

CHAPTER 16: MINERALS

M/2 - Location of Mineral Working

Objections:	358/6	Bryant Homes Ltd
	381/53	Government Office North West

Key Issues:

- **should land at Broad Lane be included as an Area of Search (AOS)?**
- **does the policy reflect national planning guidance?**

Inspector's Reasoning:

16.1 To begin, the policy statement at its 4th line refers to a "Stage One constraint". It is, however, far from clear from paragraphs 16.5 and 16.6 that which constitutes a Stage One constraint. Are they those in 16.5 or, do they also include those matters referred to in 16.6? Conversely, are the 16.6 matters to be taken as Stage Two constraints. This policy should be clarified. Nonetheless, it is the intention of national planning guidance that AsOS should be considered in development plans (paragraph 46 to Minerals Planning Guidance 1). Those in the UDP are generally carried forward from the adopted plan (1999). Objector 358/6 has not significantly disputed the principle of the Council's overall approach to them - this through a constraints procedure - that generally is rigorous albeit reflecting paragraph 46 of the guidance, the Council is advised to further justify its approach. I have no difficulty with the Council's definition of the objection site as being outside the Defined Urban Area. Further, the objector has not convincingly disputed the Council's view that the site represents a potential mineral resource. On the basis of the evidence before me, I am not persuaded that the land should be excluded from the policy. That would be assessed on any development proposal, taking into account Policy M/3. I support the Council on this objection.

16.2 Next, to the Government Office North West. I have some sympathy with the Council view that, outside an AOS, Stage One constraints are a reasonable starting point. Reflecting paragraph 16.1 above, however, it is not clear what would be the constraint considerations outside an AOS, albeit the 16.5 and 16.6 matters represent reasonable planning considerations. Reflecting objector concern, paragraph 16.5 is unsatisfactory in a number of respects. Firstly, the last word of the first paragraph is "include". As this paragraph is intended to be an amplification of the basis for development control decisions, any potential developer should be able to see all the constraints through which its proposal would be assessed. Secondly, does the use of the word "include" indicate that 16.5 b) covers other designations not referred to - such as international ones if present in the Borough and potentially arising over the period of the UDP. I am

not told by the Council. Thirdly, the general intention of paragraph 49 to MPG1 is that - in the assessment of proposals - the degree of protection to be given to other environmentally important areas should be less than that set out in paragraphs 47 and 48. That is also reflected in paragraphs 18 and 25 to PPG 9: Nature Conservation. The policy, including the reasoned justification, does not effect either. It requires modification. In so doing, I am aware that national planning guidance does not establish the *specific* weight to be given to varying designations - "little", "limited", "significant" and "substantial" are some words that come to mind. That is, clearly, the right approach - it not being necessary for a UDP to do so, that for the decision-maker to assess in the light of national planning guidance and all material considerations.

Recommendations:

16.3 I recommend that the plan be modified along the following lines:

- **The reasoned justification should clarify Stage One constraints.**
- **The reasoned justification should be amplified to reflect paragraph 46 to MPG1.**
- **The reasoned justification should indicate that, in the assessment of development proposals, including outside Areas of Search, relevant weight will be given to local (including regional), national and international designations.**

M/3 – Assessment of Proposals

Objection: 381/54 Government Office North West

Key Issue:

- **does the policy reflect national planning guidance?**

Inspector's Reasoning:

16.4 The general thrust of this objection reflects that made by the objector to M/2 and I come to a similar conclusion on M/3 f) and M/3 g). Again, however, it would be inappropriate for me to apply a specific level of weight to specific designations. Here, I wonder whether the Council's reference to criterion g) in paragraph 7.2 of its evidence is correct, the Revised Deposit Draft version of the UDP not addressing there landscape, geological and ecological features. While the Council refers me to other policies of the UDP, that would not deal, satisfactorily, with the objection. The Council has, however, at Revised Deposit Draft stage added to paragraph 16.10. Taking into account the objection, the conservation area interest

is not reflected there, unless the Council intends to include it within "historic". In my opinion, a shorter amplification would suffice.

- 16.5 As to agricultural land (M/3 i), current national planning guidance is contained within Planning Policy Statement 7: Sustainable Development in Rural Areas, this at paragraphs 28 and 29. That indicates, generally, that the presence of the best and most versatile agricultural land should be taken into account alongside other sustainability considerations. Rochdale has a limited presence of this land and, in my view, the criterion fairly reflects the spirit of PPS 7. The Council has not established, however, that - within Rochdale - there needs to be a demonstration of "an overriding need" for the development of the best and most versatile agricultural land (16.8). The 4th sentence to paragraph 16.8 should be deleted and reworded to reflect national planning guidance.
- 16.6 Then, to opencast coal at criterion n) at Deposit Draft. At Revised Deposit Draft, the Council has deleted any reference to it. On the basis of the documentation before me, that would appear to have dealt with the objection - the objector not requiring any further reference to opencast coal.
- 16.7 As a final comment, not the subject of specific objection and raised elsewhere in my Report, the Council is advised to consider whether criteria references to "unacceptable" should be replaced by "adverse effect". That would reflect my conclusions on the policy.

Recommendations:

16.8 I recommend that the plan be modified along the following lines:

- **Delete paragraph 16.10 and substitute: "16.10 In considering proposals covered by the above criteria, the Council will give relevant weight to local (including regional), national and international designations."**
- **Delete the 4th sentence to paragraph 16.8 and reword to reflect PPS 7.**

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