

INTRODUCTION

Draft Deposit Support Unconditionally Withdrawn

Ref No	a	b	c	d	Name	Agent	Response Ref.
032	S	001			Norman Benson		

CHAPTER 1 - INTRODUCTION

IN INTRODUCTION

Objections to Draft Deposit

Ref No	A	b	c	d	Name	Agent	Response Ref.
572	O	001	IN		Peter Sargeant FRTPI		WIGAN MBC 572/A
572	O	002	IN		Peter Sargeant FRTPI		WIGAN MBC 572/A
572	O	003	IN		Peter Sargeant FRTPI		WIGAN MBC 572/A
697	O	001	IN		Viridor Waste Management		WMBC 697

Objections to Revised Deposit Draft

Ref No	A	b	c	d	Name	Agent	Response Ref.
572	O	081	IN		Peter Sargeant FRTPI		WIGAN MBC 572/A

Main Issues

Whether the introduction to the UDP is appropriate, having regard to:

- the length of the plan period and the frequency of plan review;
- the basis on which land allocations are made;
- the reference to viewpoints and vistas;
- the structure of the Part 1 and Part 2 policies;
- grammatical aspects.

Inspector's Considerations and Conclusions

The length of the plan period and the frequency of plan review

1.1 An objector notes that the FDD version of the UDP does not indicate the time period of the plan and argues that it should allow for development needs to be met for at least 10 years after adoption. A reference to the end date of April 2016 was inserted at RDD stage within Chapter 1. This would meet the objector's concerns. The same objector expresses concern that the plan does not indicate when it will be reviewed. PPG12 (paragraphs 2.21 and 2.23) advises that plans should be reviewed regularly. The timing and frequency of this will depend upon local circumstances. While there are no hard and fast rules on how often a plan should be reviewed, it is expected that plans should be reviewed in full at least every 5 years. Partial reviews may be appropriate on a topic basis more frequently. Because this framework is expressed in extant Government planning policy guidance there is no need for the plan itself to contain information upon the frequency of review.

The basis on which land allocations are made

1.2 An objector interprets the third bullet point of section 1 of the Introduction as providing for the direct replacement of land allocations, from the previously adopted UDP, which have been developed. There is nothing in the text to suggest that a direct quantitative replacement is proposed. The individual chapters of the plan set out the basis on which allocations of land are made.

The reference to viewpoints and vistas

1.3 In the FDD the seventh bullet point of section 2 of the Introduction referred to viewpoints and vistas. An objector argues that there is confusion between these concepts. This reference was deleted at RDD stage because the policy it referred to (EV3E) was also deleted. This objection has, therefore, been overtaken by events.

The structure of the Part 1 and Part 2 policies

1.4 An objector notes that there is some variation between the Part 2 policies in terms of their internal structure, there being no apparent consistency in the use of the numeric and alphabetic sub-structure. This does not detract from the comprehension of the policies, however. For that reason no modification is justified.

1.5 The relationship between the referencing and internal structure of the Part 1 policies and the referencing of the Part 2 policies does, however, give rise to potential confusion. For example, the Part 1 policy EM1 has sub-elements A, B and C, thus giving rise to e.g. Part 1 policy element EM1A. There is also a distinctly separate Part 2 policy entitled EM1A. The same potential confusion arises in respect of Part 1 policy EV4, element A and the Part 2 policy EV4A. Clarity of policy expression is identified by PPG12 as a key aspect of development plans. I conclude that the problem could be overcome by replacing the capital letters which relate to each sub-section of Part 1 policies with numbers within brackets.

Grammatical aspects

1.6 An objector draws attention to a surplus comma in the seventh bullet point of section 2 of the Introduction to the RDD, after the word 'art'. This should be removed in the interests of presentation.

Recommendation

I recommend:

(REC 1.1) that the RDD be modified by replacing the capital letters which relate to each sub-section of Part 1 policies with numbers within brackets.

(REC 1.2) that the RDD be modified by the deletion of the surplus comma in the seventh bullet point of section 2 of the Introduction.

(REC 1.3) that no other modification be made to the RDD in response to these objections.

INTRODUCTION OMISSION

Objections to Draft Deposit

Ref No	a	b	c	d	Name	Agent	Response Ref.
003	O	004	PM		George Seaward		WMBC 003
003	O	005	PM		George Seaward		WMBC 003
347	O	001	OM		Brian Gormley		WMBC 347 OM
347	O	002	OM		Brian Gormley		WMBC 347 OM
347	O	003	OM		Brian Gormley		WMBC 347 OM

Supporters of Draft Deposit

Ref No	a	b	c	d	Name	Agent	Response Ref.
001	S	001	UD	1	Keith Douglas		
032	S	001			Norman Benson		
341	S	001			Mr Eric Hill		

Main Issues

Whether the introduction to the UDP is appropriate, having regard to:

- the omission of detailed criteria to be used in the determination of applications for planning permission that are contrary to the policies of the UDP;
- the omission of detailed provisions to guide the LPA's response to development proposals in adjacent LPA areas;
- the detail of the proposals map base.

Inspector's Considerations and Conclusions

The omission of detailed criteria to be used in the determination of applications for planning permission that are contrary to the policies of the UDP

1.7 An objector argues that the UDP should present detailed criteria to be used by the LPA in its determination of all planning applications which are contrary in any way to its policies. Section 38(6) of the P&CPA 2004, provides the framework for the determination of planning applications. These shall be determined in accordance with the development plan unless material considerations indicate otherwise. This approach introduces the necessary flexibility to enable a decision maker to have regard to unforeseen situations and to allow for interests of acknowledged importance which, in the particular circumstances of the case, outweigh the objectives of the development plan. The approach advocated by the objector would introduce a measure of rigidity into the UDP which would not allow the approach of s38(6) to operate as intended.

The omission of detailed provisions to guide the LPA's response to development proposals in adjacent LPA areas

1.8 An objector argues that the UDP should contain detailed criteria to be used to guide the LPA's response to major proposals by a neighbouring LPA, or proposals to be determined by such a body, where these would be contrary to the objectives of the Wigan Borough UDP. He advocates that the Borough Council should undertake to prepare any necessary environmental and economic impact assessments to support its response.

1.9 The Wigan UDP is intended to present policies and proposals for the development and use of land within the area of the Borough. It is for adjacent LPAs to prepare such policies and proposals for their own areas. Under current arrangements the plans of all LPA's are subject to consultation at FDD and RDD stages. This allows scope for the Borough Council to express its views on the merits of an adjacent plan and, if necessary, object and maintain that objection through the statutory inquiry process. PPG12 (paragraph 1.4) advises that, in their preparation, development plans must have regard to national and regional planning guidance. This acts in a powerful way to secure consistency between the plans of adjoining LPA's. If any inconsistency with such guidance was apparent, in relation for example to the level of future house building or the implementation of a major infrastructure project, this would be apparent and would be a weighty consideration supporting an objection at inquiry stage.

1.10 This process, having secured consistency of approach between adjoining LPA's, the adopted development plan would then form the basis for decisions upon planning applications. The consultation process on these would provide the Borough Council with the opportunity to make representations and comment on the weight to be given to the development plan and to other material considerations. Environmental and economic impact assessments have a role to play in this decision process, but it is primarily for the LPA which is taking the decision to initiate them. I conclude that the statutory processes which have been established to secure consistency of policy across LPA boundaries are to be preferred to those advocated by the objector.

The detail of the proposals map base

1.11 An objector notes that, in particular places, the Ordnance Survey base map on which the detail of the proposals map is presented is not up to date. The purpose of the proposals map is to provide a spatial index to the policies and proposals of the plan, confirming the areas and sites to which they relate. The proposals map does this. The base map detail to which the objector refers does not prevent the proposals map from fulfilling that role.

Recommendation

I recommend:

(REC 1.4) that no modification be made to the RDD in response to these objections.