

**STATEMENT OF DECISIONS ON OBJECTIONS TO
PROPOSED MODIFICATIONS**

REPLACEMENT UNITARY DEVELOPMENT PLAN

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ROCHDALE
METROPOLITAN BOROUGH
COUNCIL

Statement of Decisions on Objections to Proposed Modifications

INTRODUCTION

1. Background

- 1.1 Following consideration of the UDP Inspector's Report the Council published its decisions on what action to take in respect of each of the Inspector's recommendations and the 109 Modifications it proposed to make to the plan.
- 1.2 The Statement of Decisions and Proposed Modifications were approved on 27th October 2006 and published for statutory consultation. The consultation period ran from 10th November to 22nd December 2005.
- 1.3 The Council received a number of objections to the proposed modifications. These objections were considered by officers and a report and recommendations were submitted to Environmental Services Overview and Scrutiny Committee on 28th February; to Township Committees on the 13th-16th March for comment; and to Cabinet on 20th March.

2. Council's Decisions on Objections to Modifications

- 2.1 Cabinet's recommendations were accepted by Council on 26th April who resolved not to withdraw any modifications or to make any further modifications. This document sets out (policy by policy) the objections received to the Modifications along with the Council's response and decision.

3. Next Steps

- 3.1 Consequently the Plan will be adopted four weeks after the 'Notice of Intention to Adopt' is published. Following adoption there will be a six week legal challenge period.

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MODIFICATION NUMBER	9 & 32
POLICY NO / NAME	D/6 A DEVELOPMENT AND REGENERATION OF MAJOR EXISTING DEVELOPED SITES IN THE GREEN BELT FOR OTHER PURPOSES & H/2 D LAND PROVIDED FOR NEW HOUSING
SITE	HEALEY HALL MILLS, DELL ROAD, ROCHDALE

OBJECTORS	D/6 A: 288/401 C. Belgeonne, 378/402 G. Aquatias, 191/401 D. Aquatias, 483/401 C. Downey, 514/402 R Watkins, 470/402 M. Burke, 515/402 T. Macdonald, 520/401 K. Aquatias, 378/401 G. Aquatias, 517/401 S. Allen, H/2 (d): 516/401 Sharples, 191/402 D. Aquatias, 288/402 C. Belgeonne, 470/401 M. Burke, 469/401 C. Burke, 512/401 D. Flook, 511/401 E. Flook, 513/401 M. Flook, 515/401 T. Macdonald, 462/401 S. Urquhart, 514/401 R. Watkins, 444/401 K. Sharples
SUPPORTERS	D/6 A: 359/401 David McLean Homes Ltd./ Healey Dell Properties Ltd., 288/401 C. Belgeonne,

Introduction

The Council accepted the Inspector's recommendation to reinstate proposals for Healey Hall Mills by way of a Modification to the Plan. The Council originally included these related proposals in the Plan but deleted them at revised Deposit Stage in response to objections. Objections to the deletion of the proposals/policies were heard at the public Local Inquiry and Friends of Healey Dell supported the Council's case. The Inspector considered the evidence and concluded that the Council was correct at Deposit Draft stage and recommended the policies be reinstated. The Council accepted the Inspector's findings and recommendation and published the modifications accordingly.

Twenty two objections have been received, including many from those who objected at the Deposit Draft stage. There grounds for objection are numerous but follow similar themes although objector's claim that many issues raised were not addressed by the Inspector or that new information has come to light and therefore could not have been debated at the Inquiry or considered by the Inspector. On this basis the objectors would wish the Council to not accept the Inspector's recommendation and to withdraw the Modification.

The themes raised by the objections to both policies overlap. Some grounds relate to both policies/modifications. The objections are therefore grouped by theme rather than policy (below). The objections are in italic and the Council's response which follows is in plain type.

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Objection and Council Response

Rural Protection

1. *The Borough Masterplan puts forward a programme of protection and improvement of River Valleys and Green Corridors and states that “Emphasis should be given to those [green wedges] with the potential for improving urban areas, for providing recreational opportunities and for supporting biodiversity close to urban communities.” Healey Dell and the Spodden Valley is just such a river valley / green corridor. The development of 50 houses in the centre of this green corridor will not allow Rochdale to capitalise on its natural assets and enhance quality of life for all. This contradiction of the Master Plan was not raised at the enquiry. (Aquatias, Watkins, T. MacDonald, C Burke)*

This general statement in the Masterplan is inspired by and supported by the UDP, particularly in respect of Greenspace Corridors. The modification does not contradict the Masterplan but takes due regard of the protection and enhancement of green areas and opportunities for recreation. The Masterplan was submitted as an Inquiry document?

2. *The modification would conflict with PPS 7 Sustainable Development in Rural Areas which states that ‘to raise the quality of life and environment in rural areas’ we need the ‘continued protection of the open countryside for the benefit of all, with the highest level of protection for our most valued landscapes and environmental resources. Conflicts with PPS 7 were not mentioned at the Inquiry (Aquatias, Watkins, E. Flook)*

The modification does not conflict with either the spirit of or the detailed in PPS7. The statement is meant to refer to the need for the level of protection to reflect the relative importance of environmental resources. The objection does not explain how the proposal conflicts with this statement. Also, the original objections to the proposal in the First Deposit Replacement UDP did not refer to conflict with PPS 7 and consequently, the Inspector was not obliged to consider it. In any event, though, the Inquiry Inspector will have been familiar with all PPGs and PPSs and would have identified any conflict with PPS7.

3. *Healey Dell is close to a major Housing Market Renewal Area which will need access to open spaces and recreational facilities. This was not mentioned at the Inquiry. (Aquatias, C Burke)*

The value of the HDNR in providing access to open space for adjoining communities is accepted entirely. The Council did make this point at the Inquiry in emphasising that HDNR might be seen as a priority for funding for this reason. In any event, development on the mill site would not prevent that or devalue the role of HDNR in this regard.

4. *This development would seem to go against the objective of preventing urban sprawl. This was not mentioned at the Inquiry. (Aquatias, Watkins)*

Preventing urban sprawl is a Green Belt objective. Development which is limited and contained within a developed site in the Green Belt would be consistent with PPG2 and would not result in ‘sprawl’ (ie, an extension of, or spreading out of the urban area). The Inspector is clear that there is no conflict with PPG2.

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5. *PPS 7 states that to promote more sustainable patterns of development, development should occur in or next to existing towns and villages. Healey Hall Mills is neither of these and the Inspector was concerned over the lack of services. (Aquatias, Watkins, E Flook, MacDonald S. Urquhart)*

The policy statements in PPS7 must be read in conjunction with other guidance particularly PPG2 and its Annex C. With regard to the availability of services, the Inspector's balance of judgement was 'to give greater weight to the benefits arising from the redevelopment and regeneration of the site'.

6. *PPS 7 also states that development should be promoting a range of uses to maximise the potential benefits for the countryside fringing urban areas and providing appropriate leisure opportunities to enable urban and rural dwellers to enjoy the countryside. The proposal would not do this. (Aquatias, Watkins)*

The proposal would not detract from the leisure opportunities that Healey Dell provides and in some respects will help increase enjoyment by improving access and removing rural dereliction and making landscape improvements.

Ecology

7. *Healey Dell Nature Reserve/SBI has, in a wildlife survey) now scored 98% of the criteria for a Site of Special Scientific Interest (SSSI) and therefore development is inappropriate. Impact on a potential SSSI was not assessed for the Inquiry. (C. Burke)*

The site is not an SSSI and its grade of SBI (Grade A) was considered by the Inspector and was taken into account by relevant groups and organisations in making representations on the Plan (eg, English Nature and the Greater Manchester Ecology Unit).

8. *The modification would be contrary to the principles of PPS 9 Biodiversity and Geological Conservation. The statement says that development plan policies should be based upon up to date information about the environmental characteristics of their areas and no information was provided to the Inquiry. (Aquatias, Watkins, Belgione,*

It is not clear what up-to-date information the objector is referring to. An ecological assessment and landscape assessment were prepared by separate experts and presented as evidence to the Inquiry. All parties presented information concerning the environmental characteristics of the area.

9. *PPS 9 says in regard to Local Nature Reserves, criteria based policies should be established in plans against which proposals for any development on, or affecting, such sites will be judged. No criteria have been provided. (Aquatias, Belgione, S. Allen, Watkins)*

The Local Nature Reserve is largely covered by a plan designation 'Designated Sites of Ecological Importance'. This policy 'NE/2' is a criteria based one which affords levels of protection depending upon the grade of the site.

10. *The Nature Reserve should be afforded protection under Policy OL9 of the Greater Manchester Structure Plan. This says that 'There will normally be a presumption against development on, or close enough, to affect SSSIs, Nature Reserves or Areas of Biological Interest'. Housing is likely to impact adversely on the ecological value and the Appeal Inspector in 1994 said 'Housing, however sensitively built, is not appropriate to this area'. (Watkins, E. Flook, C Belgione, S Urquhart)*

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The GM Structure Plan was superceded by policies of the Adopted UDP in 1999 and is not relevant. Having considered all the evidence, the Inspector did not agree that housing would impact on the ecological value of HDNR. In commenting on the previous Inspector's view, he says, "the specific circumstances of that case are not directly comparable to the relevant objections before me".

The Replacement Plan Inquiry Inspector has considered the current policy for the D/6 site against current national policy which limits housing to the eastern part of the site. He has also considered the requirements of the policy and how they might be reflected in a detailed scheme (the indicative scheme submitted by the objectors). The Inspector visited the site on several occasions and concluded, 'I am satisfied that the design process would be able to secure a development that reflected the character and appearance of the area'.

11. *Proposed housing will prove disastrous to wildlife and will cut the present natural woodland wildlife corridor in half. (S. Allen, K. Sharples)*

The proposal for built development relates to an existing developed site and will not allow any development to encroach on woodland or natural areas.

12. *Modern housing will generate artificial lighting, and its occupants, noise pollution, visitors and disturbance. Housing will attract teenagers, bikers, vandals and mischief makers. This will detrimental to the area and wildlife. (S. Allen)*

This issue was raised at the Inquiry and considered by the Inquiry Inspector who clearly did not agree (para 7.60 of his report).

13. *Proposals to redevelop part of the site to the east of the River Spodden will result in unacceptable adverse effects on the Healy Dell SBI and LNR.*

FoHD has approached the Greater Manchester Ecology Unit to comment on the intention by Rochdale Metropolitan Borough Council to accept the Inspectors recommendation in the report on the Rochdale Unitary Development Plan Review to allocate a site at Healey Hall Mills for residential development. The Unit's Principal Ecologist has reviewed relevant information relating to this site and has concluded:

"The Greater Manchester Ecology Unit raises no objection to the allocation of this site for residential purposes on ecological grounds. Proposals to redevelop part of the site to the east of the River Spodden need not result in unacceptable adverse effects on the Healy Dell SBI and LNR.

The main factors leading me to this conclusion are set out below.

First, the part of the site to the west of the River Spodden is not intended for housing development and would be improved as part of a development on the mill site. Further, a management plan is proposed for this area with the objective of improving the ecological value of the site.

Second, I am not convinced that a housing development on the scale of that proposed will harm the ecology of the Site of Biological Importance by causing increased public disturbance. This area is already well used by the public and the clear intention is to increase properly managed visitor use here. I would agree with this approach; one of the functions of Local Nature Reserves is to facilitate access to nature locally. It could actually be argued that a settled population here would have less impact on the woodland SBI

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than a transient visiting population because the residents would have a vested interest in looking after the site.

Thirdly, I would accept the Inspectors conclusion that there is no reason that a housing development here would necessarily detract from the character of the area. The design process ought to be able to secure a development sympathetic to the ecology and landscape of the area.

Although there is a possibility that any proposed development here could impact on bats (all species of bats are specially protected) I would consider that mitigation for possible disturbance to bats ought to be possible.

As you will be aware, a great deal of technical information on the ecological value of the site and its immediate surroundings, and possible impact of development, was presented to the Inquiry Inspector. I have no grounds to challenge that assessment.”

Environmental Issues

14. *Friends of Healey Dell disagree with the Inspector’s view that those who purchase houses in the Dell would treat the area with care. Experience has shown that dog fouling and fly tipping occurs near residential properties. This has not been considered as part of an impact assessment. (Watkins, E Flook)*

This point of objection was considered by the Inquiry Inspector who visited the site and surrounding area on several occasions. It is not clear how potential impact would be assessed and no evidence has been provided by objectors to the modification to support the view that the occupants of any new housing would result in a deterioration of the ecology or character of the area..

15. *Improvements to Dell Road are needed to support the development. Evidence is coming to light of asbestos buried in the area. Road works could have major health and ecological impacts. (Watkins, E. Flook)*

A survey for contamination would need to be submitted with a planning application to address all areas where contamination is suspected. If contamination can be addressed through remedial treatment, permission may be given subject to stringent conditions.

16. *Potential contamination in the former munitions factory was not mentioned at the Inquiry.*

The original proposal acknowledged the risk of contamination on the site as a whole, including the former munitions complex and required a survey of contamination to be submitted with a scheme for planning permission. The likely existence of some contamination on this part of the site was also referred to in evidence.

17. *The Inspector drew attention to the need for more housing in the Borough, in particular affordable housing. Due to the need to recoup costs on infrastructure, the development will do nothing to address the affordable housing shortage. The UDP requires the issue of affordable housing provision to be addressed, and any planning application for housing will need to have regard to stage having regard the Council’s Supplementary Planning Document on Affordable Housing, currently under preparation.*

18. *The European Union has recently criticised the UK government for not following the guidelines of the 1992 Habitat Directive, and not insisting on*

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Environmental Impact Assessments until Planning Application stage; these should be done at Development Plan stage i.e. the UDP. No Environmental Impact Assessment has been done to see what the impact of changing the designation would be. This then makes the presumption in favour of housing, without having investigated its potential impact. This was not raised at the enquiry stage.

The need for an Environmental Statement will need to be addressed at the planning application stage. There is no requirement to carry out an SEA on the Development Plan although the environmental impact of the policy was considered in its formulation and in response to objections on a number of environmental issues. Detailed professional evidence, on matters of ecology, landscape, design and highways issues, was presented to the Inquiry and considered by the Inspector.

19. *If the site is to be regarded as a 'major site of development', a Strategic Environmental Assessment should be carried out according to EU and Regional Spatial Planning Guidance. This was not raised at the enquiry stage.*

See above response. There has been no change in the legislation in this regard since the Inquiry. The Regional Spatial Strategy is at an early stage of preparation and carries no weight and does not go beyond current European/National policy on SEA .

20. *A local consultation carried out to develop a 'vision' for the nature reserve (involving 5000 children and 100 adults and none expressed a desire for housing. In response to a questionnaire prepared by FoHD, 150 people were against housing and since the Inquiry, a petition against housing and in favour of alternative developments has been signed by over 800 people. No real attempt to find out what the local community wants has been made and the Inspector has ignored the wishes of the local community. (E. Flook*

Consultation on a Vision for HDNR was a wider exercise and did not address the future of the Healey Hall Mills site. It is therefore not surprising that a desire for housing was not expressed. The Council has previously sought to obtain the views of the local community at various stages in the plan process: Issues Consultation, Deposit Draft, and Revised Deposit. At these stages, the Council carried out more publicity and participation than was required by statute, and the issue of developed sites in the Green Belt was debated at Township Committee on several occasions. Supporters of the Council's decision to delete the proposals at Revised Deposit stage were permitted to appear at the Inquiry to make their views known to the Inspector. In conclusion therefore the community has had several opportunities to make representations on the UDP. The Council has long been aware of the value that FoHD, local residents and visitors place on the nature reserve and their wish to improve access, treat degraded sites, improve views, remove inappropriate uses and enhance landscapes and features of interest. The proposal / modification is intended to contribute to those things.

Green Belt issues

21. *The area under consideration in HHM barely qualifies as a major developed site, being at most 1.1 hectares for possible development, of which a significantly smaller amount can actually be built on. (C. Downey +)*

The Inspector (paragraph 7.55 and 7.56 of his report) considered that the site does constitute a major developed site for the purposes of PPG2 Annex C. The previous UDP Inspector's interpretation of PPG2 Annex C also considered that major was not defined and this indicated that it is for local authorities to consider the scale of sites to

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be subject to such a policy. The Council is seeking a comprehensive approach to bring about the regeneration of the whole 2.4ha site. Housing development is restricted to 1.1ha but there is a requirement for a comprehensive scheme to incorporate enhancements to the land west of the River.

22. *The proposal to build 50 houses would have a greater impact on the openness of the Green Belt and the purposes of including land in it set out in PPG 2 than at present. New development in the Green Belt should not present a greater visual intrusion nor cover a greater footprint than the existing development. The plans submitted for the development of this site contravene PPG2. (C Downey,*

The policy requires that new development does not occupy a larger area of the site than the existing developed 1.1 hectare site identified as H/2 (d). The policy also requires that development should not impact on the openness of the Green Belt and that the height of existing buildings should not be exceeded. The policy is consistent with PPG2 and the Inquiry Inspector had no issue with it in this regard. The 'submitted' plans were merely illustrative and in approving the policy the Council is not expressing acceptance of those specific plans.

23. *A housing development so close to an SBI and one that is 98% towards being a Site of Special Scientific Interest (SSSI) will not achieve any of the objectives of Green Belts. This was not taken into consideration at the Inquiry, as the updated ecology report on the Nature Reserve was not yet available.*

The site is not an SSSI and there is no evidence to suggest that the development of the mill site would harm such a designation or be inconsistent with the objectives for the use of land in Green Belts stated in PPG2. The policy would ensure that development contributes to the achievement of objectives for the use of land in Green Belts (eg, through the protection and enhancement of measures, improved access and rights of way for recreation and the removal of dereliction).

Alternative Options

24. *The Council should work with the local community to access major funds to redevelop the whole area for primary conservation, leisure and recreation. The Council has done nothing pro-active to explore / secure other ways to regenerate the area. As suggested in the Local Development Framework, the Council should work in partnership with the local community and development industry to develop alternative ways of regenerating the area, a process that has been begun under the Fair Shares Lottery Scheme. Community Consultation has come up with a range of proposals including a new Visitor's Centre, an Eco-centre, better ecological and historical interpretation, arts and craft facilities etc. The Fair Shares scheme has funds to investigate alternative developments, which the change to a major site and presupposing housing development would undermine. (R. Watkins, C Belgione)*

25. *The Dell is an excellent resource for the communities of Spotland, Falinge, Healey and Rossendale. With more resources a whole range of intercultural and intergenerational programmes could be initiated around the Dell using its unique history of textiles and munitions and its biodiversity. (Belgione, R Watkins, E Flook)*

26. *A more sympathetic development should be found which is conducive to its natural surroundings - one which will have little impact upon the surrounding nature reserve and woodland. (S. Allen)*

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27. *FoHD propose that the mill site be developed for small scale work units, a residential eco centre and integration with the reserve. This would be more sustainable and provide employment. (R. Watkins)*

28. *The site should be designated as a previously developed site in the Green Belt for light industry and recreation. (R. Watkins, E. Flook, S Urquhart)*

The Council has investigated funding regimes with the potential to, in future, remove inappropriate uses, derelict buildings and replace them with 'soft' or alternative after-uses. The Council presented a case to the Inquiry on the based on the possibility of using the Newlands and New Leaf Programmes. However, the Inspector considered that limited progress had been made by the Council and he was not convinced of the applicability of some schemes for the site. He was not persuaded that, over the period of the UDP, the Council's approach would be able to achieve its intentions. It is unlikely that even if (a) funding could be secured for a study of options for the site, and (b) the preferred option is proved to be more sustainable than housing led regeneration, the funding to implement it could be secured within a reasonable timescale. The Council is not aware of any funding regimes that exist or are likely to become available to address regeneration on the scale required. Furthermore, there is no evidence of a commercially viable alternative proposal for the site which might attract funding by the private or public sector. The longer the site is left to deteriorate, the more expensive regeneration is likely to be and possibly beyond the scope of a limited development to address.

Conclusion:

The objections raise matters that have already been considered at the initial inquiry or relate to issues would be dealt with at the planning application stage. Whilst some objections expand on those before the Inspector, the objectors had the opportunity to make these at the initial objection stage or in support of the Council's decision at Revised Deposit stage. Some new information/evidence is claimed although this is not considered material enough to challenge the Inspector's conclusions and justify a withdrawal of the Modifications.

Decision:

No further modification to Policies D/6A and H/2(d)

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MODIFICATION NUMBERS	14.5 (G/EC/1) 16.2 (EC/3)
POLICY NO / NAME	EC/1 Employment Land Supply EC/3 Mixed Employment Zones
SITE	N/A

OBJECTORS	G/EC/1 Opus Land Ltd 519/401 EC/3 Opus Land Ltd 519/404
SUPPORTERS	N/A

Introduction:

Modification 16 was firstly put forward by the Council as a pre Inquiry Change (PIC/6) to policy EC/3 Mixed Employment Zones to allow change of use to non employment uses (other than those already permitted by the policy) where:

“the development forms part of a wider regeneration proposal supported by the Council, within the regeneration priority areas defined by policy G/R/1, and a use other than those permitted above would be more appropriate to achieving the local and strategic objectives of the regeneration programme.”

The Reasoned Justification originally proposed to explain this change in policy approach stated that:

“Rochdale is a Housing Market Renewal Pathfinder authority and a major regeneration programme is proposed. This may involve the redevelopment of Mixed Employment Areas to other uses in order to achieve a better overall distribution of land uses. The policy therefore allows flexibility in the uses permitted in MEZ’s, within the priority areas defined by policy G/R/1, where a development proposal is part of this regeneration programme and is supported by the Council.”

The Reasoned Justification to policy G/EC/1, that explains the overall approach set out in policies in the UDP relating to employment land supply, was therefore amended through Modification 14.5 to reflect the above change in policy.

Objection Grounds and Council Response:

The objectors support Modification 14.5 to paragraph 8.8 of the Reasoned Justification of Policy G/EC/1 “allowing for the development of non-employment uses within Mixed Employment Zones”. However, they object to the Modification on the grounds that the paragraph does not provide sufficient detail regarding the situations in which it may be permissible for Mixed Employment Zones to be developed for non employment uses. PPS 12 paragraph 2.12 state that Core strategies should contain clear and concise policies. The UDP should conform to this given that this is an interim policy document.

The modification is to the Reasoned Justification to policy G/EC/1 that explains the overall approach set out in policies in the UDP relating to employment land supply. The paragraph in question simply summarises what policy EC/3 Mixed Employment Zones seeks to achieve. Policy EC/3 and its reasoned justification provide the explanation and detail regarding the situations in which non employment uses may be permitted (and is subject to the same objection – see below). It is the reasoned justification to the Part One Policy, it is not the policy, and it provides sufficient

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information to explain the Council's overall approach. The objection and the objector's reference to paragraph 2.12 of PPS 12 are therefore not relevant.

The objectors support Modification 16.2 to policy EC/3. However they object that the scope of the policy remains too limited. The Reasoned Justification should identify where exceptions may be permissible, in accordance with PPS 12 paragraph 2.12 which state that Core strategies should contain clear and concise policies. It would be advantageous to both the Council and developers for this degree of flexibility to be applied to all developments within Mixed Employment Zones not just to cases involved with Housing market renewal schemes. This would accord with paragraph 2.45 of PPS6, which states that flexibility and realism is required from both Local Planning Authorities and Developers in discussing the identification of sites for inclusion in development plan documents.

The objectors do not seem to have seen the next modification (17) that recognises that this policy approach should not be restricted to regeneration schemes directly related to the Housing Market Renewal programme. The modification therefore changes the Reasoned Justification, at the end of the last sentence of the proposed new paragraph 8.24 to read as follows:

"...where a development proposal is part of **A** Council supported regeneration programme or initiative."

The Modifications report indicates that the change is proposed by the Council because the original wording of the Pre Inquiry Change, although supported by the Inspector, implies that the proposal must form part of the HMR regeneration programme. There are, and may be, other Council supported regeneration initiatives outside the HMR programme and these may also justify application of this policy provision to allow other uses. This is the very point being made by the objector and has already been recognised by the Council.

Conclusion:

The policy is very flexible in terms of the range of uses permitted and the Modifications have made the policy sufficiently flexible to accommodate opportunities for regeneration where they are appropriate to realising the Councils regeneration objectives in Mixed Employment Zones. The change sought by the objector has already been made by the Council. It will be up to applicants to demonstrate the regeneration benefits of any proposal and potentially, thereby, to obtain the Council's support for their proposed change of use from employment.

<p>Recommendation: No further modification to Policy EC/3</p>

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MODIFICATION NUMBER	22
POLICY NO / NAME	EC/9 Development Sites in Employment Zones
SITE	N/A

SUPPORTER	EC/9 Environment Agency 155/401
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Introduction

Policy EC/9 was modified to include reference to policy EM/8 Development and Flood Risk following an objection from the Environment Agency.

Objection and Council Response

The Environment Agency supports Modification 22 to policy EC/9 to include reference to policy EM/8.

Recommendation: No further change to Policy EC/9

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MODIFICATION NUMBER	31 and No Modification
POLICY NO / NAME	G/H/1 HOUSING & H/2 LAND PROVIDED FOR NEW HOUSING
SITE	
OBJECTORS	<p>G/H/1 24/401 Hartle Estates 24/405 Hartle Estates 305/401 Crosby Homes Ltd 358/401 Bryant Homes Ltd</p> <p>H/2 24/403 Hartle Estates 24/404 Hartle Estates 305/402 Crosby Homes Ltd 358/402 Bryant Homes Ltd</p> <p>H/3* 358/403 Bryant Homes Ltd</p> <p>H/4* 358/404 Bryant Homes Ltd</p> <p>* These do not relate to the existing policies H/3 and H/4 within the Revised Draft Replacement UDP but the policies on Phasing and Monitoring put forward by the Inspector in his Report.</p>
SUPPORTERS	N/A

Introduction

The objections to these policies are based on the view that there is insufficient housing land to meet the requirement over the plan period. This is taking account of the number of additional dwellings set out for the Borough in regional Planning guidance and the need to replace those lost through clearance.

The objectors question the ability of the different components of the supply to generate the number of dwellings the Council expects to come from each of these sources. They therefore conclude that there will be a shortfall in the number of houses required over the plan period

In conclusion all of the objectors consider that additional sites should be allocated for housing, specifically, land between Oldham Road and Broad Lane Rochdale and land off Lower Lane, Rochdale.

The following paragraphs cover the main points raised by the objectors and the responses to them. However it is considered useful to firstly set out the Council's assessment of supply.

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The Council's Assessment of Available Supply

All the objectors contend that the conclusion of the Inspector is correct and that there is a shortfall of land for housing. The Council contends that there is sufficient land for housing and rejects the view that additional allocations are required.

Although each points made by the objectors will be addressed it is useful to set out the components of the supply table as it appears in the modifications report and consider the available supply to meet each component. The supply has been set out to achieve a gross figure for completions of 380 per annum based on the requirement of 240 per annum RPG and the need to replace 140 dwellings per annum as recommended by the Inspector. The table retains the 2002 base date as this fits in with RPG and the views of the Inspector.

Component of Supply	Number of units expected from this source	Ability to achieve figure in plan period	Surplus/Shortfall against figure in UDP as modified
Large sites under construction	743	Inspector's conclusion at 9.8 of his report was that the commitment element of the supply is fairly robust. Therefore assume 743 can be achieved.	0
Large sites with planning permission	817	Inspector's conclusion at 9.8 of his report was that the commitment element of the supply is fairly robust. Therefore assume 817 can be achieved.	0
Allowance for windfall supply on large brownfield sites	1250	The Council has gone with the Inspectors recommendation of 100 per annum. New large windfall sites which have got permission or Council is minded to approve since 2002 = 878 (see Appendix 2 for List of Sites)	-372 (means approvals over next 10 years of c. 37 pa)
UDP Housing allocations	155	All figures on allocations were based on minimum densities. Therefore 155 should be treated as a minimum	0
Housing contributions from Areas of Opportunity	325	This is likely to be significantly exceeded given likely higher capacities. These are now estimated as follows: Birch Hill = 350 Two Bridges Rd = 60	+ 145

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		Durn = 60 Total = 470	
Allowance for small sites	980	Assumption of 70 per annum follows recommendation of Inspector and has not been questioned by objectors. Therefore the figure of 980 is robust	0
Allowance for new dwellings on cleared sites	1050	Already a commitment to 'build back' around 700 dwellings on cleared sites in Langlely. (667 already have permission) Other sites will come forward as and when dwellings are cleared.	- 350
TOTALS =	5320	4743	-577

This table shows that assuming commitments come forward (as expected by the Inspector) then progress against other components of supply show that there is a shortfall even at this early stage of the plan period of just 577.

The most notable shortfall is in relation to large brownfield windfalls. However, clearly there is still 10 years of the plan period remaining and given that permissions on large windfall sites since April 2002 have amounted to 878 (70% of the total allowance) it would appear that the Council is well on course to achieve the figure of 1250 by 2016. In reality this figure is likely to be well surpassed as it requires only limited levels of windfalls (37 per annum) to come forward over the remainder of the plan period. This is particularly the case given that there are currently some large applications being considered by the Council at Rooley Moor Road (650 units) and Warwick Mill (147 units).

In terms of the clearance replacement figure it can be seen that of the 1050 expected to come forward from this source a number have not only been identified but are already committed. Some of these have already gone under construction and completions have started to come forward.

The main points raised by the objectors will now be considered under the relevant headings.

Housing Land Requirement

1. *Draft Interim Revisions to RSS show an increase in the requirement for Rochdale from 240 per annum to 400. This will mean that the overall shortfall in supply will substantially increase (up to 2000 – Bryant Homes Ltd). The production of a DPD to address this will be unlikely to be adopted before 2010 by which time the Council will be reliant on windfall sites. The land supply will be exhausted before the adoption of the DPD and therefore it is imperative that Rochdale plan ahead based on the increased requirement. (Crosby Homes Ltd & Bryant Homes Ltd).*

The Draft Interim Revisions to RSS no bearing on the consideration of this UDP. The revisions are yet to go through any formal consultation with adoption not expected until 2007. Rochdale, like all authorities in the North West, will have to review the housing sections within their plans in light of the adopted RSS and PPS3. This will be done through a DPD but clearly work on this cannot commence until the content of the adopted RSS is known. It would be

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completely inappropriate for the replacement UDP to be changed to reflect the requirement within draft RSS. Given the assessment of the supply above the Council is confident that the existing RPG figure can be met until that time when a DPD will be adopted to take account of revised RSS.

Completions

2. *The rate of gross and net annual average completions for the period 2002-2005 of 331 and 197 respectively is less than the net completions required to meet RPG13 (now RSS) and the Inspectors assessed requirement of 380 dwellings per annum (Hartle Estates).*

The Council acknowledges that completions since 2002 have on average been slightly under the RPG requirement. However, the latest information regarding increases in supply and the increase in the number of dwellings under construction illustrates that the number of completions will start to rise.

Clearance and Clearance Replacement Rate

3. *The average level of demolitions at 174 per annum for the period 2002-2005 is greater than the 140 per annum allowed for by the Inspector (Hartle Estates).*

The recent high levels of demolition have been down to high levels of clearance on the Langley estate. Clearance on this estate is expected to be completed within the next couple of years. The Council has accepted the Inspectors recommendation with regard to clearance as this takes a view of clearance over the whole plan period.

4. *The Council's Supply and Development of Residential Land 2005 document (SDRL) does not identify which commitments are based on residential clearance sites. Also there is an issue in relation to double-counting as the time between the sealing of a house to be demolished and a replacement dwelling being completed will be longer than the 1.5 years allowed for (Hartle Estates).*

Future versions of the SDRL will include monitoring of the completions on clearance sites. In terms of how long it takes to replace a cleared dwelling the time would only have to commence from when the property is demolished not when it is sealed. Sealed properties can be refurbished and brought back into use if demand arises. The experience on Langley is that 18 months is a reasonable period from demolition to replacement of a cleared property.

5. *The Council do not indicate where or how the balance of the 140 cleared houses (i.e. 56 units per annum, 784 in total) will be replaced. This is notwithstanding the fact that, at paragraph 2 of Page 70 of the Proposed Modifications and Statement of Decisions Document 2005, the Council explicitly acknowledge that additional land is required. The RSSs Annual Average Provision for Rochdale is expressly net of clearance. Replacement of cleared housing will take place at reduced densities. The Council's conclusion that, despite this, there is no need to allocate additional housing land is illogical (Crosby Homes Ltd).*

It is acknowledged that if clearance replacement is less than 100% it will mean that some of the dwellings will have to be rebuilt on new sites. However, given the level of clearance anticipated it is considered that the clearance sites themselves provide a significant housing land resource i.e. not all of the dwellings cleared have to be replaced on a completely new site. This is the figure of 1050 included within the modified table dealing with supply. The dwellings which cannot be built back on the site will require additional land; however this is also taken account of in the supply table as it forms part of the overall requirement. As noted in the Council's assessment of supply above, the Council has made provision for 380 dwellings per annum and this therefore covers the RPG requirement and the need to replace

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the 140 per annum being lost through demolition. The idea of the objector that somehow the Council has failed to take account of the requirement to replace the cleared dwellings is therefore incorrect.

6. *Taking account of the Inspectors conclusions on RSS requirements, clearance rates and components of supply it is clear that the Inspector took account of the contribution the replacement of cleared dwellings may make towards housing land supply (although unhelpfully his calculations are not set out). In doing so concluded that, overall, further allocations capable of accommodating 1000 additional dwellings are needed to satisfy RSS requirements (Crosby Homes Ltd)*

The Council is of the view that the impact of clearance replacement was not considered appropriately in terms of the additional land it provides for new housing. As noted in the Modifications and Statement of Decisions Report the issue of Langley is particularly important in this respect. The Council always maintained that the cleared sites within the estate would provide a large amount of brownfield windfall sites. This has proved to be the case with 667 already committed. It is appropriate that this component is considered separately within the supply table. This is particularly the case given that the demand for new sites within the HMR areas will mean that cleared sites are very quickly re-used. As noted in the Modifications and Statement of Decisions Report it is not appropriate that this is simply considered as part of the large brownfield windfalls as this would mean that this component of the supply was a severe underestimation i.e. given the information in the table above the large brownfield windfall supply would already be well exceeded in terms of commitments. As reiterated elsewhere within these responses to objections the Council has included in the supply table and its assessment above the need to replace all of the 140 dwellings cleared per annum. Therefore, it cannot be stated that the Council has failed to address this. Any additional land required is taken account of in the supply.

7. *The buildback rate, giving rise on Council figures to some 1050 new dwellings is questionable given the UDP Inspector's findings. A figure of 60% replacement must be treated with extreme caution. There is an argument therefore to keep it out of the supply table entirely, which would reduce supply to 4270 units (5320-1050 (Bryant Homes Ltd*

As noted in the Council's assessment of supply above, there has already been a significant amount of land for housing committed on cleared sites. It should be noted that the current buildback on Langley is almost on a one-for-one basis and therefore an overall figure of 60% would seem more than achievable. Given this there is little evidence to support the removal of such a significant source of dwellings from the supply.

Commitment Element of the Supply

8. *The information on supply given in the table to para 9.8 is incorrect using the most up-to-date figures in document Supply and Development of Residential Land (SDRL) (April 2005). For example large sites under construction should read 670 to accord with SDRL. Also large sites with planning permission should be 583 to accord with SDRL. This is 300 less than the figure in the SRDL to take account of the fact that the two sites for housing within Kingsway Business Park will not come forward by 2016. (Hartle Estates).*

The Inspector states in para. 9.8 that 'Overall, my view is that the Council's assessment of the commitment element of the supply is fairly robust'. Since the Inspector does not recommend otherwise we must assume this includes the inclusion of the two sites within Kingsway Business Park.

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Windfall Element of the Supply

9. *Whilst accepting the windfall allowances proposed by the Inspector, the council double-counts the windfall allowance on large sites with existing planning permissions on large sites where those permissions themselves were windfalls (Hartle Estates).*

The Inspector did not in his recommendations suggest that the methodology used by the Council to avoid double-counting was inappropriate. In the Council's assessment of supply above, the figure put against the large windfall allowance is new sites which have come forward since 2002. Therefore these would not have been included within the commitment element of the supply as at 2002. Therefore in this assessment of the supply there is no issue of double counting. The commitments will simply come forward as additions to windfalls in the early part of the plan period. As long as the RPG requirement is met in terms of gross and net completions over the plan period there can be no issue of double-counting.

10. *The Council's over reliance on unidentified sites (i.e. windfalls and areas of opportunity) to meet 48% of the housing requirement is excessive and contrary to national planning policy guidance in terms of the plan led approach, certainty of development and lack of flexibility to respond quickly to shortfalls in housing land supply. Essentially, the Council will have no control over the rate at which those sites will be brought forward. As the Council reject the Inspector's recommendations in respect of phasing / monitoring policies the plan will have no mechanism other than formal review for addressing future shortfalls in supply (Crosby Homes Ltd)*

National guidance in PPG 3 recognises the role that windfalls can play in the provision of housing. The Council was confident that its assessment of windfalls coming forward was robust and the information on approvals since 2002 (the base date of the housing supply in the UDP) shows this to be the case. Given the role of windfalls, the existing supply and the relatively low requirement within RPG it was not considered necessary to have a large number of allocations. In addition although there is the possibility of exerting some control over allocations, brownfield allocations would still be subject to unforeseen constraints which could delay development. It is not considered appropriate to allocate unnecessary greenfield sites simply to bring in a perceived element of control of sites within the housing supply.

Allocation Element of the Supply

11. *The Council's decision not to allocate additional land is contrary to the advice in PPG3 (paragraph 34) which states that LPA's should allocate sufficient sites on the proposals map to accommodate at least the first 5 years of housing development in the proposed plan. The sites allocated for housing together with identified Areas of Opportunity have a combined capacity of 480 dwellings. Against current RSS requirements of 380 dwellings per annum (including clearance) this equates to just 1.2 years supply (Crosby Homes Ltd).*

Paragraph 34 of PPG3 states that sufficient sites should be shown on the proposals map to accommodate at least the first five years of housing development proposed in the plan. In Rochdale's case the committed supply is likely to contribute the most to completions for the first five years. Although it is not appropriate to show sites with permission as allocations on the proposals map it does show the more significant large site commitments purely for information. The committed large site supply along with the allocations does amount to 5 years of housing development ($1560 + 480 = 2040 / 380 = 5.4$ years). It is acknowledged that all of this may not necessarily be developed in the first five years of the plan. However, this would be the case for allocated sites which would still need to gain planning permission and may not be delivered in the first five years.

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Overall Supply

12. *There is a shortfall in the supply of in excess of 1000 dwellings to meet the requirement during the plan period 2002-2016 (Hartle Estates). The Council's approach to housing provision is unsound and is likely to result in a shortfall of approximately 700 dwellings over the plan period (Crosby Homes Ltd) The UDP Inspector's recommendation that the Council finds allocations for another 1000 houses is somewhat conservative. We suggest that it should be at least 2000 to meet the likely strategic housing requirement to 2016. At the very least therefore, the Council should accept the UDP Inspector's recommendation at 9.15 of his report and identify under Policy H/2 further sites for 1000 dwellings (Bryant Homes).*

The Council's assessment of supply above shows that even at this early stage of the plan period a significant proportion of the land required is already committed as well as there being a number of other sites within the pipeline. This along with the evidence within the draft Urban Potential Study gives confidence that the RPG requirement can easily be met without the need to allocate additional sites.

13. *There is also less than a 10 years' supply of housing land and therefore, the UDP does not accord with Keith Hill's July 2003 statement Hartle Estates.*

This issue was dealt with in the Council's rebuttal C/147/R, C/116/R and is reiterated here. It is our view that the statement by Keith Hill regarding a ten-year supply has been taken out of context. In the text the statement actually says that *'The duration of a plan should be at least 10 years from the plan's forecast adoption date. This means that plan's should make provision for at least ten years' potential supply of housing.'* Since the replacement UDP considers a period up to 2016 in terms of housing provision it is our view that this requirement has been met with the plan adoption forecast to be 2006. The Council does not consider that the statement should be read that at any given time there should be an identified housing supply of at least 10 years.

14. *The council should therefore be responding to the Inspector's recommendations in paras 9/15 and 9/18 (Hartle Estates).*

The Council has addressed these issues within its Proposed Modifications and Statement of Decisions.

New Allocations

15. *The Council implies that any shortfall can be addressed through the preparation of an LDF and that this would be preferable to pursuing modifications at this stage. This is a less than desirable solution which may ultimately prejudice the physical and social regeneration of the borough. Adoption of the Local Development Document is not expected to occur until 2006 and the Development Plan Document until 2010. The allocation of housing sites which will underpin the physical and social regeneration of the borough cannot wait that long. (Crosby Homes Ltd)*

The Council does not consider that modifications which result in the allocation of more sites are required at this stage as there is sufficient supply to meet the existing requirement. It is acknowledged that a DPD to take account of the revised RSS will take time to produce and become adopted. However, it is not possible for the Council to pre-empt revised RSS within this plan. It has to be accepted that any DPD can only be produced when the regional context which underpins it is known. Given the evidence in relation to windfalls and progress in relation to regeneration initiatives such as HMR, it is not considered that the physical and social regeneration of the Borough will be affected. It is more likely that the unnecessary

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release of Greenfield sites would undermine the regeneration of the Borough, especially the delivery of the more difficult brownfield sites.

16. *In identifying further sites for housing allocations as we recommend, the Council in its search for new sites should not discount greenfield sites. (Bryant Homes Ltd)*

The recently published Annual monitoring Report (AMR) shows that the recent performance in terms of the proportion of dwellings completed on brownfield sites is poor. An analysis of AMR's in Greater Manchester shows that Rochdale's figure of 57.6% for 2004/5 was well below the GM average of 84% and the RPG target for Rochdale of 80%. This supports the Council's continued approach in focussing on the delivery of brownfield sites, including windfalls.

17. *It is requested that the Oldham Road / Broad Lane site is allocated for residential development in the second phase of the UDP (Crosby Homes Ltd & Bryant Homes Ltd).*

The Council is of the view that the plan makes sufficient and realistic provision to meet the requirements for housing land over the plan period. Therefore it is not considered necessary to allocate additional sites at this stage.

Monitoring and Phasing

18. *The UDP Inspector's recommendation with regard to Policy H3, Phasing, should be reintroduced and so should the Inspector's recommendation with regard to a new monitoring policy H/4 in order to inform the phasing policy (Bryant Homes Ltd).*

These matters are dealt with in the proposed Modifications and Statement of Decision. Just to reiterate, since the Council does not come to the view that additional sites should be allocated then associated phasing and monitoring policies are not required. In terms of phasing it is not considered necessary in the replacement UDP given the number of sites and the fact they are all brownfield. In terms of monitoring, the Council already produces an annual monitoring report, the 'Supply and Development of Residential Land', which contains information on completions and permissions. This will continue to be produced in order to report on how the annual requirement is being met and identify new housing sites that are added to the supply. In addition the new LDF procedures require an Annual Monitoring Report (AMR) to be produced and housing information is also submitted by the Council to feed into the monitoring of the Regional Spatial Strategy (RSS).

The Urban Potential Study

19. *The Council refers to its Urban Potential Study (UPS) over the period 2004–2019. The study concludes that the overall supply for the period 2004-2019 is 8231 dwellings and that is clearly well in excess of that required to meet RPG. However the likely requirement 2004-2019 based on RSS figures 400 per annum plus 140 per annum clearance would be some 8100 dwellings, more or less the same as supply. This assumes that everything identified in the UPS will come forward, which is clearly quite unrealistic. This is a further reason therefore why firstly the UDP should allocate further land for new housing and secondly should include greenfield sites to make up supply.*

The draft Urban Potential Study (UPS) has been through the consultation process and is to be taken for final approval to be published sometime in Spring 2006. None of the comments received from this consultation have questioned the overall supply figure coming out of the Study. The comments received have related more to detailed issues mainly related to presentation. As noted by the objector the figure derived from the Study is well in excess of that required to meet RPG. As noted earlier in the response the issue of the figure within draft

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RSS is irrelevant in relation to this UDP. However, the UPS shows that even a higher figure similar to that in draft RSS could be achieved. The objector argues that this would require all of the sites to come forward which is unrealistic. However, an UPS study is there to assess the potential supply and therefore this is the figure that could come forward. Although specifically all of these sites may not come forward, this will be off-set by sites not identified within the study coming forward. This has been shown to be the case with pre-application inquiries on several sites not included in the study. It should also be noted that at this stage the UPS does not include a significant contribution from HMR areas as it was at the time of the study difficult to quantify this contribution. Taking this into account the figure within the UPS must be treated as a fairly conservative estimate. This gives even further support to the Council's decision not to allocate any additional sites for housing and shows that the housing requirement (including any future increase in RSS) can be met on brownfield sites.

Conclusion:

Most of the points made by the objectors have already been considered at the initial inquiry. The Council is still of the view that there is sufficient land to meet the requirement for Rochdale as set out in RPG and none of the matters raised by objectors at this stage alter that view. Evidence relating to windfalls, clearance replacement and urban potential which has come to light since the Inquiry adds further support to the Council's approach. The most notable new issue raised by objectors is the proposed new figure for Rochdale within the draft interim revision to RSS. However, as stressed in relation to the points above, this issue has no relevance in terms of assessing the ability of the replacement UDP to meet the requirement in the current RPG.

Decision:

No further modification to Policies G/H/1 and H/2

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MODIFICATION NUMBER	36 and No Modification
POLICY NO / NAME	H/7 AFFORDABLE HOUSING
SITE	
OBJECTORS	H/7 24/402 Hartle Estates 24/406 Hartle Estates 518/401 Pennine Acute Hospitals Trust
SUPPORTERS	

Introduction

The objections to these policies are based on the view the evidence base for the policy has not been justified. The conclusion therefore is that the policy itself does not accord with national guidance as a lack of affordable housing has not been demonstrated. This was the conclusion of the Inspector who considered that the policy had not been justified through the clear requirement of national planning guidance and should therefore be deleted.

The Council rejected the Inspector's recommendation to delete the policy relating to affordable housing by way of a Modification to the Plan. The Council is working towards an up-to-date study on housing need and consider that a policy is required in order to address any shortfall in need which may be demonstrated by the study. The Council has always maintained that the policy would be applied through an SPD based on an up-to-date assessment of housing need.

The issues raised by objectors at the modifications stages are set out in full below with the officer's response.

1. *Procedural Matter 1 - In rejecting the Inspector's reasoning for deletion of draft Policy H/7 the LPA does not address the central issue of concern to the Inspector – the failure to meet the requirements of national planning guidance as relates to the Replacement Rochdale UDP.*

The Inspector's reasoning is clear that affordable housing policy should take into account national planning guidance in PPG3 [paras. 14-18] and Circular 06/98. In particular, PPG3 [para. 14] states: -

"Where there is a demonstrable lack of affordable housing to meet local needs – as assessed by up-to-date surveys and other information – local plans and UDPs should include policy for seeking affordable housing in suitable housing developments."

Circular 06/98 [para.5] states: -

"Any local plan policy for affordable housing should be based on a good understanding of the needs of the area over the period of the development plan."

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Therefore, the Inspector is correct to state that procedurally the LPA has failed to draft Policy H/7 in accordance with national planning guidance, in particular failing to demonstrate need for affordable housing in all new private housing in Rochdale.

Furthermore, in rejecting the Inspector's recommendation the LPA has failed to address the substantive weight that the Inspector places on national planning guidance. No argument, persuasive or otherwise, is presented as to why the LPA should not place substantive weight on national planning guidance, and why national guidance should not apply to draft Policy H/7. (Pennine Acute Hospitals Trust)

The Council has committed a significant amount of resources in undertaking a Housing Needs Study. It was always the intention to have the study completed prior to the Inquiry but unfortunately a number of circumstances prevented this. The Council acknowledges the requirement of national guidance to demonstrate need. The Council has taken national policy into account and that is why the need to carry out a robust assessment was considered so important. The Council has always stressed that the policy would only be applied on the basis of an up-to-date HNS. The main issue has been that of timing in that unfortunately there has been a gap in having an up-to-date assessment but the Council does not consider that this should preclude having a mechanism to address demonstrable need. The deletion of the policy would mean just that and, given the affordability issues raised through research into Housing Market Renewal, could undermine the ability to deliver housing which is accessible to those in greatest need. Therefore, the Council does not believe that in the circumstances of this case it must slavishly adhere to national policy if such an unfortunate circumstance would ensue.

2. *Procedural Matter 2 - In the final paragraph of the LPA's reasoning to reject the Inspector's recommendation reference is made to utilising SPD to implement draft Policy H/7. The LPA considers this will address the Inspector's concern that the draft policy is too onerous because the SPD will itself be based on an up-to-date assessment of housing need.*

Under the new planning system the appropriate approach is for the LPA to introduce an affordable housing policy through the Core Strategy LDD, based on the up-to-date assessment. Any SPD to assist in the implementation of the policy would then follow from the Core Strategy policy. PPS12 [para.2.44] is clear that SPD cannot be used to circumvent matters that should be subjected to proper independent scrutiny. To undertake preparation of an SPD as the LPA suggests, is to open the LPA up to challenge. (Pennine Acute Hospitals Trust)

The Council acknowledges the situation with regard to national policy. The SPD which the Council has begun work on will be subject to in depth scrutiny through stakeholder consultation followed by formal consultation. The requirements for undertaking SPD's therefore include effective scrutiny. In order to produce the SPD there must be a policy basis. The objector states that the introduction of an affordable housing policy should be done through the Core Strategy. However, taking account of guidance on the content of Core Strategies it would appear to be inappropriate for such a document to include a detailed development control policy dealing with affordable housing. It is our view that any subsequent affordable housing policy would have to be incorporated within a housing DPD. This document could only commence (as with the Core Strategy) following the production of revised RSS in 2007. This would therefore be adopted sometime in 2010. Therefore even if a HNS study produced later this year showed areas of significant housing need in the Borough the Council would have no mechanism to tackle this for four or more years.

3. *Evidence of Housing Need - The LPA's reasoning refers not only to a proposed Housing Needs Study (still incomplete and unpublished), but a Housing Market Assessment too as evidence of a need for affordable housing on all private housing developments across the Borough.*

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The Housing Market Assessment [prepared by GVA Grimley for the Oldham & Rochdale HMRI Pathfinder] was not produced in time for the Inquiry and therefore was neither considered as evidence to support draft Policy H/7, nor subject to proper public scrutiny. It is considered inappropriate for the LPA to seek to justify rejection of the Inspector's recommendation on the basis of a document unavailable to the Inquiry, and crucially had not part in the formulation of draft Policy H/7.

Further the Housing Market Assessment identifies discrete market areas within Rochdale. Discrete market areas will have different housing needs and by implication different affordable housing needs, potentially areas with none. Therefore the blanket policy approach of draft Policy H/7 is contrary to national planning guidance as it is not based on a good understanding and a demonstrated lack of affordable housing to meet local needs. (Pennine Acute Hospitals Trust)

The HMA was commissioned as part of the evidence base for the HMR. It was impossible for the HMA to be produced in time for the inquiry as the resources for the Oldham and Rochdale Pathfinder were only confirmed a few days before the Inquiry commenced. Although the policy refers to all sites which meet the criteria it would not be applied consistently across the Borough if the HNS indicated that such an approach was inappropriate. The Council would apply the policy based on need and therefore if there was limited need in an area or a need for just certain property types then it would be applied in this way.

4. *Unchanged Circumstances - Contrary to the impression created in the LPAs reasoning there has actually been no change in circumstance on matters affecting affordable housing since the close of the Inquiry (September 2004) and the release of the Proposed Modifications (November 2005). National planning guidance is unchanged, there is still no published Housing Needs Survey and there remains no demonstrable need for affordable housing upon which to base development plan policy.*

Therefore the Inspector's reasoning and recommendation remains valid that draft Policy H/7 be deleted. (Pennine Acute Hospitals Trust)

Whist at present there is no published information this position will change in the near future when the HNS is completed. It is considered vital in the delivery of new housing to retain a policy which can provide affordable housing where demonstrable need arises.

5. *Prevention of Duly Made Objections to be Heard - The final sentence in the Inspector's Report states: -*

"As I shall recommend deletion of the policy, there is no need for me to consider detailed objections to the wording of the policy, or to comment on Inquiry Change 44."

As the LPA intend to reject the clear recommendation of the Inspector and proceed to adopt draft Policy H/7 as set out in Inquiry Change 44 it follows that objectors have been denied the chance to have their duly made representations heard. Furthermore, the merits or otherwise of Inquiry Change 44 has not been considered and independently scrutinised.

It is considered that if the LPA proceeds to adopt draft Policy H/7 that there is a serious risk of challenge from objectors. (Pennine Acute Hospitals Trust)

It is unfortunate that in recommending the deletion of the policy the Inspector did not consider the objections relating to wording. However, the objectors have not been denied the opportunity of putting forward their objections on matters of wording; it is simply that the Inspector did not pass judgement on them. The Council has taken the objections on matters of wording into

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account in arriving at its decision to retain the policy. These objections were generally concerned with the use of the word 'require' in the policy. The Council did not think it was appropriate to use a word such as 'seek' as the policy already contained a list of criteria (taken from circular 6/98) where the affordable housing would not be required. In applying the existing affordable housing policy the Council has always taken an approach which means that the level of affordable housing required does not harm the viability of the proposal (subject to this being demonstrated by the applicant). Therefore although the policy does not explicitly say it, there is always an element of negotiation to ensure that the development remains viable whilst providing for local housing needs. Therefore the objections to the fact that the policy is too onerous are incorrect as there would be an important element of negotiation based on the criteria listed under the policy.

The significant level of stakeholder involvement and formal consultation to be taken in relation to the SPD would give the opportunity for input on the detail regarding the application of the policy.

6. *Object to the Council not accepting the Inspector's recommendation at para 9.42 to delete reference to affordable housing until such time as the Council has carried out, published and consulted on an up-to-date housing needs study. The policy is therefore premature and not justified by identified need.*

If the Council considers it appropriate to defer making satisfactory provision for housing and meeting the shortfall of 1000 dwellings identified by the Inspector then the retention of this policy is premature: the need has not been demonstrated.

As noted above, the Council is well on the way to publishing an up-to-day study of housing needs. The application of the policy will be based on this study and therefore it is necessary to retain the policy as a mechanism to deliver affordable housing where there is demonstrable need. Were a requirement not demonstrated by a study then this would be reflected in the application of the policy through the subsequent SPD. It is acknowledged that it would have been preferable if the HNS had been completed prior to the Inquiry but do not consider that the policy is premature if it is applied, as the reasoned justification states, in an appropriate manner based on identified need.

Conclusion

The principal issue in relation to the objections is that as an up-to-date assessment of housing need has not been produced and therefore there is no evidence base to support the retention of the policy. Consequently, the policy does not satisfy the requirements of national policy.

However, it is considered that the retention of the policy is important to provide a mechanism to deliver affordable housing if need was demonstrated through an up-to-date assessment. Whilst it is acknowledged that it would have been preferable for a study to have been completed prior to the Inquiry, the application of the policy will be based on an up-to-date assessment with detail provided through SPD. It is not the intention to apply the policy without the support of an up-to-date evidence base. In such an event clearly the Council would be open to challenge and appeal on individual planning applications without such a basis.

Decision:**No further modification to Policy H/7**

Statement of Decisions on Objections to Proposed Modifications

MODIFICATION NUMBER	39.1
POLICY NO / NAME	G/S/1 (Part One Policy) Hierarchy and Role of Centres
SITE	N/A
OBJECTORS	G/S/1 Opus Land Ltd 519/403
SUPPORTERS	None

Introduction:

Opus Land Ltd objects to Proposed Modification 39.1, to Policy G/S/1, the deletion of the fifth element of the retail hierarchy, which refers to existing out-of-centre retail developments. The hierarchy of centres is determined by the scale and function of the centres within the Borough and are promoted as the principal locations for shopping, leisure, entertainment, and culture and community facilities. The hierarchy is now as follows 1. Town Centres, 2 Edge of Town Centres, 3 District Centres, 4 Local Centres, 5 Elsewhere.

Objection Grounds and Council Response:

The objectors consider;

‘The deletion of this element of the retail hierarchy would create an overly restrictive policy framework, thereby disadvantaging the flexibility of the Council and the development industry to react to changing circumstances. Deletion of this element of the hierarchy implies, erroneously, that out-of-centre sites are not suitable sites for certain types of development. Paragraphs 2.43 and 2.44 of PPS6 require edge-of-centre and out-of-centre sites to be considered as part of the sequential test. Paragraph 2.6 of PPS6 states that larger retail stores may deliver benefits and Local Planning Authorities should seek to designate sites for these in edge-of-centre locations.’

The hierarchy of centres within the Borough outlined in Policy G/S/1 (Part One) has been modified in line with the Inspectors recommendations. The Government Office for the North West (GONW) objected to the inclusion of ‘existing out-of-centre retail developments’ within the hierarchy of centres for the Borough as it was not in compliance with Government Guidance. Following this, the Inspector Report found that “out-of-centre retail locations can only be described as centres if they have the attributes that would normally be found in town, district or local centres as set out in Table 1 to Annex A of PPS6. This is not the case in terms of the 4 centres that are classified by the Council as either retail parks or superstores.” In line with the Inspectors findings, and to comply with PPS6, the Revised Deposit Draft version of the UDP deletes this reference to out-of-centre locations from the hierarchy of centres listed in the policy.

The objector is wrong to suggest the exclusion of ‘existing out-of-centre retail developments’ creates an overly restrictive policy framework and causes disadvantage. Rather what it means is that existing out-of-centre sites will be treated in the same as any other location out of the Borough centres when considering them as a location for retail development, which does not imply there will be any increased restrictions or reduced flexibility.

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Conclusion:

The Council has followed the reasoning in the Inspector's Report and deleted 'existing-out-of-centre retail developments' from the hierarchy of centres within the Borough in Policy G/S/1 (Part One Policy) of the Revised Deposit Draft version of the UDP. This modification (39.1) was considered necessary by the Government Office for the North West, the Inspector and the Council in order for the Policy to reflect National Planning Policy Guidance PPS 6.

Decision No further modification to Policy G/S/1

Statement of Decisions on Objections to Proposed Modifications

MODIFICATION NUMBER	43
POLICY NO / NAME	S/8 Retail Development Outside Town, District and Local Centres
SITE	
OBJECTORS	S/8 Opus Land Ltd 519/402 S/8 Tesco Stores Ltd 307/401
SUPPORTERS	

Introduction:

The modification that Opus Land Ltd and Tesco Stores Ltd object to results from the Inspector's recommendation to change Policy G/EC/1 (Modification 39.1 that is dealt with in a separate response). Opus Land Ltd and Tesco Stores Ltd object to Modification Number 43.2 to Policy S/8, which proposes the deletion from paragraph 10.47 of the Reasoned Justification the following text:

"However, realistically some existing out-of-centre retail developments are more suitable than some local centres as a location for certain types of retail development, and some flexibility in sequential site selection will be permitted in these circumstances".

In addition to this, Tesco Stores Ltd consider the recommendation of Modification 43.3 to delete the following from paragraph 10.49 is unjustified;

"Existing edge-of-centre and out-of-centre developments are identified in Policy G/S/1 – 'Hierarchy and Role of Centres'. This policy does not seek to encourage development on these sites, but does recognise that where the criteria above are met, it would be sequentially preferable to locate major new retail development with existing retail provision, and not on stand-alone sites"

Objection Grounds and Council Response:

In opposition to the deletion of paragraph 10.47 of the Reasoned Justification, Tesco Stores Ltd state:

"It is our belief that this paragraph represents a reasonable and pragmatic approach to site selection and should not be omitted. It is the case that not all retail formats are best suited to local centres, particularly where issues of scale are involved." Tesco Stores Ltd also note; "no comment was made by the Inspector regarding this aspect of policy S/8, so it can be determined that he felt it was an acceptable and beneficial portion of the policy, as such there is little justification for its deletion".

This view is echoed by Opus Land Ltd who consider:

"This paragraph acknowledges that some out-of-centre retail developments are more suitable than some local centres for certain types of development, and allows for flexibility in the application of the sequential approach. This paragraph allows for a useful degree of flexibility in the application of the sequential test, allowing the Council the freedom to adopt a more or less restrictive approach, depending on the individual circumstances of specific cases".

Statement of Decisions on Objections to Proposed Modifications

The Inspector's recommended that the Council delete 'existing out-of-centre retail developments' from the hierarchy of centres within the Borough in Part One Policy G/S/1 and this has been done through Modification Number 39.1 which is subject to a separate objection by Opus Land Ltd (that has been dealt with in a separate response). Following on from that Modification, the Council considered it necessary to delete paragraph 10.47 of the Reasoned Justification in Policy S/8, as this text reflected the policy G/S/1 before modification 39.1 was made. Resulting from Modification 39.1 it is not considered appropriate to retain paragraph 10.47 in the Plan.

Opus Land Ltd considers the deletion of paragraph 10.47 contradicts paragraphs 2.6, 2.43, 2.44 and 2.45 of PPS6. The Council consider this statement inaccurate as paragraphs 2.6 and 2.44 refer to edge of centre site allocations and make no reference to the out-of-centre retail developments referred to in paragraph 10.47. Paragraphs 2.44 and 2.45 of PPS6 set out the Sequential Approach to Site Selection, which is also considered irrelevant to the proposed modification (43.2). Consequently, the Council ascertain there are no grounds to imply the deletion of paragraph 10.47 is contradictory to PPS6. In fact, the modification arises from a change to Policy G/S/1 to ensure the policy does comply with National Planning Policy Guidance PPS6.

The Council proposed the deletion of paragraph 10.49 from the Reasoned Justification (Modification 43.3) following the Inspector's recommendation to remove 'existing out-of-centre retail developments' from the hierarchy of centres in Part One Policy G/S/1 (Modification 39.1). Without out-of-centre retail developments within the hierarchy of centres, paragraph 10.49 of the Reasoned Justification in Policy S/8 is referring to a policy provision that does not exist. The lack of reference to this paragraph in the Inspector's Report is considered a simple oversight by the Inspector not to acknowledge the consequent need to delete paragraph 10.47 following Modification 39.1, but the Council have recognised this need and rectified it through Modification 43.3.

Conclusion:

The Council has followed the reasoning in the Inspector's Report and deleted 'existing-out-of-centre retail developments' from the hierarchy of centres within the Borough in Policy G/S/1 (Part One Policy) of the Revised Deposit Draft version of the UDP. This modification (39.1) was considered necessary by the Inspector and Council in order for the Policy to reflect National Planning Policy Guidance. As a result of Modification 39.1, the Council has considered it necessary to make further modifications and delete paragraphs 10.47 and 10.49 in the Reasoned Justification to Policy S/8 Retail Development Outside Town, District and Local Centres. These paragraphs refer to the section of Policy G/S/1 (Part One Policy) that has been deleted (39.1) and as a result, the references made in these paragraphs were incorrect and unnecessary.

Decision

No further modification to policy S/8
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MODIFICATION NUMBER	49
POLICY NO / NAME	LT/6 Camping and Caravan Sites
SITE	N/A

SUPPORTER	443/401 United Utilities
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Introduction

United Utilities' original objection was that development proposals should not be on sites that are not able to be provided with water or sewage disposal facilities. The modification introduces amended wording to this effect and is therefore now supported.

Objection and Council Response

United Utilities supports Modification 2, criterion h).

Decision: No further change to Policy LT/6

Statement of Decisions on Objections to Proposed Modifications

MODIFICATION NUMBERS	60 and 73
POLICY NO / NAME	R/4(i) Trub Farm Area of Opportunity, Castleton UG/8 Greenspace Corridor
SITE	Trub Farm, Castleton, Rochdale
OBJECTORS	R/4(i) and UG/8 Mr & Mrs S Lomax 254/401
SUPPORTERS	None

Introduction:

This objection relates to the land to the west of Rochdale Canal, at Trub Farm, in Castleton. This land, which is greenfield, has previously had planning permission for industrial development and was therefore designated as a Newer Primary Employment Zone in the adopted UDP. In the draft Replacement Plan it was designated as a Primary Employment Zone and residents subsequently objected to this allocation for employment uses. At the same time the Canal Corridor Regeneration Strategy supported the development of the site for mixed uses related to the canal. In the Revised Deposit Replacement UDP the site was therefore allocated as an Area of Opportunity, that covered both the east and west sides of the canal, in which a mixed use scheme was supported that could contribute to the regeneration of Castleton and the canal corridor.

Residents appeared at the UDP Public Inquiry and objected to the proposed development of the land to the west of the canal amongst other reasons because of the loss of open space and greenfield land that they considered should be protected under policy UG/3. Mr Lomax was represented at the Inquiry and put forward his original objection to the Area of Opportunity policy along with his later support of a mixed use development with primarily employment development on the land to the west of the canal.

The Inspector considered all the evidence and issues, for and against development of the land in question, and came to the following conclusions:

“Firstly an AoO should be defined at Trub Farm under R/4(i) to support regeneration in Castleton, but that the land to the west of the canal should not, generally, be developed – remaining part of an open area of countryside about Castleton, defined as greenspace and justified on that basis.

Fifthly, therefore, that the development of open land to the west of the canal is not necessary to secure a successful regeneration scheme in this part of Castleton. Potential development on the east side of the canal would not, in my view, prejudice Rochdale Canal interests. While the Council argues that the land to the west of the canal has no public access (but I saw the varying line of the canal towpath), the delivery plan that it supports would have, in my view, only a limited benefit in increasing access and public open space. It is the visual contribution of the land there to the local environment and community to which I give substantial weight. **Finally**, the policy will need to be reworded to reflect my conclusions. Here, the Area of Opportunity should be restricted to the east side of the Rochdale Canal. Its west side should be designated as Greenspace through Policy UG/8.”

Statement of Decisions on Objections to Proposed Modifications

In accordance with the Inspector's above recommendations the following Modifications were made:

- Modification 60.1 amended the proposals map to exclude the land to the west of the canal from the Area of Opportunity;
- Modification 73 designated the land to the west of the canal as Greenspace Corridor under policy UG/8.

Objection Grounds and Council Response:

The objector contends that the land is surrounded by development on all its sides, that there is no public access to the site or no public access or facility within it and that it has limited visual value. They question whether the site fulfils the objectives of policy UG/8 for Greenspace Corridors.

The modification achieves only the status quo which offers little or no public amenity and a continuation of the intrusive nature of the railway and motorway. They propose instead that "with careful design a corridor of land immediately to the west of the canal could be provided to create a landscape buffer to the operational railway line and the major part of the motorway adjacent to the site. This landscape buffer running the full length of the Trub Farm frontage with the canal would create a Greenspace Corridor as well as providing protection of the amenity of the canal and tow path and an area of ecological benefit encouraging the movement of wildlife protected from public intrusion by the canal. The above arrangement would allow the beneficial development of the land to the west of the landscape buffer possibly for B1 offices in a landscape setting.

The objector considers "Modification 60 should be amended to provide for a Greenspace Corridor within the provisions of Policy UG/8 limited in width along the canal frontage to comply with the objectives of UG/8 and for the further purposes of screening the motorway and railway from users of the tow path thus achieving the combined amenity of the tow path, canal and landscaped Greenspace Corridor. The balance of the land to be subject to the Area of Opportunity policy."

The site in its undeveloped state, as open Greenfield grazing land, does provide an open aspect for the Rochdale Canal Corridor providing visual amenity for canal and canal towpath recreational users. It also provides a green link between the adjacent rail and motorway and canal corridors and adjacent greenbelt land. It will therefore retain existing, and provide potential, benefits as a wildlife corridor. The Rochdale canal in itself is a recognised wildlife corridor and ecological designation as a Special Area of Conservation (SAC). It also connects to the greenspace corridor adjacent to the Rochdale canal which follows the motorway to the east and connects to the greenspace corridor in the Trows Farm area. As such it links in with a wider network of greenspace corridors and fulfils the functional objectives of the policy.

In respect of development in a greenspace corridor, the policy allows for appropriate development which does not compromise the function, integrity or environmental quality of the corridor. Any potential development would be considered taking into account all relevant factors i.e. the developments impact on the recreational, access, ecological and amenity value of the corridor. Therefore the policy does allow the possibility of retention and enhancement of the greenspace corridor and albeit limited development, potentially along the lines envisaged by the objector. However, it is not possible at this stage to assess what scale of development may be appropriate in this location set against the amount of land that could be retained and enhanced as greenspace corridor. This can only be determined through consideration of all the relevant factors at

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the time of a planning application or preparing a development brief. It is therefore unnecessary, and would be inappropriate at this stage, to make the change to the policy sought by the objector.

Solicitors acting for the objector have also made legal representations that the Council would be acting unlawfully in two respects if it proceeded to adopt the Replacement Plan with this Modification, without holding a further public inquiry. Firstly, they argue that the allocation would have given the whole of the land the benefit of a presumption in favour of its being developable for a range of valuable types of development, and the removal of the western part of the land from the Area of Opportunity and its subjection to restrictive Greenspace Corridor policies would prejudice the objector. They state that the crucial point is that the objector has been denied the opportunity to be represented at an inquiry by his current planning agents and test whether the changes are right in planning terms. This is unfair and amounts to a procedural impropriety justifying the quashing of that part of the Replacement Plan affecting this land. In support of their argument, they point to the case of Drexfine Holdings Ltd. v Cherwell District Council where part of a Plan was quashed. Their second point is that the Council has failed to give reasons why it has decided to modify the Replacement Plan, saying only that the Modification is "To comply with the Inspector's recommendations". Again, the Drexfine case is referred to.

So far as the legal submissions on the first issue are concerned, the decision in the Drexfine case affirmed that there is no duty to hold a further public inquiry into objections to modifications, and where there is no new issue or objection to be considered a second inquiry would generally be unnecessary, costly and lead to delay. Given that there is a discretion to hold such an inquiry, however, the Judge set out a list of considerations which would generally be material to the decision whether or not to do so. These are set out below, with comments on how they apply to the objector's case:

1. Whether the issue raised had previously been considered by the Inspector
This did happen here. Contrary to the solicitors' assertion, the objector did attend the inquiry and present his arguments in favour of allocating the western land as an Area of Opportunity, and they were evaluated by the independent Inspector who held the inquiry.
2. This Council has also considered the advice in paragraph 22 of Annex B of PPG12. This states that the decision whether new issues are raised by objections to modifications that justify a public inquiry is one for the Local Authority. In view of the procedures prior to the first inquiry, however, it is less likely that there will be new issues raised that were not covered at that inquiry. That is the case here, the issues now raised were fully covered at the first inquiry. There is thus no departure from Government Policy.
3. The practical implications of holding a second inquiry, and in particular whether it would be a material benefit to the decision making process.
It is unlikely that a second Inquiry could be held in less than a year. It would be practically impossible to arrange a second inquiry and secure adoption by 21st July 2006 (see paragraph 4 below). Additionally, given the fact that the issues were fully debated at the inquiry there would be no benefit to the decision making process if the matter was re-heard. Therefore, given that the objection is considered to be without merit, this consideration of delay carries considerable weight.
4. Delay and the desirability of securing an up to date adopted development plan.
If a second inquiry was held, adoption of the Replacement Plan could not take place before 21st July 2006, the date by which Plans must be adopted if they are not to be subject to the requirement of an Environmental Impact Assessment. This would, effectively, mean that the Replacement Plan was thwarted and that there would be no up to date development plan in the Borough for several years.
5. Fairness to the objector and to other parties.

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As stated above, the objector appeared at the inquiry and presented his case for allocation of the western area of the land as an Area of Opportunity. The Inspector was not convinced, and recommended that this part of the site be removed from the allocation. Essentially, what the objector now seeks is to put the same points more forcefully through different representatives. However the discretion to hold a second inquiry is not a mechanism to allow the objector to have a second bite at the same cherry, and he has not been unfairly prejudiced by the Council accepting the recommendations of the Inspector. It must also be borne in mind that there were objectors to the Area of Opportunity policy being applied to the western area of the land. If there is a second inquiry then they could be disadvantaged by having to attend this inquiry and re-argue their case.

There is another case dealing with the issue of whether a second inquiry should be held where modifications are proposed: Warren v Uttlesford District Council. The Court of Appeal held that the issue was one for the local authority to determine, on normal principles of reasonableness. The Court also held that the fact that an objector had been deprived of an opportunity to persuade an inspector to take a different course this did not lead to the conclusion that it was unfair not to reopen the inquiry. Given that the Warren case concerned objectors who had not been allowed to put their case to the original inquiry, because they supported the original policies, this is an even stronger indication that the Council would not be acting unreasonably if it adopted the modifications to the Replacement Plan without a further Inquiry: in the present case the objector did put his case originally.

On the second issue, the Council is under a duty to give reasons for proposed modifications to the Replacement Plan. There is no requirement that it should go into detail if it is adopting the reasoning of another party, namely the Inspector, which is the case here.

Conclusion:

The exclusion of the land in question from the Area of Opportunity and its designation as Greenspace Corridor is justified in planning policy terms.

The Greenspace Corridor designation does not place an embargo on built development but seeks to ensure its integrity is protected and that it is not severed by development. Thus it does not, in principle, preclude the land from limited development along with improvements to the corridor along similar lines to that proposed by the objector. The difference between the objector's aspirations for development and the Council's interpretation of the policy is most likely to relate to the scale of built development proposed set against the amount and location of land to be retained as greenspace corridor. These are issues that are most appropriately resolved at a later stage when all relevant information is available.

Regarding the objector's contention that the Council would be acting unlawfully if it proceeded to adopt the Replacement Plan with this Modification, without holding a further public inquiry, this is considered to be entirely without merit and provides no reason for the Council not proceeding with the adoption of the plan with the modification as recommended by the Inspector.

<p>Decision: No further change to Policies R/4(i) and UG/8</p>
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Statement of Decisions on Objections to Proposed Modifications

MODIFICATION NUMBER	65
POLICY NO / NAME	CF/7 TELECOMMUNICATIONS
SITE	N/A

OBJECTORS	274/401 C. M Bennett
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Introduction

The objector submitted an objection at Draft Deposit stage expressing concern about the health risks of Telecommunications masts, particularly in relation to schools and children. The objection was not withdrawn in response to changes at Revised Deposit stage and the objector is unhappy with the Modification. The objection claims there are inaccuracies in the Inspector's report. The objector also claims the objection was not properly considered.

Objection and Council Response

1. *The objector claims that they were denied the opportunity to put their case in person (ie, appear at the Inquiry) and that no response was received to the original objection.*

The objector has not provided any evidence that they were denied an opportunity to appear. The Inquiry Programme Officer wrote to all objectors to establish if they wished to appear. The Inquiry Programme was the responsibility of the Programme Officer and the Inquiry Inspector.

The Council does not, nor is required to send a letter of response to every objector. The objector would have been notified of the publication of the Revised Deposit Plan (which includes the changes from the first Deposit version) and all Committee Reports and evidence is public information. The Council's evidence to the Inquiry in respect of this objection would have been sent to the objector by the Programme Officer. The Inspector considered this objection and the objection is listed in the relevant part of the Inspector's report.

2. *The objector claims that there are 3 factual inaccuracies in the Inspector's report. The first is that the ICNIRP Guidelines do not take account of the thermal effects and the well being effects of the radiowave radiation. Second, School Governors have no say in the siting of telecommunications masts near schools – they are not told anything about them until it is too late to do anything. Thirdly, health matters can be taken into account in planning decisions.*

In referring to the guidelines, the inspector simply states, "national planning guidance is clear – the planning system is not the place for determining health standards (PPG 8 at paragraph 98 to the Appendix). This paragraph also indicates that, subject to compliance with ICNIRP guidelines, it is not necessary for a local authority to further consider health aspects". This is accurate.

The Inspector states that Government Guidance (ie PPG 8 Telecommunications "requires that a local planning authority should consult with the relevant body of a school or college over a mast proposed to be established near them. Any reasonable planning authority would comply." This statement is correct and the Council does notify

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nearby residents and schools and places advertisements in the local newspaper. Representations received are considered but the Council cannot refuse applications on health grounds as the objector would wish.

3. *Other comments submitted as part of the objection seek to persuade the Council to adopt a more restrictive policy. However, these do not relate to the published modification.*

Conclusion:

The objector has not demonstrated that she has been disadvantaged in making objections to the plan, or that the correct procedures have been followed. The Inspector has considered her objection and has made factually correct statements in his reasoning.

Decision:

No further modification to Policy CF/7

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APPENDIX 2

NEW LARGE BROWNFIELD SITES SINCE 1st APRIL 2002

Location	Area (ha)	Capacity	Date Approved	Planning Status
Former Durnford St Jnr School, Middleton	0.28	10	25/04/2002	Granted - now U/C
Bamford Rd (Ro Squash Club), Heywood	0.58	17	09/01/2003	Granted - outline
Land At "Beaumonts", Bury Rd, Rochdale	0.42	4	11/05/2004	Granted - outline
Hind Hill St/Mary St, Heywood	1.26	38	22/04/2004	Granted - outline
Part Of Former Times Mill, Middleton	0.44	42	30/09/2004	Granted - full
Former Durnford St Jnr School, Middleton	0.50	20	25/04/2002	Granted - now U/C
R/O Oakenrod School, Bury Rd, Rochdale	0.67	24	30/07/2002	Granted - outline
Fmr Tathams Wks, Kenworthy St, Roch	3.80	113	10/09/2004	Granted - now U/C
Gale Mill, Todmorden Road, Littleborough	0.89	56	22/12/2004	Granted - now U/C
Spring Thyme, Whitelees Rd, L'boro	1.85	58	23/08/2004	Granted - now U/C
Rochdale R.U.F.C. Moorgate Av, Roch	0.65	9	20/04/2004	Granted - full
S/O Schofield Hse, Whalley Rd, M'ton	0.52	18	19/01/2005	Granted - now U/C
S/O 55, Clay La, Rochdale	0.42	18	20/04/2004	Granted - now U/C
Jacob Brights Centre, Whitworth Rd, Roch	0.65	48	01/06/2004	Granted - now U/C
Lowfield Mill Belfield Lane Rochdale	1.60	66	03/05/2005	Granted - full
Balderstone Mill Oldham Road Rochdale	0.74	70	01/07/2004	Granted - now U/C
Mill Fold Depot Mill Fold Road Middleton*	1.40	98	17/06/2003	Granted - outline
Bamford Rd Squash Club, Heywood	0.69	21	24/01/2006	Granted - outline
Land At Borrowdale Rd, Middleton	0.49	22	06/10/2005	Granted - full
Land At Naden Mill, Blackpits Rd, Rochdale	4.10	80	21/04/2005	Granted - full
Former Sonocco Site, Water La, Milnrow	1.77	46		Granted - subject to 106
TOTAL		878		

*Capacity based on full application now in