

## CHAPTER 20: ENVIRONMENTAL MANAGEMENT

### G/EM/1 (Part One Policy) - Environmental Protection and Pollution Control

**Objection:** 308/12 Federal Mogul T & N Limited

**Key Issue:**

- **should the policy refer to a list of priority sites requiring environmental action?**

**Inspector's Reasoning:**

20.1 This strategic policy establishes the Council's overall approach to environmental protection and pollution control. A listing of specific sites within Rochdale would, therefore, be inappropriate. It would be likely that, within this Borough with its long established industrial tradition, there would be a substantial number of sites requiring action. There is no detailed information before me that the Council has identified those sites. In any event, the policy and others within the chapter would - together with the regeneration policies in Chapter 12 - provide a context within which specific proposals would be able to be addressed. The plan is sufficiently supportive of regeneration and environmental improvement not to prejudice the objector's aspirations - subject to the requirements of the plan in the assessment of specific proposals.

**Recommendation:**

**20.2 I recommend that:**

- **No modification be made to the plan in response to this objection.**

### EM/3 – Noise and New Development

**Objections:** 282/2 DRPH Ltd  
386/2 Morley Fund Management Ltd

**Key Issue:**

- **is the policy at EM/3 a) sufficiently clear as to its intentions?**

**Inspector's Reasoning:**

20.3 The objectors, while supporting the principle of the policy, would prefer criterion a) to reflect the adopted plan - in essence through a reference to a clear, unacceptable effect. EM/3 has a specific intent, this to control the noise

implications of new development. It is more restricted in its scope than, say, a design policy for new development that may establish a number of different criteria against which to assess development proposals. There, the use of the words "adversely affect" may be more appropriate - the decision-maker assessing each criterion to determine whether a proposal would be acceptable. On this specific policy, noise is a material planning consideration in the assessment of proposals - and the policy relates solely to that. It would be reasonable, in that circumstance, for it to require the decision-maker to assess whether a proposal would be unacceptable. As the Council says, specialist advice would need to be taken in the assessment. Objector suggested use of words such as "clear" or "clearly" would add little to the policy.

**Recommendation:**

**20.4 I recommend that:**

- **no modification be made to the plan in response to these objections.**

**EM/4 - Contaminated Land**

**Objection:** 308/13 Federal Mogul T & N Limited

**Key Issue:**

- **should the policy give priority to badly contaminated sites?**

**Inspector's Reasoning:**

20.5 On this issue, my conclusion is no. While the policy before me is worded somewhat unsatisfactorily (to which I return below), its intent is clear - this to address development proposals arising on (likely) contaminated land and the action the Council would then take. The policy is a development control mechanism relating to potential contamination of sites, and how that would be dealt with by the process. As such, there is no need for a listing of badly contaminated sites in the Borough. Their identification would be addressed by other than planning legislation.

20.6 Then, to the general wording of the policy, not subject of objection, and on which I make no detailed recommendation. It appears to me, however, that it - and the reasoned justification - could be more clearly expressed. This would reflect its elements - the requirement for a survey, proposals for remedial treatment, as well as the Council's approach to decision-making.

**Recommendation:**

**20.7 I recommend that:**

- **No modification be made to the plan in response to this objection, but the Council is advised to consider a rewording of the policy and reasoned justification to reflect paragraph 20.6 above.**

**EM/6 – Hazardous Notifiable Installations**

**Objection:** 308/14 Federal Mogul T & N Limited

**Key Issue:**

- **should the policy encourage the “clean-up” of sites that would be environmentally dangerous in certain circumstances?**

**Inspector's Reasoning:**

20.8 To begin, I shall not be making any recommendation to the Council that includes the word “encourage” - that represents an aim/objective rather than a statement of planning policy. A development plan should indicate the type(s) of development proposals that would be permitted. Here, the intent of the policy is to control development proposals in the vicinity of existing notifiable installations subject to requirements - reasonable. There are, also reasonably, likely to be a number of former, and disused, sites within the Borough that have the potential to be environmentally dangerous in certain circumstances. The health and safety implications of them, if any, are more properly dealt with by other than planning legislation. The Council would be able to initiate a “clean-up”, as suggested by the objector, if it considers the circumstances justify such action - but, reasonably, by other than planning legislation on development plans. I would only further record, as at EM/4, that the wording of the policy - and its reasoned justification - is unsatisfactory. Reflecting the general intent of the policy, it should indicate the circumstances in which development proposals would be permitted.

**Recommendation:**

**20.9 I recommend that:**

- **No modification be made to the plan in response to this objection, but the Council is advised to consider a rewording of the policy to reflect paragraph 20.8 above.**

**EM/7 – Disturbance by Industrial and Commercial Activities**

**Objection:** 381/36 Government Office North West

**Key Issue:**

- **is the policy acceptable for inclusion within a UDP?**

**Inspector's Reasoning:**

20.10 This policy does not relate to the use of land arising from a development proposal. It does not provide a basis for either, the consideration of planning applications or, the conditions to be attached to planning permissions. It does not indicate the type(s) of development that would be permitted. The policy addresses action that the Council may consider in order to deal with nuisance arising from an existing use. That is a matter for it - through other than development plan legislation. Development proposals are not addressed by the policy. While the Council tells me that it has been carried forward from the adopted plan, I have to consider the objection before me. The policy conflicts with the need for development plan policies to relate to the development and use of land and provide a basis for determining development proposals [(PPG 12 (3.14) and paragraph 23 to Annex A), as well as page 87 of the Development Plans Good Practice Guide]. EM/7 should be deleted from the plan, together with its reasoned justification. The "good intent" of the Council need not be prejudiced.

**Recommendation:**

**20.11 I recommend that the plan be modified along the following lines:**

- **Delete Policy EM/7 and paragraph 20.18, with subsequent renumbering.**

**EM/11 – Derelict Land and Buildings**

**Objection** 308/15 Ferderal Mogul T & N Limited

**Key Issue:**

- **should the policy pursue a more positive approach to redundant sites that may, potentially, become derelict?**

**Inspector's Reasoning:**

20.12 Reflecting the intent of the objection, I shall not, again, be recommending any modification to the Council that includes the word "encourage" - that would represent an aim/objective rather than a statement of planning policy. As to the

policy itself, its general intent in the first sentence is supported - subject to both the addition of the word "Development" before the first word of the policy and the deletion of the word "appropriate" - that implying uncertainty, other policies of the plan needing to be taken into account in the assessment of proposals. Thereafter, difficulties arise. The second sentence of the policy relates to the Council's "...own reclamation programme,...". If that is the case, it represents a statement of the Council's "good intentions" and should form part of the reasoned justification. Other proposals may arise - not within the Council's "own reclamation programme".

- 20.13 That "programme" includes 3 tests as set out in a) to c) of the policy. On balance, I am prepared to accept them as reasonable planning considerations - having borough-wide application. The difference between the objector and Council is, generally, the former's wish to see an additional criteria added to the policy - this that a site is no longer available for its historic use. That consideration would be taken into account by any reasonable local planning authority, including potential dereliction. It is not necessary.

**Recommendations:**

**20.14 I recommend that the policy be modified along the following lines:**

- **"Development proposals for the reclamation of land and buildings for after-uses will be permitted, including those sites:**
  - a) **where there is a risk to health or personal safety;**
  - b) **that can contribute to area regeneration and redevelopment schemes;**  
**and**
  - c) **that provide opportunities for environmental improvement through - for example - landscape restoration and enhancement, nature conservation, forestry, or outdoor recreation."**
- **The reasoned justification to the policy would, then, give more information on the Council's own reclamation programme.**

**EM/12 – Other Degraded Land and Buildings**

**Objection:** 381/37 Government Office North West

**Key Issue:**

- **is the policy acceptable for inclusion within a UDP?**

**Inspector's Reasoning:**

20.15 I share the view of the Council that there is a distinction to be drawn between derelict land covered by EM/11 and smaller sites that provide opportunities for local regeneration and environmental improvement. However, development plan policies should indicate the type(s) of development that would be permitted. EM/12 does not give effect to that. Through the use of the words "encourage" and "encouraged", the policy represents an aim/objective - too general to be implemented in that form. It is not, therefore, clear and precise - embodying vague phraseology such as "The Council will..... encourage others.....". It conflicts with the advice in the Good Practice Guide, albeit the Council tells me that the policy has been carried forward in edited form from the adopted plan. Nonetheless, the policy reasonably seeks to address other degraded land and buildings - a relevant planning consideration, not least in this Borough where regeneration is of considerable importance. The policy should be reworded and limited to its first sentence, the intent of the second sentence represents the Council's "good intentions" as to how it would contribute to meeting the policy. That should be relocated to the reasoned justification, in addition to that present in paragraphs 20.32 to 20.34 - as an amplification of the Council's approach.

**Recommendations:**

**20.16 I recommend that the policy be modified along the following lines:**

- **"Development proposals for the redevelopment, rehabilitation or reclamation of land and buildings that are not derelict, but are not in beneficial use, will be permitted - including those sites addressed by Policy EM/11 a) to c)."**
- **the reasoned justification to the policy should be modified to reflect paragraph 20.15 above.**

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