine the sustainability appraisal and participatory processes undertaken.
5. Some of the changes put forward by the Council are factual updates, corrections of minor errors or other minor amendments in the interests of clarity. As these changes do not relate to soundness they are generally not referred to in this report although I endorse the Council's view that they improve the plan. These are shown in Appendix B. I am content for the Council to make any additional minor changes to page, figure, paragraph numbering and to correct any spelling errors prior to adoption.
6. All the changes that the Council has put forward have been publicised on the Council's web-site and notified to all Representors. In writing this report I have taken into account any responses to these changes made in writing or at the hearing sessions.
7. References in my Report to documentary sources are provided thus [CD], quoting the reference number of the document as contained in the Examination Library.

Assessment of Soundness

Preamble: Implications, for the Joint DPD, of RSS Revocation

8. In the light of events in 2010 - the Secretary of State's (SSCLG's) letters of 27 May 2010 indicating the Government's intention to revoke Regional Spatial Strategies (RSS) including the North West of England Plan Regional Spatial Strategy to 2021, and of 6 July 2010 announcing the revocation of RSS with immediate effect - the Government Office for the North West (GONW) on 7 July 2010 issued guidance that it was no longer a requirement for local planning authorities to request from GONW a statement of general conformity of their development plans with RSS.

9. The successful challenge by Cala Homes (South) Limited of the Government's decision to revoke RSS, in November 2010 brought about the reinstatement of RSS as part of the development plan. On 16 November 2010 (in response to enquiry by Oldham Council) GONW advised local planning authorities that they should form a judgment about the general conformity of the DPD having regard to previous views received from 4NW on the emerging plan.

10. In its timely and helpful 'Statement of Intentions' document [CD022], Oldham Council indicates its belief that the Joint DPD is in general conformity with the RSS. The document provides a useful summary, to February 2011, of the salient events which have taken place in relation to the proposed RSS abolition. The Statement of Intentions then looks systematically, policy by policy, at the effects *which future loss of the RSS would have upon Oldham*. It concludes that no policy gaps are anticipated from ultimate revocation of the RSS.

11. Since the issue of the 'Statement of Intentions' document, the Appeal Court judgment has been issued (on 27 May 2011) in the subsequent case of Cala Homes (South) Limited v SSCLG & ANR (Ref [2011]EWCA Civ 639). The Appeal Court case and corresponding judgment were in respect of the challenge by Cala Homes (South) Ltd to the earlier judgment of the High Court that the Coalition Government's intention to abolish RSS can be a material consideration which can be considered by local planning authorities when making decisions. The challenge was dismissed. However, at ¶124 the Appeal Court judgment contrasts the *valuable element of flexibility given to the local planning authority when determining planning applications with the lack of flexibility when the authority is preparing its development plan documents* and states that *it would be unlawful for a local planning authority preparing, or a Planning Inspector examining, development plan documents to have regard to the proposal to abolish regional strategies. For so long as the regional strategies continue to exist, any development plan documents must be in general conformity with the relevant regional strategy* (my emphasis).

12. During the course of the Examination I have read and heard substantial evidence encompassing the Joint DPD provisions including, in particular, those provisions made for employment land and for housing.

I have received no evidence of substance to the effect that the Joint DPD is not in conformity with RSS. In the light of the evidence I agree with the Council that the Joint DPD is in general conformity with RSS: and also that revocation of the RSS and its policies would not in itself leave any policy gaps or inconsistencies which might impair the capacity of the Joint DPD to guide development during the Plan period.

Main Issues

13. Taking account of all the representations, written evidence and the discussions at the Examination hearings, I have identified 4 main issues upon which the soundness of the plan depends. These are defined in relation to particular matters on which I have had reason to question the soundness of the Joint DPD. It follows that on all other matters I have found, having examined the plan in the light of its supporting evidence, and having identified the Main Matters and explored them at the Examination Hearings, no issues with regard to the soundness of the Joint DPD.

Issue 1 – Whether, in identifying land at Foxdenton as employment land to provide a premium business location with some residential development the Joint DPD is justified, effective and consistent with national policy.

Background

14. The area of Chadderton broadly defined by Foxdenton Lane, Broadway, and Ferney Field Road off Middleton Road (with extensions beyond each of these) forms a broad expanse of open land to which the 2006 Oldham Unitary Development Plan (the UDP) [CD288] applied a variety of designations. Collectively, these UDP designations conferred the status of open land for planning policy purposes: though, and significantly, not with the degree of permanence that would have been conferred by Green Belt status. Nevertheless, the UDP describes Other Protected Open Land as *open stretches of land which ... are locally important because they help to preserve the distinctiveness of an area. These open areas provide attractive settings for local communities, help to separate built up areas and may provide links between urban areas and the countryside or other green corridors.*

15. A substantial belt of land to the north-east and south-west of Foxdenton Lane was specifically designated in the UDP as Land Reserved for Future Development (LRF), as LR4 and LR3. Thus the principle of development on these parcels of land was established via the development plans process at the 2006 UDP stage. The UDP designated an adjacent belt of land as Other Protected Open Land (OPOL) in 2 parcels: OPOL4 to the south-west, and OPOL3 to the north-east of Foxdenton Lane. OPOL3, at 16ha the larger of the 2 parcels, has frontages to Broadway and to Foxdenton Lane, contains the shallow valley of the Wince Brook, and is crossed by a public footpath.

Consultation Responses

16. UDP status as OPOL signifies that a change in status to allow future development should be conferred only via the development plan process. The Joint DPD applies just such a status change to OPOL3 which, together with the UDP-designated LRFD parcels LR3 and LR4, it proposes to be designated as the Foxdenton Business and Employment Area (BEA). (The BEA would not include OPOL4, which would be maintained as Other Protected Open Land). Local resident Representatives to the Examination have raised objection to the proposed Foxdenton BEA, and in particular to the inclusion of OPOL3 within the area of BEA designation.

17. Of the 3 Options A, B and C which were identified at Issues and Options stage of the Joint DPD, the Foxdenton proposal formed part of Option C – Urban Concentration Including Planned Expansion. Option C was specifically identified as entailing the potential release of OPOL and LRFD. The published Issues and Options document of November 2007 [CD053] asked the questions *should the Core Strategy release some OPOL for economic and/or housing development needs? and if so, where and for what uses?* In response to the Issues and Options consultation around half the respondents expressed a preference for Option A – Focused Regeneration (focusing development on regeneration areas including Oldham Town Centre and the Housing Market Regeneration (HMR) areas). Option A involved maintaining OPOL and LRFD, with no proposed release of either. Around a quarter of respondents, however, preferred Option C. Option B – Urban Concentration, which also involved maintaining OPOL and LRFD with no releases, was preferred by only a sixth of respondents [CD002 ¶A.2.17 & CD433 p10]. Thus, the maintenance of current OPOL and LRFD boundaries in effect formed an element of both the most popular and the least popular Options as expressed in the public consultation. The maintenance of OPOL did not therefore appear to have been a decisive element in the preference for Option A over Option C – since it also featured as a key element in the least popular Option B.

18. At Preferred Options stage, the Council identified its Preferred Way Forward as *a combination, or hybrid, of the best parts of each of [the] alternatives ... considered at the 'Issues and Options' stage* [CD002 ¶A2.27]. Key elements of the Preferred Way Forward included the *[maintenance] of all OPOL, except for Foxdenton* [CD002 Table18]. In respect of this key element the *evidence to support the Preferred Way Forward* is listed as *Employment Land Review and Consultation Responses* [CD002 Table18]. In view of the relative proportions of Issues & Options responses, which did not indicate an outstanding preference for rejecting any relaxation of OPOL boundaries, it is reasonable to regard *consultation responses* as evidence in support of the combination strategic approach represented by the Preferred Way Forward, and its progress into the Submission Joint DPD.

19. At this point it should be mentioned that some local resident Representatives to the Examination have expressed dissatisfaction at the level of consultation by the Council during the DPD process. However, newspaper advertisements, the published availability of documents at

local libraries, the Council offices and other points of contact, the mounting of exhibitions, and the availability of relevant material on the Council's own website have all been consistent with the required level of engagement and publicity in the development plan process. That some individuals have only recently become aware of the Joint DPD proposals for Foxdenton is unfortunate. But I find no evidence sufficient to persuade me that the Council has in any way inadequately conducted its consultation exercise in respect of the emerging Joint DPD at any stage of its progress.

Sustainability Appraisal

20. Foxdenton occupies a distinctive position in the Joint DPD since it represents both a key element of a strategic approach, and in effect an allocated site. Precisely because the Foxdenton proposal is a key element of the Preferred Way Forward in the Core Strategy, it is entirely appropriate that Foxdenton should be included at Core Strategy stage, rather than being left to the subsequent Site Allocations DPD.

21. Sustainability Appraisal is an essential part of the evidence base needed to support the Joint DPD. The Council carried out Sustainability Appraisal at each stage of the plan process. Because the Joint DPD included the Core Strategy, the process accordingly sought to distinguish between strategic Options to guide development at Core Strategy level. Consequently, formal Sustainability Appraisal was carried out upon the Options, as it was these which represented the 'alternatives' required to be considered and evaluated. It is to be noted that the Council also, to the best of its ability given the nature of the representations provided, carried out Sustainability Appraisal of the suggestions put forward by the public, as alternatives to the Council's published Options, at Issues and Options stage. The Council refers to these alternatives [CD002 Table 17] as Targeted Regeneration; Transformation & Cohesion; and Regeneration & Sustainable Communities. In all, therefore, Sustainability Appraisal was carried out upon a total of 6 potential Options at Issues & Options stage.

22. With the exception of Option C at Issues & Options stage, and of the Preferred Way Forward at Preferred Options stage, no other option evaluated via Sustainability Appraisal has included the Foxdenton BEA proposal. Formal Sustainability Appraisal was not carried out at the level of the Foxdenton site, nor at the level of the contributory elements of that site – in particular the OPOL3 element. Therefore, no formal Sustainability Appraisal has been conducted with the specific object of appraising the economic, social and environmental sustainability of releasing OPOL3 to form part of the proposed Foxdenton BEA – as distinct from the economic, social and environmental sustainability of the Preferred Way Forward, which included the Foxdenton allocation, as a whole.

23. However, at the scale of the individual site, it is doubtful whether any realistic alternative to Foxdenton could be found which would contribute to the Preferred Way Forward in the same or in a similar way. It is the Council's view [CD433 ¶16] that *there are no reasonable alternatives to*

Foxdenton, due to a number of issues including Green Belt constraints, topographical issues and consultation responses received throughout the preparation of the Joint DPD. The Employment Land Review did not suggest any other alternative areas. In such circumstances, Sustainability Appraisal at the level of the strategic option remains the course of action appropriate to the Core Strategy. It is for the Site Allocations DPD to carry out sustainability appraisal at the level of the individual site.

24. It may appear, especially from the point of view of those opposed to the inclusion of OPOL3 as part of the Foxdenton BEA, that in this way an important step in the consideration of the prospective change in status of OPOL3 has been omitted, in that there does not appear to have been any explicit reassessment of the role of OPOL3 and its *local importance ... in [providing] significant open areas between, or on the edge of, built up areas of the Borough* - in the words of the UDP [CD288 ¶11.53 and Policy OE1.10] – before the decision to incorporate OPOL3 within the Foxdenton BEA proposal. The Joint DPD, however, does not simply follow on from the UDP but, as it is entitled to do under the current plan-making system, from the very beginning takes an entirely fresh approach to planning policy-making in and for the Borough.

25. The HC judgment in the case of *Capel Parish Council v Surrey County Council* [2009] EWHC 350 touched upon the level of detail, including that of Sustainability Appraisal, into which the examination of sites should be conducted as part of a Core Strategy. However, the Capel challenge had been brought in order to promote the competing claims of an alternative potential allocation site, in part by alleging the inadequacy of its appraisal. In the Oldham case there is no alternative or competing site as such. Moreover, it has to be said that the Capel judgment itself centred upon the overall approach to be taken to soundness in examination of the DPD as a whole, rather than the particular matter of detail. On balance, I am satisfied that in relation to Sustainability Appraisal the Council's consideration of Foxdenton and its OPOL3 component has been appropriate to the level of the Core Strategy, for the following reasons.

26. Firstly, the Council has carried out its Sustainability Appraisal of the Joint DPD in accordance with the terms of the relevant European Directive. The Directive concerned, (2001/42/EC) on the assessment of the effects of certain plans and programmes on the environment, transposed into domestic law via Environmental Assessment of Plans and Programmes Regulations 2004 (SI 2004 No.1633), has as its objective (as set out in Article 1) *to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to permitting sustainable development, by ensuring that, in accordance with the Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.* Schedule 2 ¶6 to the 2004 Regulations sets out a comprehensive list of the various significant effects which must be identified. These include, among such items as *biodiversity, fauna, flora, soil, water, air, landscape*, others such as

population, human health, material assets, cultural heritage, [and] the interrelationship between these items.

27. The Council's Scoping Report [CD057] outlines the key sustainability issues in Oldham, as required by the SEA Directive. They are listed under the following headings:

- Social progress which recognises the needs of everyone
- Effective protection of the environment
- Prudent use of natural resources
- Maintenance of high and stable levels of economic growth and employment.

These issues are strongly indicative of the thrust of the Plan as a whole, and are followed through in the early-stage documents such as Issues and Options, and in all Sustainability Appraisals. They are embodied in the Sustainability Appraisal itself: for example, at the stage of 'developing and refining options and assessing effects' the requirement of the Directive at Annex1(h) is that *an environmental report shall be prepared in which the likely significant effects on the environment of implementing the plan or programme, and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme, are identified, described, and evaluated* [my emphasis]. To that extent, the weight accorded to social and economic factors is significantly increased: but the Sustainability Appraisal process itself permits this.

28. Secondly, the Council has carried out a number of specific assessments of the environmental impacts of the DPD and Foxdenton in documents of the evidence base, including the Habitats Regulations Assessment [CD008]; the Flood Risk Assessment [CD363]; the Landscape Character Assessment [CD357]; the Urban Historic Landscape Characterisation Project [CD349]; and in Transport Modelling [CD333]. Collectively, these assessments cover and address a wide range of environmental impacts. What they do not address is the perceived 'local value' attributed by local residents to the site, with its attractive little valley, stream and public footpaths, and its role in separating parts of the wider urban area. It is clear to me, however, on the evidence, that the weight which the Council attributes to the wider economic and social benefits of the site's development as a BEA would in any case have outweighed any such assessment had they explicitly made it.

29. Thirdly, as noted above, there are no realistic alternatives to Foxdenton which might function as an equivalent contribution to the Preferred Way Forward, given that this relies heavily upon the M60 Employment Zone to achieve the Vision that *Oldham will be a borough transformed by economic diversification, growth and prosperity, regeneration, sustainable development and community cohesion that respects our local natural, built and historic environments:* and given also that there are virtually no other open sites within that zone; none with a level of designated protection lower than that of OPOL; and none that

have been put forward as potential individual sites through the DPD process. Those alternatives that were put forward and considered via Sustainability Appraisal were Options formulated at Borough-wide strategic level and were not distinguished one from another at the level of the individual site.

The Need for Employment Land

30. The Council's Evidence Base, including the Background Paper on the Economy [CD011] and the Final Employment Land Review [CD329], contains a thorough quantitative and qualitative analysis of the employment land available, its shortcomings and potential. Informed both by locally-derived information and by forecasting material at the level of Greater Manchester, a variety of methodologies were used, for different time periods and using different assumptions, to establish the level of demand for employment land in Oldham up to 2026. A wide range of figures were initially produced. These were adjusted using information specific to Oldham, on both historic take-up rates and land losses based on mill demolitions. On specialist economic advice the Reference Scenario 2009 was used, on the basis that it represented the most recent picture of the outlook for local economies. The figure finally chosen and used in Policy 4: Promoting Sustainable Regeneration and Prosperity is around 82 hectares (81.8ha). This figure is realistic, avoiding the extremes produced by forecasting methods and assumptions, and tempered by specifically local information. I regard it as justified and supported by the evidence.

31. The proposed Foxdenton BEA is included for premium employment led development primarily (though not exclusively) on the basis of the potential attraction it would hold for financial and professional services. These are likely to continue to a significant degree to replace the manufacturing industry on which Oldham, during much of the previous century, has previously depended but which is now, on the evidence, in decline. Foxdenton is located within the *Arc of Opportunity* identified in the Key Diagram of the Joint DPD, and the principle of its location is supported at local level, and by the Oldham and Rochdale Economic and Skills Alliance (ORESA), and at the level of Greater Manchester. Other policy elements of the Joint DPD potentially support the BEA, in particular the education and skills proposals included in Policy 2: Communities. The Foxdenton proposals look to satisfying much of the quantitative and qualitative need for employment land, and to contributing to the future prosperity of Oldham.

32. The inclusion, under Policy 14, of Use Class B8: Storage and Distribution within the group of use classes (B1, B2, B8) for which the site would be allocated would not necessarily match the evident aspirations of the Council for the quality of the site and the potential number of jobs it could offer, and should be clarified at Site Allocations stage if this element of the policy is to be fully effective. Much would depend upon the precise nature of the use. Policy 14 states that *residential development on up to 25% of the site will be permitted*. The Site Allocations DPD, together with any development brief or masterplan produced for the site, should ensure

that any residential development would be compatible with the intentions of the Joint DPD for a *premium business location* on the greater part of the site. Otherwise the opportunity which Foxdenton represents as a contribution to employment and to economic growth could be significantly diminished.

The Government Plan for Growth

33. On 23 March 2011 in connection with the publication of HM Treasury's 'Plan for Growth', the Government Minister of State for Decentralisation (Mr Greg Clark) issued the Ministerial Written Statement (MWrS) entitled 'Planning for Growth'. The MWrS identifies the Plan for Growth as *an ambitious set of proposals to help rebuild Britain's economy* and states that *the planning system has a key role to play in this, by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible*. In a direct reference to development plans, the MWrS states that *local planning authorities should ... press ahead without delay in preparing up-to-date development plans, and should use that opportunity to be proactive in driving and supporting the growth that this country needs. They should make every effort to identify and meet the housing, business and other development needs of their areas, and respond positively to wider opportunities for growth*.

34. Joint DPD Policy 4: Promoting Sustainable Regeneration and Prosperity, and Policy 14: Supporting Oldham's Economy are in evident accord with the Government's intentions for economic growth and with the Ministerial Statement. In its consultation response [CD 410] to the MWrS, the Council points out that *Oldham has ambitious plans for future development, regeneration and investment in the Borough. The Council is working with public and private sector partners on taking forward major economic, education, housing, health [and] environmental plans. ... These plans are reflected in the LDF which is a key delivery mechanism*.

35. The Joint DPD policies, and their provisions for the Foxdenton proposal, are also in evident accord with national planning policy at Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth: in particular, with Policies EC1 and EC2. The Council's evidence base, including its Background Paper – Economy and its Employment Land Review accords with the requirements for the evidence base set by Policy EC1: Using Evidence to Plan Positively at ¶EC1.3(a)-(d). The Joint DPD also meets Policy EC2: Planning for Sustainable Economic Growth and in particular EC2.1 (a)-(d) in *setting a clear economic vision and strategy which positively and proactively encourages sustainable economic growth (a); in supporting existing business sectors, taking account of whether they are expanding or contracting, and where possible identifies and plans for new or emerging sectors(b); positively plans for the location, promotion and expansion of clusters or networks of knowledge driven or high technology industries(c); and seeks to make the most efficient and effective use of land (d)*.

36. Foxdenton is not a town centre site and is not served by existing railway stations or by the future Metrolink. Nevertheless, parts of the site

(adjacent to Broadway) already have high public transport accessibility [Public Transport Accessibility Map at CD392], and others medium accessibility, based on bus routes. Foxdenton is located in proximity to the motorway network. It is not an isolated site or one which could not be served to an enhanced degree via public transport, as well as by walking and cycling from local residential areas. Given that the Council is working towards the enhancement of sustainable transport, further and more detailed attention can be paid to this aspect of the proposals at Site Allocation stage.

Conclusion

37. My overall conclusion on Main Issue 1 is that in identifying land at Foxdenton as employment land to provide a premium business location with some residential development the Joint DPD is justified, effective and consistent with national policy.

Issue 2 – Whether the provisions of the Joint DPD for housing, including affordable housing and provision for Gypsies and Travellers, are justified, effective and consistent with national policy.

The Housing Requirement

38. Under Policy 3: An Address of Choice, the Joint DPD makes provision for *at least 289 dwellings per year, net of clearance, on average over the LDF plan period up to 2026, informed by the findings of the SHLAA. At least 80% of the housing provision will be on previously developed land.* The housing requirement of 289 dwellings per year (dw/yr) is the figure set by the current Regional Spatial Strategy (RSS) Policy L4.

39. The figure of 289 dw/yr has been reviewed, both locally by Oldham Council and, on a Greater Manchester-wide basis, by the Association of Greater Manchester Authorities (AGMA). The reviews were done in a variety of contexts, and in part prompted by recent events. The evidence base for the Joint DPD Examination includes Oldham Council's own Strategic Housing Market Assessment 2010 (SHMA) [CD310], Strategic Housing Land Availability Assessment (SHLAA) [CD307 & 2011 update at CD308], and Affordable Housing Viability Assessment 2010 [CD309]. It also includes a paper produced in February 2011 by AGMA entitled 'Housing Growth Targets in Greater Manchester: A Review of the Evidence Base' [CD243]. The latter *gives an overview of the most up-to-date information on household growth that is available sub-regionally to help determine whether the statutory RSS housing targets still form an appropriate basis for housing targets in the emerging [Greater Manchester] Core Strategies.* The AGMA Review, and the Council's own review in connection with prospective RSS revocation [CD022 under Policy L4] confirm that the figure of 289 dw/yr remains appropriate to local circumstances in the face of revised DCLG and GM household projections.

40. The housing requirement for Oldham (though it is not a maximum figure) is the lowest in Greater Manchester. It recognises the

characteristics of the local housing market, in which house prices are relatively inexpensive, there are low proportions of detached properties and a very high proportion of terraced homes, and clearance - particularly in Housing Market Renewal (HMR) areas – is a substantial and important element, especially in the short to medium term. There is an identified problem of overcrowding and a related need for large family homes. Against the housing requirement 2003-2011 there is a backlog of 788 dwellings. However, most planned clearances have already been carried out, mainly in East and West Oldham. Accordingly the Joint DPD proposes that 60% of housing in the Plan period should be built in East and West Oldham, where the HMR are concentrated. In this respect there is a coincidence between the area of greatest need and the area of highest accessibility to the centre. In response to funding cuts the Council has, on the evidence to the Hearings, found development partners on various cleared sites to bring forward new housing. After the exercise of Compulsory Purchase Order (CPO) powers, the Council is optimistic and in a position to be active in seeking opportunities for development.

41. The 2011 SHLAA demonstrates [CD308 ¶12.6] that *there is sufficient potential housing land supply (10,546 dwellings) within the borough to deliver 442 dwellings per annum (net) during the period 2011/12 to 2030/31 and that 86% of the potential housing land supply is on brownfield land.* Criticism has been levelled at the SHLAA on the grounds that the figure of 442 dw/yr relies heavily upon the provision of flats rather than houses. Be that as it may, there is no evidence of any potentially excessive reliance upon flats to meet the 289 dw/yr requirement figure, or any reasonable margin up to, say, 20% above it. In any case, the approach to dwelling types is capable of being refined, if evidence supports it, in the forthcoming Site Allocations DPD. Policy 3 makes provision for 'windfall' sites for small developments *comprising a change of use or conversion or not identified in the Council's SHLAA*, but appropriately does not rely in any way on such sites to meet the housing requirement. In the interests of soundness through clarification the Council proposes changes (PC2 and PC3) to the Joint DPD supporting text at ¶15.47 and 6.31 respectively, to add in each case a reference to the contribution that non-allocated sites may make to the housing market.

Phasing

42. The Joint DPD does not include a phasing policy as such: it is the Council's intention to include phasing in the forthcoming Site Allocations DPD. The SHLAA [CD308] refers to UDP Phase 1 and Phase 2 Housing Allocations in the context of, and as evidence of, a 5-year housing land supply. Representors have pressed for a phasing policy, or at least a 'steer', to be included at Core Strategy level, and for phasing to be area-based rather than set at the level of the Borough as a whole. However, no evidence has been produced sufficient to demonstrate either that the Core Strategy is fundamentally unsound without a phasing policy, or that it would be unsound to leave such a policy to the Site Allocations DPD. However, in the interests of soundness through clarification the Council proposes a change (PC1) to ¶15.44 of the Joint DPD supporting text to add

a reference to phasing arrangements, making it clear that the Site Allocations DPD will deal with these.

Address of Choice

43. Criticism has been raised against the relative proportions of dwellings proposed by the Joint DPD for East and West Oldham (together, 60% of the total) and for the outlying wards and settlements (10% of the total is planned for each of Saddleworth/Lees, Failsworth/Hollinwood, Royton/Shaw/Crompton, and Chadderton). However, East and West Oldham combined comprise 7 wards, whereas other areas identified have no more than 3 wards per district: a factor which reduces to some extent the disparity in relative proportions. In any case, the SHLAA itself fits the relative proportions in the policy, suggesting that those proportions correspond to the actual availability of sites. Its inclusion of sites previously perhaps regarded by the market as 'slow' or 'difficult' is not in itself inappropriate where the overall dwelling numbers forecast comfortably exceed the requirement and do not depend upon sites of questionable deliverability. Annual monitoring will provide useful information. The SHLAA is a document which will be regularly reviewed to include new sites as they come forward and to delete those considered to be 'unsuitable' in the terms of PPS3.

44. The wide extent of Green Belt on the outer reaches of Oldham Borough influences land availability in the outlying settlements and outer fringes of the urban area. The Joint DPD takes the position, from the Vision through to policy, to maintain the existing Green Belt (GB) boundaries. Without a comprehensive review of GB boundaries there is currently no prospect, therefore, that Green Belt policy might be relaxed in respect of land that might otherwise constitute a potential site for development but which happens to be 'washed over' by GB designation, even though it lies within a partially or predominantly built-up area. However, no evidence has been presented sufficient to demonstrate that the Joint DPD is unsound for taking this stance.

45. The SHLAA identifies a range of sites sufficient to offer a mix of housing types and sizes, from basic and affordable through to upper-market housing. Representors suggest that few sites identified in the SHLAA would be of interest to high-end market providers of housing, and that more should be done to secure such housing in particularly favoured locations such as the Saddleworth villages. In practice, however, this would predominantly mean either a relaxation of Green Belt policy which the DPD soundly rejects; or the treatment of existing residential garden land in a manner which could conflict with national planning policy in the revised PPS3. The revision to the definition of previously-developed (or 'brownfield') land would not automatically prevent all development on garden land: proposals in which the character of the area would be maintained would not be excluded (in the absence of other relevant policy against development). The Joint DPD Glossary at Appendix 12 [CD002 pp216-218] contains helpful definitions of *greenfield land* as *land which has not been previously developed* and of *previously-developed land* as encompassing the exclusion of *land in built-up areas such as private*

residential gardens ... which though it may feature paths, pavilions and other buildings, has not been previously-developed [my emphasis].

Affordable Housing

46. Although Oldham has the lowest house prices in Greater Manchester, it also has some of the lowest wages [CD306 ¶2.2]. The Affordable Housing Economic Viability Assessment 2010 [CD309] points out¹ that *a single person and a household first-time buyer would need to borrow 6.5 times and 4.9 times their annual income respectively in order to purchase an entry level property and that for those people living in East and West Oldham the whole of the Borough is unaffordable.* With reference to private renting, *it is estimated that 36% of households within the Borough have incomes that would exclude them from private renting.* On the supply side, *there has been a significant reduction in the number of social rented properties as a result of targeted clearance and Right to Buy sales.* Comparing demand and supply of social rented housing, *Oldham is only able to house 9% of the households on the waiting list in social stock coming available to re-let to a new household in 2007/8.* The Housing Strategy identifies *larger family houses for rent as the most pressing need.*

47. In relation to the provision of affordable housing as a proportion of new development, the Viability Assessment (AHVA) notes that *in ... relation to the North Eastern Housing Market Area (HMA), the Greater Manchester SHMA concluded that ... lower property values tend to be achieved within the HMA, which can impact upon the viability of development and affect the ability to deliver affordable housing.*

48. It is against this background that Joint DPD Policy 10 sets a site threshold of 15 dwellings and above as a trigger level for affordable housing provision, and a target of 7.5% of the total development sales value to go towards the delivery of affordable housing (the supporting text at ¶6.20-6.30 explains the derivation of this percentage via the AHVA. Representor criticism of the figures as inflexible is not borne out by the provisions of the policy for the level and nature of affordable housing to be varied depending upon factors such as *the economic viability of the development, and whether the provision of affordable housing would prejudice the delivery of other planning and regeneration objectives,* and as explained in ¶6.28 of the supporting text. The evidence supports the Joint DPD figures as in accord with the relevant provisions of national policy in PPS3: Housing. The Council's proposed minor amendment no.33 (Appendix B) appropriately amends references to the definition of affordable housing to reflect the June 2011 update to PPS3, and its minor

¹ Based on data from the Oldham Housing Needs and Demands Study 2008

amendment no.36 similarly amends the references to Registered Social Landlords (RSL) to 'Registered Providers'.

49. The economic downturn has had the effect of depressing the delivery of new-build affordable housing. Oldham has a number of sites where development ceased due to the downturn, but is bidding for 'Kickstart Delivery Project' funding and *exploring other opportunities arising from the 2009 Budget announcements* [CD306 ¶ 3.2.3]. On its own, however, the provision of affordable housing as a proportion of new development is unlikely to meet the need for affordable housing: the 2008 HNDS identifies a net annual shortfall of 321 affordable dw/yr. The Council has conducted an asset review with the aim of using some land which it owns in order to bring forward affordable housing. The Council is actively - and, on the evidence to the Hearings, successfully - pursuing other initiatives as identified in its Affordable Housing Strategy, to make best use of the existing housing stock. These include reducing demand via a number of measures to prevent homelessness (e.g. mediation, young people's homelessness awareness project, mortgage rescue, bond scheme, and discretionary housing benefit payments); improving the private rented sector (bond scheme, bringing empty homes into use); and achieving a better fit between households and affordable homes (downsizing pathfinder). On the evidence affordable housing policy as contained in Policy 10 of the Joint DPD, in combination with other measures pursued via the Affordable Housing Strategy, will represent an effective and robust means of achieving affordable housing in line with the Vision and Objectives of the Joint DPD.

Gypsies and Travellers

50. Circular 01/06 requires at ¶30 that *the number of pitches set out in the RSS must be translated into specific site allocations in one of the local planning authority's DPDs that form part of the LDF*, and at ¶31 that *the core strategy should set out criteria for the location of gypsy and traveller sites which will be used to guide the allocation of sites in the relevant DPD*.

51. Within the Joint DPD it is Policy 12, contained in Part 2 of the document under the Development Management Policies, which sets criteria to be used *in allocating sites and determining planning applications*. This is not, strictly speaking, the Core Strategy: but as the DPD is a single inseparable document it could be argued that effectively it makes no difference. The Joint DPD does not explicitly prescribe a set number of pitches to be provided, apparently leaving this to a subsequent, as yet unspecified, development plan document. However, ¶6.35 of the supporting text to Policy 12 refers to the Greater Manchester Gypsy and Traveller Accommodation Assessment of 2008 undertaken by AGMA, which *identifies a shortfall of 26 pitches up to 2015 for Oldham*.

52. The evidence to the Hearings was that there are currently no gypsy and traveller sites in the Borough, and that there have been no recent planning applications for such sites. Since 2007 the number of vans involved in incidents of illegal encampment have varied, from 173 (2009

in 8 incidents) to 46 (2010, in 8 incidents) and apparently reducing to 5 (2011, in 1 incident to June). Oldham is said to have the second lowest need in Greater Manchester for site provision [CD239]. Other GM districts have been approached by Gypsy and Traveller (G&T) organisations seeking potential sites: but Oldham Borough has received no such approach.

53. It appears that the AGMA G&T assessment effectively 'distributed' overall GM need around the constituent authorities rather than looking at the specific needs of individual authority areas. The Joint DPD takes account of, and in effect accords greater weight to, local circumstances. In the gathering of evidence and in connection with the Statement of Community Involvement (SCI), gypsies and travellers represent a 'hard-to-reach' sector of the community. Be that as it may, the Joint DPD deals with the question of specific pitch provision in ¶6.36 by stating that *the Council will identify pitches in the Site Allocations DPD only if there is a clear and demonstrable need based on up-to-date evidence*. Whether the policy provision for Gypsies and Travellers in the LDF as a whole is sound, therefore, will ultimately depend on the strength of the relevant evidence base for the Site Allocations DPD. On balance, the provisions of the Joint DPD itself are, however, sound.

Conclusion

54. My overall conclusion on Main Issue 2 is that, taking into account the Council's Proposed Minor Changes, the provisions of the Joint DPD for housing, including affordable housing and provision for Gypsies and Travellers are, subject to PC1-3, justified, effective and consistent with national policy.

Issue 3 – Whether the provisions of the Joint DPD for tourism, centres and retail development are justified, effective and consistent with national policy.

Tourism

55. The Joint DPD takes a fresh approach to the scope and content of its policies, as it is entitled to do. In comparison with the old-style development plans, DPDs and especially Core Strategies are telescoped. Much of the collateral material which was habitually contained within old-style plans was either imported from higher-order policy and other guidance, or consisted of internal cross-referencing and repetition. Such material is now reduced or omitted to leave a leaner and more concentrated document. As a result, items which were previously the subject of specific policies – such as, in this case, tourism – are now encompassed by wider-ranging parent policies which nevertheless, one way and another, adequately cover the ground.

56. The Joint DPD deals with tourism as a 'cross-cutting' theme, to which many of its policies are directly or indirectly relevant. Policies 4, 5 and 6 all contain material of relevance to tourism proposals at the strategic level, and the policy approach is elaborated and refined via Policies 13-16.

Much tourism-related development can be appropriately, and sustainably, accommodated in centres. There is no policy imperative for the Joint DPD to engage in the 'promotion' of tourism as such, there being active agencies, within the Council and outside it, to do the job. Moreover, given the restricted area of open countryside in and around the Borough and the wide extent of Green Belt, policies of overt promotion could result in misunderstanding and counterproductive disappointment. Policies 6 and 22 go as far they reasonably can. The Joint DPD is not unsound for want of a dedicated policy on tourism.

Centres: Food, Drink and Night-time Economy-related Uses

57. Joint DPD Policy 15: Centres includes policy provisions in respect of food, drink and night-time economy-related uses. The policy embodies a number of criteria that such uses, *either individually or cumulatively with similar uses within the area, must demonstrate*. First of these, at (a) is the following: that *there is a need for the proposal, having regard to the number of existing and proposed establishments (including those already permitted) within the area*.

58. On the face of it, this criterion has every appearance of a purely defensive device aimed at limiting commercial competition, of a type inappropriate to planning policy and which risks condemnation as unsound. However, evidence was presented to the Examination Hearings, by the Council and by the Oldham Town Centre Partnership, to support the contention that this was not the case. Rather, the concern is for the collective impact of drink-related and takeaway uses on the environment and on the ambience experienced by other night-time visitors to the centres: notably those patrons of Oldham's thriving theatre who are discouraged from extending their town centre trip to include, for example, the pre- or post-theatre dining which contributes to the night-time economy and atmosphere of other 'theatre towns'. Past over-emphasis on drink and takeaway uses in Oldham has also had a harmful impact upon the daytime retail environment, especially in the peripheral streets where the independent retail offer is diluted and diminished by the blank and shuttered façades of hot food takeaways, resulting in the discouragement of potential shoppers. There is an identifiable problem in planning terms here.

59. The difficulty is how to express this concern in a criterion which employs the word 'need'. Criteria (b)-(d) already deal with *contribution to positive environmental quality, with unacceptable impact on the environment, and with positive visual appearance of the area during opening and non-opening hours*. Yet Criterion (a) seeks to express something else and something more. The Council's Proposed Minor Change no. 38 attempts elucidation by *[adding] a footnote to Criterion (a): "Criterion (a) does not refer to quantitative need or qualitative need as defined by PPS4. See paragraph 6.76". ¶6.76 of the supporting text speaks of manag[ing] the night-time economy ... sensitively so as not to achieve unwanted outcomes and demonstrat[ing] ... that the proposal is required. This will have regard to the council's wider aspirations for the area and must take account of the number of similar uses in the area, ...*

whether an additional use adds to the attractiveness of the area and the nature of the benefits the proposal brings to the area. Whilst helpful to some extent, even this is not entirely clear.

60. Luckily, Policy 15 ends by stating that *the Council will provide further advice and guidance on this policy.* Supplementary guidance of a clear and convincing nature will indeed be essential if this element of Policy 15 is to operate successfully – that is, to be upheld in the practical management of development proposals. The Council cannot rely upon prospective users of the policy to know instinctively what is meant: the policy together with its guidance must be unambiguous. Only with Minor Change no.38, with the promise of further guidance, with the benefit of the doubt, with particular regard paid to local circumstances, and with some generosity of interpretation can this element of the Joint DPD be regarded as sound.

Centres: Primary Shopping Frontages

61. Policy 15 provides that *the Council will permit developments or changes of use within the primary shopping frontages only where 70% of the ground floor frontage subsequently remains in A1, A2 or A3 use.* Representors maintain that, especially in difficult economic times, such a restriction would not protect the character of the primary retail frontage but instead could lead to an unacceptable level of vacancies and in practice to a diminution of character.

62. The evidence is that, pre-UDP, the Primary frontages were subject to an even greater restriction, to A1 (shops) alone. The widening of the permitted uses, in the 2006 UDP, to include Use Classes A2 (financial and professional services) and A3 (cafés and restaurants) introduced considerable flexibility. The Council maintains that this policy has worked well in Oldham and has resulted in primary shopping frontages with high percentages of acceptable uses: in evidence to the Hearings examples of percentages of between 80% and 100% were quoted in Chadderton, Hill Stores, Royton and Shaw. There is insufficient evidence to demonstrate that a change in policy, towards further relaxation, is necessary.

Other Matters: Retail Floorspace

63. The evidence base includes the Retail and Leisure Study 2009 carried out for Oldham by the WYG consultancy [CD330]. Policy 15: Centres refers directly to this study, and the supporting text at ¶¶6.70-6.73 provides further detail of the additional retail floorspace for convenience and for comparison goods and of its proposed distribution within the Borough. The Site Allocations DPD will appropriately provide further policy in respect of retail floorspace, the figures for which have not been contested.

Conclusion

My overall conclusion on Main Issue No.3 is that, subject to PC4, the provisions of the Joint DPD for tourism, centres and retail development are justified, effective and consistent with national policy.

Issue 4 – Whether the provisions of the Joint DPD for energy are justified, effective and consistent with national policy.

64. Policy 18 contains 2 elements: policy relating to carbon dioxide emissions reduction; and to green energy schemes. Both in Policy 18 and in its Glossary at Appendix 12 [CD002], the Joint DPD contains considerable material on energy including clear targets for reduction in carbon dioxide emissions and, in the supporting text, a high level of explanation. The supporting evidence base includes [CD255-258] the 2010 Decentralised and Zero Carbon Energy Planning Study by AGMA, and the 'Mini Stern' for Manchester, a report which assesses the economic impact of EU and UK climate change legislation on Manchester City Region and the North West [CD259].

65. The emphasis upon encouraging the reduction of carbon dioxide emissions and on decentralised, low carbon and renewable energy supply is supported by national planning policy contained in PPS 1 (Supplement) on Planning and Climate Change. Policy 18 identifies *strategic* areas within Oldham which – given their concentrations of built development – *may have a role to play in achieving an increase in the level of decentralised [etc] energy supply subject to appropriate planning considerations*. The move towards zero carbon, required by the Code for Sustainable Homes (to which Policy 18 makes reference) is to be achieved through the setting of targets under the policy. These are ambitious, being *based on reductions over and above Part L of the Building Regulations 2010 or 2013*: but subject to policy provisos on *the cost and availability of solutions*. The targets are well founded on evidence produced both locally and at the cross-boundary level of Greater Manchester. The evidence is that the Council will work with developers to achieve the maximum potential for any qualifying development.

66. On green energy schemes, Policy 18 appears to focus heavily upon potential adverse impacts, identifying 11 impact-related criteria to be satisfied, each of which is related to 5 factors to be taken into account; and following with the requirement for *mitigation measures ... where proposals are likely to result in an unacceptable impact*. The first words of the policy are *Where suitable and appropriate....* The Council points to its use of the phrase *will be permitted in accordance with national and local policies* as an indicator of a positive approach. Whilst this is not overtly communicated by the policy to the point of enthusiasm (in marked contrast to the preceding section on the reduction in carbon emissions) its wording is otherwise hard to fault and it cannot be said to be unsound. Further *advice and guidance* on the policy is to follow.

67. In evidence at the Hearings the Council pointed to its own involvement of local communities, through promoting awareness and education on the potential of green energy schemes and their variety. In this respect the Joint DPD Glossary [CD002 Appendix 12 p218] most helpfully presents a list of *renewable energy definitions* which in essence describes and explains numerous methods of obtaining renewable energy (*wind generation* itself can be found at the end of a long list in the box headed *Renewable and low-carbon energy*).

Conclusion

68. In terms of justification, effectiveness and national policy the extensive and potentially innovative coverage of energy in the Joint DPD is entirely appropriate, for the field is wide and complex and will be new to many prospective users of the Plan. My overall conclusion on Main Issue 4 is that the provisions of the Joint DPD for energy are justified, effective and consistent with national policy.

Other Matters

Protection of OPOL

69. Representors expressed concern at the level of protection offered by the Joint DPD, under Policy 22: Protecting Open Land, to land designated in that document as OPOL. Included among the Council's Minor Amendments at Submission Stage [CD004] are amendments nos.16 and 17. To the second (unnumbered) paragraph of Policy 22 amendment no.16 adds the words *within the OPOL*: so that the policy sentence as a whole reads "Development on OPOL will be permitted where it is appropriate, small-scale or ancillary development located close to existing buildings *within the OPOL*, which do not affect the openness, local distinctiveness or visual amenity of the OPOL, taking into account its cumulative impact".

70. I endorse this amendment as reinforcing the level of protection afforded to OPOL in the joint DPD, enabling the retention of openness bearing in mind that much OPOL is located close to existing buildings beyond the designation boundary, and that its overall extent has been reduced through the provisions of the Joint DPD which remove OPOL3 from designation. Because the Council made the change prior to the Examination Hearings it is now a matter for simple endorsement. It represents a matter which 'goes to' soundness and I would have wished to see just such a change had it not previously been made on the basis of a 'typographical error'. Minor amendment no.17 adds 4 areas of designated OPOL to the list at ¶16.141 of the supporting text. These had previously been omitted through a typographical error.

The National Planning Policy Framework (Consultation Draft)

71. On 25 July 2011 the DCLG issued the consultation draft of the National Planning Policy Framework (NPPF). The NPPF is intended to bring together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. I therefore invited the Council and Representors to submit, up to 19 August 2011, any comments they wished to make about the implications of this policy development for the Joint DPD.

72. The Joint DPD is generally in tune with the draft NPPF. In particular, the Joint DPD contains a strong emphasis upon (to quote the draft NPPF document at ¶10) *planning for prosperity* (an *economic role* allowing *growth and innovation*); *planning for people* (a *social role* involving an *increased supply of housing and accessible local services to reflect the*

community's needs; and planning for places (an environmental role involving protecting and enhancing the natural, built and historic environment and moving to a low-carbon economy) which in the terms of the draft NPPF represent the delivery of sustainable development.

73. The Joint DPD proposals for the Foxdenton BEA were criticised by local resident Representatives for their removal of open land protected (as OPOL3) in the UDP, in that the proposals entailed *the removal of an accessible natural 'buffer' of open land within [the] urban area* which they considered *would have a detrimental effect on the lives of the existing population*. However, in striking a balance between the economic, social and environmental roles of planning within the Borough as a whole, and in the light of the supporting evidence base on the need for employment land and for housing, the Joint DPD is not unsound in its proposals for Foxdenton and is in accord with the draft NPPF.

74. The (draft) NPPF includes the removal of the national minimum site size threshold for affordable housing. Joint DPD Policy 10 sets the current threshold thus: *all residential development of 15 dwellings and above, in line with national guidance, will be required to provide an appropriate level of affordable housing provision*. Removal of the national threshold would suggest the requirement for amendment to the policy wording: either by deleting the words *in line with national guidance* whilst maintaining the 15-dwelling threshold on a local basis; or by substituting another specific threshold for the 15-dwelling threshold, or simply deleting the reference to the 15-dwelling threshold (but the current evidence base would not necessarily support either of these); or by deleting the whole of the first sentence of Policy 10 and substituting the policy intention to assess all proposals on a case by case basis for their capacity to contribute to affordable housing. Policy 10 already allows for this, explicitly considering, as it does, the impact of delivering affordable housing on the economic viability of the development – though as the policy stands this element is only to be applied to proposals of 15 dwellings and above, and not to all proposals. The policy already signals the Council's intention to provide further advice and guidance: and this will be necessary.

75. The Joint DPD could, on the evidence of the SHLAA [CD 308], accommodate the draft NPPF requirement to allocate an additional 20% of housing against the 5-year housing land requirement. The SHLAA is reviewed on an annual basis, providing an opportunity for the housing land supply to be updated.

76. The draft NPPF also includes the removal of the national target for housing development on previously-developed land (pdl). Whilst the Joint DPD contains the requirement for at least 80% of housing provision to be on pdl (or 'brownfield' land), in the circumstances of Oldham this target figure remains appropriate at the local level. The Green Belt tightly constrains Oldham's developable area and the Joint DPD (soundly) contains no proposal to revise GB boundaries. There is little other designated open land within Oldham's boundaries following the strategic removal of OPOL3, and Policies 21 and 22 apply protective designations to

much of the remainder. Topography is a further constraint. A strategic priority of the Joint DPD is to ensure the effective and efficient use of land and buildings by promoting the reuse and conversion of existing buildings and development on brownfield land. The SHLAA shows that over 86% of the potential housing land supply is on brownfield land. East and West Oldham together contain 60% of the potential housing land supply which is pdl linked to regeneration and HMR areas. In these local circumstances the draft NPPF removal of the 80% brownfield target has little implication for the Joint DPD.

Legal Requirements

77. My examination of the compliance of the Oldham Joint Core Strategy and Development Management Policies DPD with the legal requirements is summarised in the table below. I conclude that the Joint DPD meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Joint DPD is identified within the approved LDS November 2009 which sets out an expected adoption date of October 2011. The Joint DPD's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in 2007 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed changes (PC).
Sustainability Appraisal (SA)	SA has been carried out, independently verified and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report (June 2010) sets out why AA is not necessary in principle in respect of the Joint DPD. [The Assessment recommends however that (in relation to the Rochdale Canal SAC) any developments coming forward within the areas identified in the Plan as Hollinwood, Chadderton Technology Park, Foxdenton, and Failsworth District Centre be referred for Appropriate Assessment as part of the development management process so that appropriate mitigation for any damaging impacts can be properly planned and implemented].
National Policy	The Core Strategy complies with national policy except where indicated and changes are recommended.
Regional Spatial Strategy	The Core Strategy is in conformity with the Regional Spatial Strategy
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act and Regulations (as amended)	The Joint DPD complies with the Act and the Regulations.

Overall Conclusion and Recommendation

78. I conclude that with the changes (PC1-4) proposed by the Council, set out in Appendix A, the Oldham Joint Core Strategy and Development Management Policies DPD satisfies the requirements of S20(5) of the 2004 Act and meets the criteria for soundness in PPS12. Therefore I recommend that the plan be changed accordingly.

79. These changes are taken from the document [CD459] dated 9 June 2011, and containing Minor Amendments nos. 30 – 38. For the purposes of Appendix A I have re-numbered, with the prefix PC (showing also the Minor Amendment number), those proposed changes which I consider to go to soundness and which have arisen out of the Hearings. And for the avoidance of doubt, I endorse the Council's proposed minor changes, set out in full in Appendix B. These comprise those Minor Amendments (nos. 1-29) contained in CD004 and also those (nos. 30-38) contained in CD459.

S Holland

INSPECTOR

Appendix A – Council Changes that go to Soundness

Proposed Change Number (corresponding Minor Amendment number shown in brackets)	Relevant Section of the Joint DPD	Proposed Change	Reason
PC1 (30)	Policy 3: Address of Choice, text ¶15.44, 2 nd sentence	<i>Add and the phasing arrangements after 'sites'</i>	To make clear that the Site Allocations DPD will deal with phasing arrangements
PC2 (31)	Policy 3: Address of Choice, text ¶15.47, last sentence	<i>Add whilst acknowledging the contribution that non-allocated sites may make to the housing market.</i>	To make clear that small housing developments not allocated or previously identified (in the SHLAA) will not necessarily be excluded under Policy 3.
PC3 (32)	Policy 11: Housing, text ¶16.31, 2 nd sentence	<i>Add including the contribution that non-allocated sites may make to the housing market.</i>	To make clear that small housing developments not allocated or previously identified (in the SHLAA) will not necessarily be excluded under Policy 3.
PC4 (38)	Policy 15: Centres, Criterion (a)	Add footnote to Criterion (a): <i>Criterion (a) does not refer to quantitative need or qualitative</i>	To clarify the nature and purpose of Criterion (a).

		<i>need as defined by PPS4. See ¶16.76 of the supporting text.</i>	
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Appendix B – Council's List of Minor Amendments at Submission Stage (Nos. 1-29) and Further Minor Amendments (Nos.30-38)

- 1.1 The minor amendments listed in Table 1 are proposed to the `Joint DPD` following on from the publication stage. These minor amendments relate to factual updates, typographical corrections or improvements to the legibility of the `Joint DPD`
- 1.2 The minor amendments do not alter the conclusions or recommendations of the Sustainability Appraisal, the Habitats Regulations Assessment or the Equalities Impact Assessment.

Table 1 List of minor amendments

Minor amendment number	Relevant section of the Proposed Submission document	Minor amendment	Reason
Main document			
1	Page 3, About this document section	<p>Delete second paragraph with opening text "You may comment ...".</p> <p>And replace with the following paragraph after the sub-heading (which is taken from a draft version of the joint DPD): "The Planning and Compulsory Purchase Act 2004 introduced a new planning system called a Local Development Framework (LDF). The LDF will direct the future development pattern of the borough and will eventually replace the 2006 Unitary Development Plan (UDP) which is the borough's current land use plan. The LDF forms part of the borough's Development Plan.</p>	<p>Factual update - this was specific text relevant to how people could comment on the publication stage consultation which is no longer relevant to the submission stage.</p> <p>To improve legibility of the DPD.</p>

Minor amendment number	Relevant section of the Proposed Submission document	Minor amendment	Reason
		<p>Development Plans guide and control the use of land. The LDF will be a folder of different planning documents called Development Plan Documents (DPD) and Supplementary Planning Documents (SPD). DPDs are subject to independent examination and form part of the Development Plan. SPDs are not subject to independent examination and are not part of the Development Plan, but they are material planning considerations in the determination of planning applications. Appendix 10 sets out the status of the UDP policies once this DPD is adopted."</p>	
2	Page 14, Para 2.38	Amend reference to "energy study" to read "Energy Study".	Typographical correction
3	Across the `Introduction and Spatial Portrait`, `Vision`, `Strategic Objectives`, `The Way Forward` and `Policy 2 Communities`.	Amend references to "Regional Science Centre" to read "Regional Science Centre Oldham".	Factual update.
4	Page 57, Policy 5	Replace "Planning Policy Statement 4 `Planning for Sustainable Economic Growth` (PPS4)" with "national guidance and policy".	To ensure consistency with recently amended PPG13 and to improve legibility of the policy.

Minor amendment number	Relevant section of the Proposed Submission document	Minor amendment	Reason
5	Page 61, Policy 6, paragraph 5.66	Add "Huddersfield Narrow Canal and Rochdale Canal" to the list of strategic recreational routes.	Typographical correction.
6	Page 61, Policy 6, paragraph 5.67	<p>Amend list of Green corridors and links as follows:</p> <ul style="list-style-type: none"> ○ Amend "Northdowns" to read "North Downs". ○ Amend "Oakland Road" to read "Oaklands Road". ○ Add "Road" to end of "Lees New Road to Greenacres". ○ Amend "Wall Hill Road/Hudsteads Lane" to read "Wall Hill Road and Wall Hill Road/Hudsteads Lane". ○ Add "Cotswold Drive, Royton". 	Typographical correction.
7	Page 62, Policy 6, paragraph 5.73	<p>Amend list of Green Infrastructure benefits to read as follows (with new or amended text shown as underlined):</p> <ul style="list-style-type: none"> a) <u>Facilitating a low-carbon society in a changing climate</u> b) An ecological framework c) An <u>active travel network</u> d) <u>A sense of place and positive image and setting for growth</u> e) <u>River, canal corridor and flood risk</u> 	Factual update – to reflect updated information from AGMA.

Minor amendment number	Relevant section of the Proposed Submission document	Minor amendment	Reason
		<p><u>management</u></p> <p>f) Supporting urban regeneration</p> <p>g) Community health and enjoyment</p> <p>h) <u>Employment and skills development</u></p>	
8	Page 75, Policy 10, paragraph 6.28	Replace “is due to be” with “was” before “published in 2010”.	Factual update - to reflect fact the SHMA was published in October 2010 before the publication stage consultation commenced.
9	Page 85, Policy 14, Linkages table	Add “GMPTE” and “Highways Agency” to listing under Implementation heading.	Factual update - GMPTE indicated during the publication stage consultation that they wanted to be added to the list of delivery partners for bringing forward Foxdenton. It has also been agreed the council will work with the Highways Agency on further transport modelling to address the transport implications of Foxdenton.
10	Page 86, Policy 14, paragraph 6.51	Delete “approximately” before “25%”.	To ensure consistency and improve legibility of the policy.
11	Page 86, Policy 14, paragraph 6.52	Replace “land mark” with “landmark”.	Typographical correction.
12	Page 86, Policy 14, paragraph 6.55	Add “and GMPTE” after “The council will work with the Highways Agency”.	Factual update - GMPTE indicated during the publication stage consultation that they wanted to be

Minor amendment number	Relevant section of the Proposed Submission document	Minor amendment	Reason
			added to the list of delivery partners for bringing forward Foxdenton.
13	Page 99, Policy 18, Opening section	Add "Assessment of Energy Saving Opportunities for St Mary's Heat Network, Oldham" to list of documents.	Factual update – to reflect updated information.
14	Page 105, Policy 18, Paragraph 6.103	Add following text to end of last sentence: "called the Assessment of Energy Saving Opportunities for St Mary's Heat Network".	Factual update – to reflect updated information.
15	Page 106, Policy 19, Opening section	Replace "Water Cycle Strategy" with "Water Cycle Study".	Typographical correction.
16	Page 118, Policy 22	<p>Add "within the OPOL" after "close to existing buildings".</p> <p>Amend "which do not affect..." to read "which does not affect...".</p>	<p>To improve legibility of the policy.</p> <p>Typographical correction.</p>
17	Page 119, Policy 22, paragraph 6.141	<p>Add following OPOL to the listing:</p> <ul style="list-style-type: none"> ○ Ferney Field Road, Chadderton. ○ Foxdenton Hall Park, Chadderton. ○ Rumbles Lane, Delph. ○ Cotswold Drive, Royton. <p>Amend name of OPOL as follows:</p>	<p>Typographical correction.</p> <p>Typographical correction.</p>

Minor amendment number	Relevant section of the Proposed Submission document	Minor amendment	Reason
		<p>“Moston Brook Failsworth; Hole Bottom Clough, Failsworth” to read “Moston Brook and Hole Bottom Clough, Failsworth”.</p> <p>Amend name of OPOL as follows: “Ryefield Drive”, to read “Ryefields Drive”.</p> <p>Amend name of OPOL as follows: “Ainsley Wood”, to read “Ainley Wood”.</p> <p>Delete “Roundthorn/Holts (Nether Lees)”.</p>	<p>Typographical correction.</p> <p>Typographical correction.</p> <p>Typographical correction.</p>
18	Page 127, Policy 24, paragraph 6.161 bullet point ii	Add “and Lees” after “(in Saddleworth)”.	Typographical correction.
Appendices			
19	Page 164, Table 23	<p>Replace “of” with “on” after “to be shown”.</p> <p>Maps showing sites for the 2006 UDP Policy CF1.1.1 Blackshaw Lane, Heyside and UDP Policy CF1.1.2 Platting Road, Lydgate.</p> <p>Maps showing flood risk changes from the</p>	<p>Typographical correction.</p> <p>In the UDP, policy CF1.1 identified two education facilities for development. Both have now been developed for their intended purpose and therefore are not carried forward through the LDF. The maps were omitted from the printed documents but were made available separately during the publication stage consultation.</p> <p>Factual update.</p>

Minor amendment number	Relevant section of the Proposed Submission document	Minor amendment	Reason
		2006 UDP. Maps showing transport infrastructure changes from the 2006 UDP.	Factual update.
20	Page 203, Appendix 9, Table 24	Add new 'completed gross employment land take up' figure of 2.15hectares for 2009-2010.	Factual Update.
21	Page 212, Appendix 10, Table 26	Add "and/or JWDPD and/or JMDDPD" after "Site Allocations DPD" for Policies B1, B1.1, B1.2 and B1.3.	To ensure consistency and improve legibility of the joint DPD in relation to the work being undertaken on the JWDPD and the JMDDPD.
22	Appendix 12 – Glossary	Add " Gross Development Value (GDV) – total revenue generated from the sale of properties (also referred to as total development sales value)".	To improve legibility of the joint DPD.
23	Appendix 13 – Abbreviations	Add "GDV Gross Development Value".	To improve legibility of the joint DPD.
24	New Appendix 14	Insert new Appendix 14 with a listing (including reference titles and numbers) of Recreational Routes, Green Links and Corridors, and OPOL sites.	To improve legibility of the joint DPD.
Sustainability Appraisal			
25	Whole document	Amend "principal" to read "principle" in the document.	Typographical correction.
Habitat Regulations Assessment			
26	Page 22, Paragraph 8.4	Amend "Appendix 4" to "Appendix 3".	Typographical correction.
27	Page 45, Appendix 3	Add additional row with text:	Typographical correction.

Minor amendment number	Relevant section of the Proposed Submission document	Minor amendment	Reason
		District – “Rochdale MBC”, Plan – “Core Strategy”, Outcome of Assessment - “Potential effects on Rochdale Canal SAC”.	
28	Page 24, References	Replace “Conservation (Natural Habitats, &c.) (Amendment) Regulations (1997)” with “The Conservation of Habitats and Species Regulations 2010”.	Typographical correction
Infrastructure Study			
29	Infrastructure Study	Update Document.	Factual Update.

Appendix 14

Recreational Routes

Name of Recreational Route	Reference
Huddersfield Narrow Canal	RR1
Rochdale Canal	RR2
Oldham Way	RR3
Pennine Bridleway	RR4
Pennine Way	RR5
Hunt Lane Recreational Route (excluding Foxdenton)	RR6
Oldham – Lees Recreational Route	RR7
Greenfield – Uppermill Recreational Route	RR8
Royton Junction Recreational Route	RR9
Oldham Bardsley Recreational Route	RR10
Delph Donkey Recreational Route	RR11
Crompton Circuit	RR12
Beal Valley Way	RR13

Green Corridors and Links

Name of Green Corridor and Links	Reference
Wrigley Head	GC1
Stock Lane	GC2
Railway - Morton Street/ Hardman Lane	GC3
Somerset Road	GC4
Cemetery by Hibbert Crescent	GC5
Cemetery/ Cricket Ground by Duchess Street	GC6
High Crompton Park	GC7
North Downs Road / Rochdale Road	GC8
Mill Lane/ Thorp Road	GC9
Long Clough	GC10
Cotswold Drive	GC11
Egerton Street to Shaw Road	GC12
Clayton Playing Fields	GC13
Broadbent Road/ Whetstone Hill Lane	GC14
Alexandra Park	GC15
Ashton Road / Simkin Way	GC16
Sholver Lane	GC17
Stonebreaks Road/ Cooper Street	GC18
Chew Valley Road to Halls Way	GC19
Manchester Road to Ryefields Drive	GC20
River Tame from Delph New Road to Mow Halls Lane	GC21
Hill End Road to Gatehead Croft	GC22
Spurn Lane	GC23
Wall Hill Road	GC24
Wall Hill Road / Hudsteads Lane	GC25
Lydgate Tunnel/ Oaklands Park	GC26
Oaklands Road	GC27
Brookside Business Park	GC28
Chadderton Cemetery	GC29
Foxdenton Hall Park	GC30
Lees New Road to Greenacres Road	GC31

Name of OPOL	Reference
Royley Clough	OPOL1
Ferney Field Road	OPOL2
Foxdenton Hall Park	OPOL4
Cowhill	OPOL5
Moston Brook and Hole Bottom Clough	OPOL6
Simkin Way	OPOL7
Oldham Edge	OPOL8
Bullcote Lane	OPOL9
Shawside	OPOL10
Land at Greenacres	OPOL11
Thornley Brook East	OPOL12
Stonebreaks	OPOL13
Dacres	OPOL14
Wall Hill	OPOL15
Ryefields Drive	OPOL16
Stoneswood	OPOL17
Rumbles Lane	OPOL18
Ainley Wood	OPOL19
Land South of Oaklands Road	OPOL20
Land at Summershades Lane	OPOL21
Cowlishaw	OPOL22
Cotswold Drive	OPOL23

Minor amendment number	Relevant section of the Joint DPD	Minor amendment	Reason
30	Policy 3 'An Address of Choice'; paragraph 5.44; second sentence.	Add ", and the phasing arrangements," after "Sites".	To provide clarification on the position regarding phasing arrangements and the Site Allocations Development Plan Document (DPD) further to the Housing Session held on 7 June 2011.
31	Policy 3 'An Address of Choice'; page 53; paragraph 5.47; last sentence.	Add to the end of the last sentence ", whilst acknowledging the contribution that non-allocated sites may make to the housing market.".	To provide clarification further to the Housing Session held on 7 June 2011.
32	Policy 11 'Housing'; page 77; paragraph 6.31; second sentence.	Add to the end of the second sentence ", including the contribution that non-allocated sites may make to the housing market.".	To provide clarification further to the Housing Session held on 7 June 2011.
33	Joint DPD and Appendices	<p>Amend references to the definition of affordable housing to reflect the update to PPS3 Housing published June 2011:</p> <ul style="list-style-type: none"> • Policy 10 'Affordable Housing'; page 73; paragraph 6.16 – Delete "Affordable housing is currently defined as including social rented". Replace with "Affordable housing is currently defined in national policy as including social rented, affordable rented". • Footnote 45, page 73 – Delete "2010". Replace with "2011". • Appendices; Glossary; Page 215 – Add "Affordable Rented Housing – "Rented housing let 	Factual update – to reflect change to PPS 3 Housing.

Minor amendment number	Relevant section of the Joint DPD	Minor amendment	Reason
		by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80 per cent of the local market rent". (From Planning Policy Statement 3 on Housing)".	
34	Joint DPD and Appendices	Amend all references to "GMPTE" to read "Transport for Greater Manchester".	Factual update – to reflect change of name in April 2011. This is to provide clarification further to the Transport Session held on 3 June 2011.
35	Policy 25 'Developer Contributions'; page 129; paragraph 6.163; second sentence.	Delete "which is being prepared, will provide". Replace with "which has been prepared, provides".	Typographical correction – to reflect fact that the Infrastructure Study was published as part of the publication stage consultation in October 2010.
36	Joint DPD and Appendices	Amend all references to 'Registered Social Landlord(s)' and housing association(s) to read 'Registered Provider (s)'. 	Factual update – to reflect change of terminology. This is to provide clarification further to the Housing Session held on 7 June 2011.
37	Joint DPD and Appendices	Amend references to the waste hierarchy to reflect the update to PPS10 Planning for Waste Management as set out letter from the GMGU in the letter dated 27 April 2011 (CD416): <ul style="list-style-type: none"> • Paragraph 2.36 – delete "using the descending options of waste reduction, reuse and recovery before disposal" after "the principles 	Factual update – to reflect change to PPS 10 Planning for Waste Management.

Minor amendment number	Relevant section of the Joint DPD	Minor amendment	Reason
		<p>of the waste hierarchy".</p> <ul style="list-style-type: none"> • Strategic Objective 1 `k` - delete ", to minimise waste and its production, to increase reuse, recycling and recovery rates, and to manage waste as close to source as practicable" after "the waste hierarchy". • Policy 7 criterion `a` - delete "which is based on reduction, re-use, recycling/composting, recovery and final disposal" after "the waste hierarchy". • Paragraph 5.86 – delete "using the descending options of waste reduction, reuse and recovery before disposal" after "the waste hierarchy". 	
38	Policy 15 `Centres` ; page 89; criterion a.	Add footnote to criterion a: "Criterion `a` does not refer to quantitative need or qualitative need as defined by PPS4. See paragraph 6.76"	To provide clarification further to the Retail Session held on 10 June 2011.