

**Report to CABINET**

## **Other Protected Open Land Interim Planning Paper**

**Portfolio Holder: Councillor Roberts, Cabinet Member for Housing**

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**20 September 2021**

### **Reason for Decision**

To adopt and publish the Other Protected Open Land Interim Planning Paper.

### **Executive Summary**

This Interim Planning Paper sets out how the council will consider Other Protected Open Land (OPOL) when assessing planning applications for development that may impact on the OPOL. It must be read alongside Policy 22 'Protecting Open Land' of the Joint Core Strategy and Development Management Policies Development Plan Document (DPD) that was adopted 9 November 2011 by the council.

### **Recommendations**

To adopt the Other Protected Open Land Interim Planning Paper. The Interim Planning Paper should be used as a material consideration to assess the significance of each OPOL.

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## Other Protected Open Land Interim Planning Paper

### 1 Background

- 1.1 This Interim Planning Paper sets out how the council will consider Other Protected Open Land (OPOL) when assessing planning applications for development that may impact on the OPOL. It must be read alongside Policy 22 'Protecting Open Land' of the Joint Core Strategy and Development Management Policies Development Plan Document (DPD) that was adopted 9 November 2011 by the council.
- 1.2 The 1986 Borough Plan established areas of open land (as well as Green Belt) which it sought to reserve land for, or protect from, development. These areas were mainly located between the urban area and the Green Belt. This non-Green Belt designation was intended to protect two types of land not included within the Green Belt. Firstly, areas of open land that did not serve a Green Belt function but which were valuable open spaces. Secondly, areas of land that did perform some Green Belt function but which could be required for development purposes in the future. The 1986 Borough Plan did not, however, distinguish between the two types of land. These land designations were carried across to the 1996 Unitary Development Plan (UDP). The approach to the land was to accord a similar level of protection against inappropriate development as in the Green Belt.
- 1.3 In the 2006 UDP, the decision was made to rationalise and clarify the approach taken in the 1986 Borough Plan and the 1996 UDP given that they made no distinction between the two types of protected land. Those sites considered suitable for possible future development needs were designated as "Land Reserved for Future Development". Sites deemed to perform primarily recreational roles were designated "Open Spaces". Those sites with agricultural or informal recreational roles which provided important breaks between or on the edge of built-up areas were designated as "Other Protected Open Land".
- 1.4 In the Joint Core Strategy and Development Management Policies Development Plan Document ('the Joint DPD'), adopted in 2011, all of the OPOL designations were carried forward with the exception of OPOL 3 at Foxdenton (which formed part of an allocation for an employment led housing scheme). There are currently 22 OPOL sites designated in the Joint DPD.
- 1.5 The Joint DPD (Policy 22) explains that OPOL is open land which, while not serving the purposes of the Green Belt, is locally important because it helps preserve the distinctiveness of an area. As well as providing attractive settings they provide other benefits, such as informal recreation and habitats for biodiversity, therefore helping to provide sustainable communities, mitigate climate change and contribute towards the health and well-being of the borough's population.
- 1.6 The adopted policy states "Development on OPOL will be permitted where it is appropriate, small-scale or ancillary development located close to existing buildings within the OPOL, which does not affect the openness, local distinctiveness or visual amenity of the OPOL, taking into account its cumulative impact. Where appropriate, development will be screened or landscaped to minimise its visual impact".
- 1.7 Planning Practice Guidance requires Local Plans to be kept up to date and suggests policies in local plans should be reviewed to assess whether they need updating at least once every five years. As the Joint DPD was adopted in 2011 a review of the Local Plan is underway.

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- 1.8 Local Plans must be in conformity with and support national planning policy – the National Planning Policy Framework (NPPF). As part of reviewing the evidence for the Local Plan it is considered that OPOL should be assessed against NPPF to bring it in line with national policy.
- 1.9 NPPF does not make any reference to OPOL. It does however refer to ‘Local Green Space’ (LGS), which the council considers is similar in its function and purpose as OPOL. Therefore, the assessment of OPOL carried out to inform preparation of the Local Plan will be against the LGS criteria set out in NPPF and subsequently OPOL carried forward will be re-designated as LGS.
- 2 Current Position**
- 2.1 NPPF explains that LGS designation allows communities to identify and protect green areas of particular importance to them. A LGS can only be designated through a Local Plan or a Neighbourhood Plan.
- 2.2 Identifying land as LGS should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. LGS should only be designated when a plan is prepared or reviewed, and is capable of enduring beyond the end of the plan period.
- 2.3 NPPF states the designation should only be used where the green space is:
- in reasonably close proximity to the community it serves;
  - demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife; and
  - local in character and is not an extensive tract of land.
- 2.4 The OPOL currently designated in the adopted Joint DPD has been assessed against the NPPF LGS criteria and guidance from Planning Practice Guidance.
- 2.5 This assessment will be used to inform preparation of the Local Plan and review of relevant policy.
- 2.6 The assessment recommends the de-designation of some OPOL completely, which would be through the emerging Local Plan review. These sites would not be re-designated as LGS.
- 2.7 Until such a time as the revised Local Plan is in place they will continue to be designated as OPOL and protected through Policy 22. These are:
- OPOL 18 Rumbles Lane / Lumb Mill; and
  - OPOL 20 Land South of Oaklands Road.
- 2.8 In addition, Places for Everyone strategic allocations will replace the OPOL designations at:
- OPOL 9 Bullcote Lane;
  - OPOL 10 Shawside; and
  - OPOL 22 Cowlshaw.
- 2.9 The remainder of the OPOL designations are considered to meet the LGS criteria and it is proposed that these be re-designated as such through the Local Plan review.
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- 2.10 Please note that the boundary assessed for OPOL 12 did not include land that has been granted planning permission for new homes. This part of the OPOL was not included in the assessment and will not be taken forward as LGS.
- 2.11 This decision seeks to adopt and publish the Other Protected Open Land Interim Planning Paper. The LGS Assessment should be used as a material consideration to assess the significance of each OPOL.
- 2.12 Where it has been identified that an OPOL meets the LGS criteria in NPPF, and therefore is of local significance this should be taken into account in the weight given to the OPOL policy and the OPOL itself when assessing the titled balance. There should be a presumption against development, and development should only be allowed on OPOL land that meets Policy 22.
- 2.13 Where development is proposed on OPOL that does not meet LGS criteria, as identified in the LGS Assessment (2021) Policy 22 will still apply as the land is designated as OPOL until such time as it is de-designated as such through the Local Plan review or replaced by Places for Everyone Joint Development Plan Document. However, the LGS assessment may be taken into account as a material consideration which helps to form a balanced judgement about whether the benefits of the scheme outweigh the loss of the OPOL. In any such case the LGS assessment, in combination with necessary site-specific assessments, should still be taken into account to consider whether there are any qualities of the site that need to be had regard to as part of the planning application, for example any areas of priority habitats present. Other planning policies also need to be taken into account in assessing any development proposals and / or the titled balance.

### **3 Options/Alternatives**

- 3.1 Option 1: To adopt and publish the Other Protected Open Land Interim Planning Paper. The Interim Planning Paper should be used as a material consideration to assess the significance of each OPOL.
- 3.2 Option 2: To not adopt and publish the Other Protected Open Land Interim Planning Paper. Development Management will be unable to use the Interim Planning Paper in determining planning applications regarding OPOL.

### **4 Preferred Option**

- 4.1 To adopt the Other Protected Open Land Interim Planning Paper. The Interim Planning Paper should be used as a material consideration to assess the significance of each OPOL.

### **5 Consultation**

- 5.1 The Local Green Space Assessment has formed part of the Issues and Options Local Plan consultation.

### **6 Financial Implications**

- 6.1 The OPOL Interim Planning Paper has been prepared by Oldham Council staff and will be published on the Council's website. This means no additional costs have been incurred to prepare and publish the paper. (Jamie Kelly)

### **7 Legal Services Comments**

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- 7.1 Interim Planning Papers provide further advice and guidance on applicable planning policy matters which may have arisen since the relevant statutory planning document was adopted by the Council. They are not part of the statutory Local Plan but they are a relevant material consideration in the determination of planning applications, albeit with limited weight. (A Evans)
8. **Co-operative Agenda**
- 8.1 This decision supports thriving communities as it supports healthy living, protecting OPOs, which provide recreation space.
- 9 **Human Resources Comments**
- 9.1 N/A
- 10 **Risk Assessments**
- 10.1 No specific risk comments (Mark Stenson)
- 11 **IT Implications**
- 11.1 N/A
- 12 **Property Implications**
- 12.1 None received (Peter Wood).
- 13 **Procurement Implications**
- 13.1 N/A
- 14 **Environmental and Health & Safety Implications**
- 14.1 N/A
- 15 **Equality, community cohesion and crime implications**
- 15.1 Not applicable. An Equalities Impact Assessment was undertaken on the adopted Local Plan (The Joint Core Strategy and Development Management Policies Development Plan Document), which this planning position paper helps to implement.
- 16 **Implications for Children and Young People**
- 16.1 Protecting OPOs will help ensure green spaces for children and young people to play and exercise etc.
- 17 **Equality Impact Assessment Completed?**
- 17.1 No – not required. Completed as part of adopted Joint Core Strategy.
- 18 **Key Decision**
- 18.1 Yes
- 19 **Key Decision Reference**
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19.1 HSG-08-21.

20 **Background Papers**

20.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act :

File Ref :

Name of File : National Planning Policy Framework

Records held in <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

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21 **Appendices**

21.1 Appendix 1 Other Protected Open Land Position Paper

21.2 Appendix 2 Local Green Space Assessment