

12: NON POLICY SPECIFIC OBJECTIONS

General Issues

NAME OF ORGANISATION OR INDIVIDUAL	OBJ'R	OBJ NO	O or S	C WDR
Action Against Kingswater Park (Waterside Park)	8	420	O	
OBJ NO	SUMMARY OF OBJECTION			
420	The style of the UDP requires adaptation to fulfil the demands of sustainability. A more devolved approach is needed			

Main Issue

12.1.1 Whether the preparation of the UDP should involve more community involvement.

Conclusions

12.1.2 Insofar as this objection is against the Waterside Park development my conclusions are to be found at policy E1(2).

12.1.3 I appreciate the objector's point that sustainability should mean a less centralised approach with the local community being more involved, but it does not follow automatically from this that if a local community is opposed to a development, it should be rejected. In preparing its Borough wide plan the Council must take into account a multitude of factors some of which will weigh in favour and some of which will weigh against particular proposals. It is not for me to say to what extent the Council has or should take into account the views of local communities, my job is to evaluate the merits of the UDP policies or omissions from the plan in the light of individual objections.

12.1.4 The method of preparing a UDP is prescribed in planning legislation. PPG12 says that pre-deposit consultations should be based on key issues and that local people should be encouraged to participate from the earliest stages. As far as I am aware all the necessary stages have been carried out and the UDP inquiry itself provides the means for people to air their objections to individual policies and proposals. If an objector objects to some facet of the method used by the Council in preparing its policies, that is a matter which can be taken up outside the forum of the UDP process. Given the above factors I do not consider the plan should be modified to take account of the objection.

Recommendation

12.1.5 I recommend no modification to the plan as a result of this objection.

NAME OF ORGANISATION OR INDIVIDUAL	OBJ'R	OBJ NO	O or S	C WDR
Action Against Kingswater Park (Waterside Park)	8	421	O	
OBJ NO	SUMMARY OF OBJECTION			
421	Speeding up the UDP process through brevity, simplicity and less prescription could be damaging.			

Main Issue

12.2.1 Whether in general the plan and its policies and proposals are satisfactory to guide development.

Conclusions

12.2.2 PPG12 issued by the government in late 1999 is quite clear that from that point onwards the replacement of UDPs should progress at a faster speed than in the past and that lengthy, over-elaborate plans work against effective implementation. In order to speed up the system it says that plans should be slimmer and more focussed. It is this approach which the Council have followed in its review of the adopted UDP and explain so in the introduction to the plan. Whilst there may be criticisms that this has led to the plan in parts being too laissez-faire, it does not detract from the overall approach or the use of more criteria based policies which are firmly supported by national policy guidance. In principle I do not consider this has led to any less attention being paid to matters such as sustainability.

12.2.3 Whilst I make specific recommendations for modifications to the plan with regard to individual policies, in general I find the plan and its policies to follow the approach recommended by national policy and satisfactory to guide development.

Recommendation

12.2.4 I recommend no modification to the plan as a result of this objection

NAME OF ORGANISATION OR INDIVIDUAL	OBJ'R	OBJ NO	O or S	C WDR
Countryside Agency	190	92	O	
OBJ NO	SUMMARY OF OBJECTION			
92	The plan should include an understanding of the characteristics of Tameside, identifying rural needs.			

12.3.1 This objection is dealt with together with the objection to policy 1.3 in Chapter 1 of this report. To avoid repetition I do not repeat my conclusions here only my recommendation.

Recommendation

12.3.2 I recommend that in part 1 of the plan under the heading – Overview of the Borough – *Countryside* should be added to the heading Open Land and Recreation and under that heading the problems of farming and the urban fringe should be set out succinctly.

NAME OF ORGANISATION OR INDIVIDUAL	OBJ'R	OBJ NO	O or S	C WDR
Countryside Agency	190	93	O	
OBJ NO	SUMMARY OF OBJECTION			
93	It is not clear how the plan seeks to promote objectives, translate them into policies and deal with conflicts.			

Main Issue

12.4.1 Whether there is a logical progression from the identification of objectives through to the detailed part 2 policies.

Conclusions

12.4.2 The Themes and Objectives in part 1 of the plan set out the underlying objectives of the plan. These are expanded and translated into the 13 part I policies which in turn form

the basis of the more detailed development control policies and site specific proposals in part 2. The underlying threads of the plan are therefore carried forward and expanded in what is, to my mind, a logical sequence.

- 12.4.3 When looking at individual development proposals it is inevitable that at times there may be competing and perhaps conflicting policy objectives. However this is not an unusual situation and it is a matter for the judgement of the decision maker. I do not consider the plan could realistically be modified to cater for this eventuality as any number of variations could give rise to this situation. Given these findings I do not consider the plan should be modified to meet the objection.

Recommendation

- 12.4.4 I recommend no modification to the plan as a result of this objection.

NAME OF ORGANISATION OR INDIVIDUAL	OBJ'R	OBJ NO	O or S	C WDR
English Nature	277	205	O	
OBJ NO	SUMMARY OF OBJECTION			
205	Key indicators should be established against which the plan can be monitored on a regular basis.			

Main Issues

- 12.5.1 Whether the plan should include key indicators for monitoring purposes.

Conclusions

- 12.5.2 The objection was made to the draft deposit plan. Subsequently a list of key indicators was included in the revised deposit version. In response to this English Nature confirmed that they supported the inclusion of the indicators, but suggested some amendments to the list. My conclusions to the later objection can be found in Chapter 11 of this report (page 153). In the light of English Nature's support of the indicators expressed in their letter of 25 April 2002 I do not consider any further modification to the plan is required to meet objection 205.

Recommendation

- 12.5.3 I recommend no modification to the plan as a result of this objection.

NAME OF ORGANISATION OR INDIVIDUAL	OBJ'R	OBJ NO	O or S	C WDR
Mr M Goodall	325	265	O	
OBJ NO	SUMMARY OF OBJECTION			
265	The sustainability appraisal needs to cover the whole of the draft plan and be carried out independently.			

Main Issues

- 12.6.1 Whether the plan should have a sustainability appraisal carried out by an independent body.

Conclusions

- 12.6.2 Events have rather overtaken this objection. Although on page 4 of the UDP under the heading Sustainable Development it says that ...*a sustainability appraisal will be*

prepared of the main policies in the revised deposit draft and published at the time of the deposit... this never happened. The Council did commission an appraisal but were not satisfied with the approach and rather than delay the plan process, decided to continue without it. This makes the argument about whether the appraisal should be independent rather academic. I note here that, so far as I am aware, there is no Government policy which requires nor would fund an independent assessor.

- 12.6.3 The lack of an appraisal means the review process of the UDP is out of step with Government guidance which expects local authorities to carry out a full appraisal of their plans during and as a part of the plan making process. However although not published, the draft appraisal was produced as an inquiry document. Even though it highlights a number of omissions from the plan, it concludes overall that the plan represents an effective approach to putting in place policies which address the needs of the area competently, which will manage the potential impacts of the developments it caters for, and which makes a contribution to more sustainable development where it is able. These comments must be seen however in the light of the Council's reservations about the depth of the study.
- 12.6.4 Given that the plan has now reached an advanced state of preparation, the dilemma is whether it should be delayed by the production of an appraisal or proceed to adoption without such a review. Government policy advises that an appraisal should take place, but it is not a mandatory requirement. Furthermore in this case from all the information I have seen I am relatively content that an appraisal whether independent or not would not find any fundamental flaws in the overall approach of the UDP in seeking to achieve its sustainable objectives. In these circumstances, whilst I recognise it is not ideal, I reach the conclusion that the plan should not be delayed pending the production of a sustainability appraisal.
- 12.6.5 With regard to the ongoing monitoring and review of the plan once it is adopted, PPG12 makes it clear that local authorities should include indication of how such matters will be carried out. In the case of the Tameside UDP, the Council has produced a list of key indicators to measure performance of the plan. In my view these indicators which are based on factual information will form a sound basis on which to monitor progress in meeting the plan's objectives. I see no need for such ongoing monitoring to be carried out by an independent person or organisation.

Recommendation

- 12.6.6 I recommend no modification to the plan as a result of this objection.**

NAME OF ORGANISATION OR INDIVIDUAL	OBJ'R	OBJ NO	O or S	C WDR
Mr M Goodall	325	674	O	
OBJ NO	SUMMARY OF OBJECTION			
674	A policy preference for brownfield sites should replace limited acceptance of building on greenfield land.			

Main Issue

- 12.7.1 Whether a limited acceptance of building on greenfield land should be removed from the plan.

Conclusions

- 12.7.2 It cannot be disputed that national and regional planning guidance both stress the need to recycle urban land in accessible locations and this is fundamental to achieving sustainable development. However they do not require all development to take place on

previously used land and buildings. And I agree with the Council, in that I consider it would be over simplistic to equate sustainable development exclusively with previously developed land. A sustainable planning framework must provide for residential, industrial and social development whilst respecting environmental objectives.

- 12.7.3 In the emerging RPG policy DP1 even though it promotes economy in the use of land and adopts a sequential approach to meeting development needs, recognises also that there may be occasions when previously undeveloped land will need to be used. In the UDP there is a strong thread running through it which emphasises the need to concentrate development on previously used buildings in accord with national and regional policy. But in the Council's view other factors such as the employment objectives have necessitated the promotion of greenfield sites. Whether I consider the allocation of greenfield land on an individual basis is reasonable is a matter for consideration of specific policies. However in principle I take the view that it would be misleading if the reference to limited building on greenfield sites were to be removed completely from the plan.

Recommendation

- 12.7.4 I recommend no modification to the plan as result of this objection.

NAME OF ORGANISATION OR INDIVIDUAL	OBJ'R	OBJ NO	O or S	C WDR
Sandra Ray	640	526	O	
OBJ NO	SUMMARY OF OBJECTION			
526	Supplementary planning guidance notes may not be adequate to prevent ad-hoc planning decisions.			

Main Issues

- 12.8.1 Whether SPG is, in general terms, a satisfactory means of supporting UDP policies.

Conclusions

- 12.8.2 SPG although intended to be complementary to UDP policies is separate from it and does not form part of the development plan process. Therefore I cannot comment on the details of such policies which are not before me.
- 12.8.3 In general terms, although it does not carry the same weight as adopted UDP policies, it should be in accord with national and regional planning policy, consistent with the UDP and clearly cross referenced to the policy it supplements. Section 54A of the 1990 Town and Country Planning Act says that decisions must be made in accord with development plan policies unless material considerations indicate otherwise. SPG is only one such consideration, there may be occasions when other factors are sufficient to overcome both the development plan policy and SPG. If that is the case it is matter for the decision maker and not the development plan process. In the light of the above I do not recommend any modification to the plan as a result of this objection.

Recommendation

- 12.8.4 I recommend no modification to the plan as result of this objection.

NAME OF ORGANISATION OR INDIVIDUAL	OBJ'R	OBJ NO	O or S	C WDR
Sandra Ray	640	527	O	
OBJ NO	SUMMARY OF OBJECTION			
527	Further consideration should be given to incorporating certain issues from PPG1 into the plan.			

Main Issue

12.9.1 Whether the UDP adequately reflects the objectives of PPG1.

Conclusions

12.9.2 The objector is concerned in particular with sustainable development, conserving the historic environment, other material considerations, standards in the planning system, private interest and legislation. Insofar as sustainable development and conserving the historic environment are concerned these are underlying themes of the plan and find expression in various policies throughout the UDP. The other specifics raised by the objector however are in my view more the concern of the development control process when determining individual planning applications.

12.9.3 The paragraph in PPG1 about material considerations is factual and sets out what may be regarded as a material consideration when determining applications. It would to my mind serve little purpose if it were to be repeated in the UDP. Similarly "Standards in the planning system" sets out how local planning authorities should operate and as such is not suitable for inclusion within the development plan. It is for individual citizens to determine whether a particular Council meets those standards. Again in respect of private interests this gives guidance on the operational principles to be followed when determining planning applications. It is not necessary to include such matters in the development plan. Finally I reach similar conclusions in respect of paragraph C1 of PPG1 which deals with the role of other legislation in the planning system.

12.9.4 I conclude on this objection that these matters where not already included within the plan are more properly related to the operation of the development control system.

Recommendation

12.9.4 I recommend no modification to the plan as result of this objection.

NAME OF ORGANISATION OR INDIVIDUAL	OBJ'R	OBJ NO	O or S	C WDR
Sandra Ray	640	528	O	
OBJ NO	SUMMARY OF OBJECTION			
528	Further consideration should be given to incorporating certain issues from PPG4 into the plan.			

Main Issue

12.10.1 Whether the UDP adequately reflects the objectives of PPG4.

Conclusions

12.10.2 My conclusions on this objection are similar to those above in respect of PPG1. The matters raised by the objector are in the main operational principles of the development control, not the development plan system. In general I would say that the UDP contains policies which aim to protect interests of acknowledged importance such as residents' living conditions. The extent to which these may be affected by a particular development is a matter for the decision maker.

12.10.3 Insofar as the objector is concerned about the merits of a particular application and the operational practises of the Council's development control section, these are matters which fall outside the scope of the UDP process and on which I can make no comment.

Recommendation

12.10.4 I recommend no modification to the policy as result of this objection.

NAME OF ORGANISATION OR INDIVIDUAL	OBJ'R	OBJ NO	O or S	C WDR
Sandra Ray	640	532	O	
OBJ NO	SUMMARY OF OBJECTION			
532	The plan should incorporate a strategy on enforcement procedures/penalties.			

Main Issue

12.11.1 Whether the plan should incorporate a strategy on enforcement procedures.

Conclusions

12.11.2 The UDP contains strategies and policies for the future use of land in the Borough. It is not the purpose of the plan to provide guidance on general operational procedures. If the objector would wish to see the Council produce such guidance and make changes to the operation of its enforcement procedures it can be done outside the development plan system.

Recommendation

12.11.3 I recommend no modification to the plan as result of this objection.

NAME OF ORGANISATION OR INDIVIDUAL	OBJ'R	OBJ NO	O or S	C WDR
Sandra Ray	640	533	O	
OBJ NO	SUMMARY OF OBJECTION			
533	There should be better coverage of the Human Rights Act 1998 in the plan, especially rights of citizens.			

Main Issue

12.12.1 Whether the plan should contain information on the Human Rights Act

Conclusions

12.12.2 The Human Rights Act is independent legislation. Whilst planning decisions can have an impact on peoples' human rights, the extent of the impact is a matter of judgement. The pursuit of such a claim is made through the courts and outside the planning system. Briefly my conclusions on this objection are that it is unnecessary to include information on the Human Rights Act as it is not directly related to the development strategies and land use planning policies within the Borough.

Recommendation

12.12.3 I recommend no modification to the plan as result of this objection.