

Report to CABINET

A Local Development Order for Oldham District Heat Network

Officer Contact: Emma Barton, Deputy Chief Executive - Place

Report Author: Peter Richards, Assistant Director for Planning & Development

Email: peter.richards@oldham.gov.uk

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Reason for Decision

The purpose of this report is to seek Cabinet's approval to publicly consult on the draft Local Development Order associated with the Oldham District Heat Network.

Recommendations

That the draft Local Development Order and Statement of Reason (provided at Appendices A and B) be approved for public consultation.

A Local Development Order for Oldham District Heat Network

1 Background

- 1.1 Oldham Council is seeking to establish a Strategic Energy Partnership with a commercial infrastructure provider. The 'anchor' project for the Partnership will be the £27m Oldham Town Centre Heat Network, which will serve a range of Council buildings, The Oldham College, the new Muse housing developments and other new developments across the town centre. The new heat network is intended to also incorporate the existing heat network at St Mary's, which is currently owned by First Choice Homes Oldham. The new extended heat network will utilise local heat sources such as air source, biomass, minewater source and wastewater source to provide energy security and heat cost stability to town centre businesses and residents. The heat network will be fully funded by the Council's Strategic Energy Partner.
- 1.2 In order to deliver this network, work to lay pipes in the ground across the town centre will be rolled out over a period of time. Such works constitute "development" under planning legislation and require planning permission. However, it would be inefficient (both in terms of cost, time and council staff resource) to require a planning application each time a set of works was being brought forward to lay pipes for the Heat Network. As such, it is proposed to adopt a Local Development Order (LDO).
- 1.3 LDOs provide planning permission for specified types of development in defined locations over a set period of time. They are flexible and locally determined tools that Local Planning Authorities can use to help accelerate the delivery of appropriate development in the right places by de-risking the planning process. They can play an important role in incentivising development by simplifying the planning process, therefore providing more certainty to investors and making investment more attractive.
- 1.4 In effect, an LDO grants advance permission for a specific type of development. If a proposed development fits the exact criteria, conditions, and parameters set out in the LDO document, it is automatically granted planning permission. This generates time and cost savings. Instead of the standard eight-week (or longer) wait for a full planning application, applicants typically only need to submit a quick pre-development notification to confirm compliance, and this often removes or reduces the need to pay planning application fees and limits the costly consultancy fees typically associated with drawing up planning applications.
- 1.5 Much of the works related to the District Heat Network involve multiple smaller installations of sections of infrastructure primarily under the ground, and so it would generate the need for a planning application for each section of installation every time a contractor needed to make the installations, which in turn would generate a vast amount of work (and cost) for contractors and the local planning authority alike. Therefore, an LDO significantly simplifies this process, making it clear what works can be done under the LDO without planning permission being required, and the contractor would simply need to submit details of how their works comply with the LDO for the local planning authority to check and ratify those details.
- 1.6 Any significant works not covered by the LDO (for example, the central Energy Centre for the District Heat Network, which will involve a new building above ground) would still require

a separate planning permission, but the LDO would allow the Council and appointed Partners to start delivering the wider network of infrastructure (pipes under the ground) as soon as they are ready to.

2 Current Position

- 2.1 At this point in time, the decision required is one to agree to publicly consult on the draft LDO. Once the consultation has concluded, if the Council wishes to proceed with the LDO (with any amendments generated as a result of the consultation) that would also normally require a Cabinet decision to adopt the LDO and bring it into force.
- 2.2 As such, a draft LDO has been prepared for consultation and is appended to this report at Appendix A. Alongside this, the council must publish a “Statement of Reasons” describing and justifying the proposed LDO. This is attached to this report at Appendix B.

3 Options/Alternatives

- 3.1 Option A – to consult on a draft LDO for infrastructure works related to the Oldham District Heat Network

As set out above, this would allow for a more efficient process related to satisfying the Planning requirement associated with create such infrastructure.

- 3.2 Option B – to not consult on a draft LDO for infrastructure works related to the Oldham District Heat Network

Under this option, the Council and their partners would need to apply for planning permission each time a section of the infrastructure needed to be brought forward. It would not be practical to have one, large planning permission for the whole network, as detailed design and planning for each section would come forward piece by piece. Therefore, there is the risk that the overall delivery of the network could be complicated or delayed by the requirement to submit a planning application for each set of works.

4 Preferred Option

- 4.1 Option A is the preferred option for the reasons set out above.

5 Consultation

- 5.1 Public consultation will be carried out by the Council with the support of the consultants who are advising on the District Heat Network, with publicity covering the whole borough and interested parties able to view and comment on the proposals on the Council’s online engagement platform. Paper copies of documents will also be available at public locations in accordance with the Statement of Community Involvement, and comments received by post will also be accepted for those unable to use online means.

6 Financial Implications

- 6.1 There are no additional financial implications associated with consulting on the draft Local Development Order for the Oldham District Heat Network. All staff time and associated costs will be met from existing resources.

(Mohammed Hussain)

7 **Legal Implications**

- 7.1 Section 61A of the Town and Country Planning Act 1990 allows a local planning authority by a local development order to grant planning permission for development specified in the order and for development of any class so specified. Planning permission granted by a local development order may be granted unconditionally or subject to conditions or limitations specified in the order. The local development order must be adopted by resolution of the local planning authority and the local planning authority must submit a copy of the order to the Secretary of State as soon after the adoption as is reasonably practicable. Under section 61B the Secretary of State has the power to revoke a local development order at any time if he/she thinks it is expedient to do so.

(A Evans)

8. **Procurement Implications**

- 8.1 N/A

9 **Equality Impact, including implications for Children and Young People**

- 9.1 Yes – whilst the consultation on an LDO in and of itself would not directly impact those with protected characteristics, including children and young people, the introduction of the District Heat Network may have impacts. The assessment provided at Appendix C addresses this impact.

10 **Key Decision**

- 10.1 Yes

11 **Key Decision Reference**

- 11.1 FCR-26-26

12 **Background Papers**

N/A

13 **Appendices**

A – Draft Local Development Order for consultation

B – Statement of Reasons

C – Impact Assessment

Appendix A – Draft Local Development Order for consultation

Oldham Council

Oldham Heat Network Local Development Order (LDO)

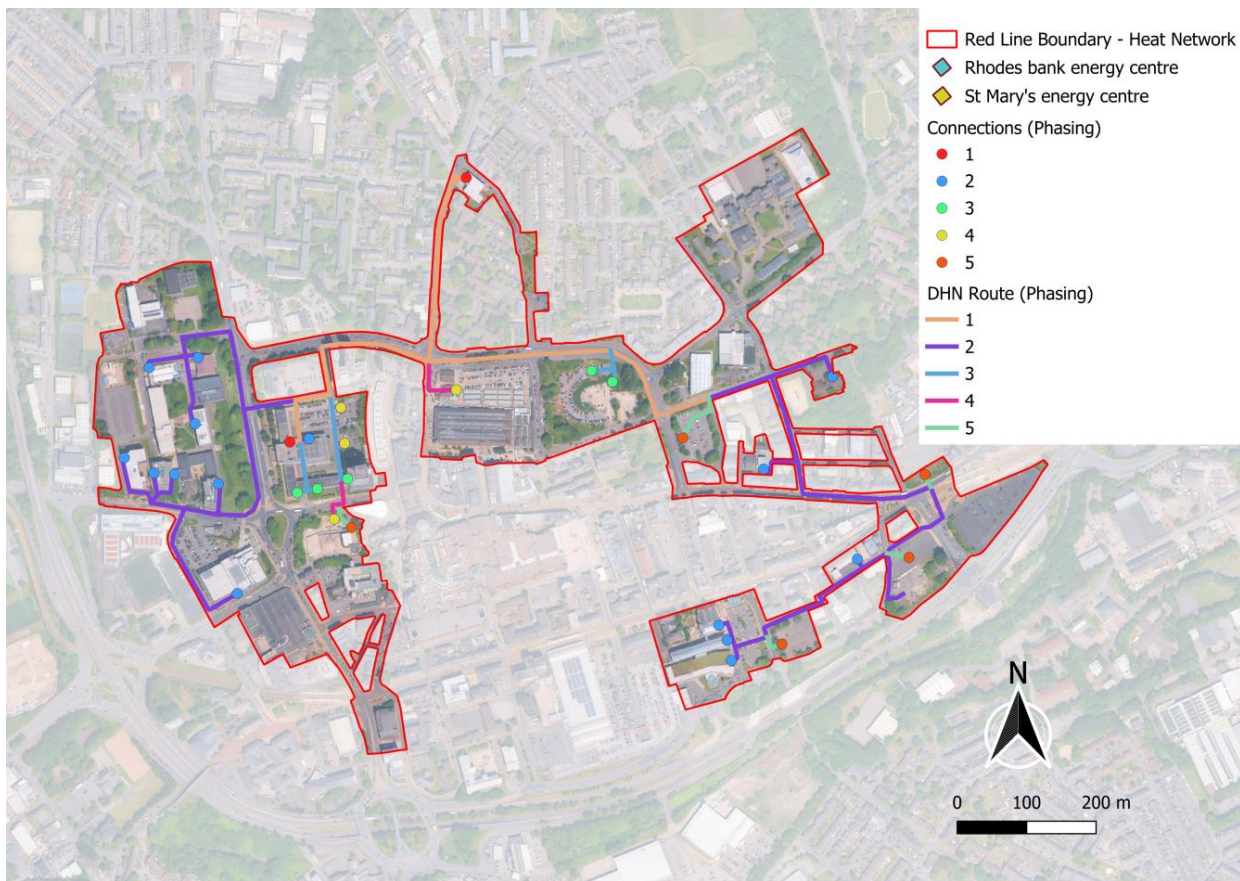
In pursuance of the powers of the Town and Country Planning Act 1990 (as amended), Oldham Council hereby gives notice that planning permission has been approved for the carrying out of the development described, subject to compliance with the conditions listed.

Description of Development

This Local Development Order (LDO) grants permitted development rights for the installation (whether temporary or otherwise), inspection, maintenance, alteration, replacement, repair and removal of a heating transmission and distribution system and ancillary infrastructure comprising of pipes, cables, wires, ducting, valve chambers and heat exchange equipment, including ancillary above ground infrastructure such as informational signage, cabinets, buildings, structures and enclosures reasonably necessary for the purpose of the development permitted, together with any engineering operations and reinstatement works reasonably necessary for the purpose of the development permitted within the defined areas of land Oldham as shown on the attached Order map ('the Order Map'), subject to conditions.

The LDO grants planning permission for the development of a District Heating Network (DHN) comprising of pipes, cables and wires, heat exchange equipment, street furniture, informational signage and ancillary engineering works within defined areas of land in the area of Oldham Council and shown on the Order Map (Figure 1 below) subject to conditions.

Figure 1 – Order map



Permitted Development

Development comprising the installation (whether temporary or otherwise), inspection, maintenance, alteration, replacement, repair and removal of a heating transmission and distribution system and ancillary infrastructure including above ground infrastructure together with reasonably necessary engineering operations and reinstatement works over, on or under defined areas of land as shown on the Order Map.

Restrictions on Development

Development is not permitted by this Order where:

- a) any above ground cabinets, buildings, structures or enclosures would be greater than 3.0m in height above ground level or greater than 105 cubic metres in external volume; or
- b) any trench depth exceeds 3m and trench width exceeds 4m; or
- c) any pipework installed above ground is greater than 100 metres in length; or
- d) the installation constitutes EIA development as defined by Regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017; or
- e) any development is within 50m of a Site of Special Scientific Interest; or
- f) any development is on previously undeveloped land within 200m of a Site of Special Scientific Interest; or
- g) any development within 500m of the Severn Estuary Ramsar Site, Severn Estuary Special Area of Conservation or Severn Estuary Special Protection Area; or
- h) any above ground infrastructure would;
- i) within the curtilage of a listed building; or
- ii) be within the boundary of a Scheduled Monument, Registered Historic Park and Garden, Conservation Area or the curtilage of a Listed Building unless agreed in writing with the Local Planning Authority pursuant to condition [6] to this Order; or
- i) the installation would be on a site designated as a Site of Special Scientific Interest, Ramsar Site, Site of Nature Conservation Interest, Special Area of Conservation, Special Protection Area, Regionally Important Geological Site or Local Nature Reserve pursuant to condition [5] to this Order; or
- j) within areas to which a Direction under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015) is in force, the development is of a type described in that Direction.
- k) any development would be on a site identified as a district park, local park, woodland or playing field.

Conditions

In these conditions:

‘the Order’ means the Oldham Heat Network local development order.

‘the Order Map’ means the map attached to this Order identifying the land subject to the Order and relevant planning and policy designations as may be updated from time to time.

‘the development’ means the development authorised by the Order as set out above.

‘the Local Planning Authority’ means Oldham Council.

‘Protected Sites’ include Sites of Special Scientific Interest, Ramsar Sites, Sites of Nature Conservation Interest, Special Areas of Conservation, Special Protection Areas, Regionally Important Geological Sites and Local Nature Reserves

‘Protected Species’ as defined in the Wildlife and Countryside Act 1981 (as amended), Conservation of Habitats and Species Regulations 2017 (as amended), Protection of Badgers Act 1992, Wild Mammals (Protection) Act 1996 and the Natural Environment and Rural Communities Act 2006.

The above development is permitted subject to the following conditions:

1. Expiry

Subject to any subsequent decision by the Local Planning Authority relating to its withdrawal, modification or extension, this Order shall expire after twenty years from the date of its adoption.

Reason: To ensure that the development is commenced and completed within a reasonable period of time.

Informative: Development permitted by this Order may be completed if it has been commenced in accordance with the terms of this Order before the expiry, modification or withdrawal or extension.

2. Design

Prior to the commencement of development, the colour and materials of any above ground infrastructure shall be specified and agreed in writing with the Local Planning Authority.

Reason: To minimise the visual impact of new development within the defined area for the Order in line with Policy 20 of the Development Plan Document Joint Core Strategy and Development Management Policies 2011.

3. Trees and Hedgerows

There shall be no lopping, topping, root reduction or removal of trees or hedgerows to accommodate the installation unless previously agreed in writing by the Local Planning Authority.

Reason: To ensure adequate protection of existing trees and hedgerows in line with Policies 6 & 21 of the Development Plan Document Joint Core Strategy and Development Management Policies 2011, and Policy JP-G7 of Places for Everyone joint Development Plan 2024.

4. Tree and Hedgerow Maintenance

If within a period of five years from the date of the planting of any tree, hedge or shrub or any replacement associated with development permitted by this Order (within the area shown on the attached Order Map) it is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or diseased, another tree, hedge or shrub of the same species and size as that originally planted shall be planted in the same location no later than the first available planting season, unless the Local Planning Authority agrees in writing that a different species, size and / or location may be substituted.

Reason: To ensure adequate protection of existing trees and hedgerows in line with Policies 6 & 21 of the Development Plan Document Joint Core Strategy and Development

Management Policies 2011, and Policy JP-G7 of Places for Everyone joint Development Plan 2024.

5. Biodiversity, Protected Species and Protected Sites

Where the installation is likely to cause a significantly adverse impact (as identified in consultation with an appropriately experienced ecologist) on (a) any green space(s) outside of the highway boundary (as shown on the Order Map) and (b) any protected species and/or (c) any protected sites, relevant surveys and proposals for mitigation and habitat reinstatement shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of that part of development. The development shall be carried out in accordance with approved details.

Reason: To avoid impacts on protected species and sites and ensure no net loss of biodiversity and ensure works are carried out to avoid adverse harm to protected species in accordance with paragraph 174 of the National Planning Policy Framework and Policy 21 of the Development Plan Document Joint Core Strategy and Development Management Policies 2011.

Informative: This condition is to be read alongside Part I restriction (i). Protected sites include Sites of Special Scientific Interest, Ramsar Sites, Sites of Nature Conservation Interest, Special Areas of Conservation, Special Protection Areas and Local Nature Reserves. Relevant surveys may include a Phase 1 Habitat Survey or a Preliminary Ecological Appraisal although these are not exhaustive and other surveys may be required.

6. Development within the boundary of a Scheduled Monument, Registered Historic Park and Garden, Conservation Area or curtilage of a Listed Building

No above ground development shall be carried out within the boundary of a Scheduled Monument, Registered Historic Park and Garden, Conservation Area or the curtilage of a Listed Building unless the location, design and materials of any above ground development or structures has previously been agreed in writing by the Local Planning Authority.

Reason: To minimise visual impact of new development against heritage assets in accordance with Policy 24 of the Development Plan Document Joint Core Strategy and Development Management Policies 2011; Policy JP-G7 of Places for Everyone joint Development Plan 2024; and to ensure development does not affect a listed building in accordance with Regulation 38(12)(a) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

7. Archaeology

No works shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that archaeological remains and features are recorded prior to their disruption and to ensure new development safeguards or enhances heritage assets and the character and setting of areas of acknowledged importance such as archaeological remains in accordance with Policy 24 of the Development Plan Document Joint Core Strategy and Development Management Policies 2011, and Policy JP-P2: Heritage of Places for Everyone Joint Development Plan 2024.

8. Completion of a Programme of Archaeological Works

Within ninety days of the completion of each phase of development, the provision must be made to the Local Planning Authority for the analysis, publication and dissemination of results and archive deposition of the site investigation and post investigation assessment that has been completed in accordance with the programme set out in the Written Scheme of Investigation pursuant to condition [7].

Reason: To ensure that archaeological remains and features are recorded and published prior to their destruction.

9. Contaminated Land

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved, and a verification report submitted for approval.

Reason: To ensure that risks from land contamination both during the construction phase and to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. To ensure development is sited and designed in a way as to avoid adversely impacting upon creating exposure to contaminated land. To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 196 of the National Planning Policy Framework.

10. Importation of Soils

Before each phase of development, any soil or soil-forming materials brought to site for use in soft landscaping, public open space or for filling and level raising shall be tested for contamination and suitability for use before any such materials are imported onto the site or used.

The methodology for such testing shall include information on the source of the materials, sampling frequency, testing schedules and criteria against which the analytical results will be assessed (as determined by a risk assessment) and testing shall then be carried out by a suitably qualified professional in accordance with such methodology.

Verification of compliance with the requirements of this condition [10] shall be submitted to and approved in writing by the Local Planning Authority prior to these materials being imported onto the site.

Reason: To ensure that contamination soils are not imported to the site and that the development shall be suitable for use with respect to land contamination.

11. Construction Environmental Management Plan

No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and been approved in writing by the Local Planning Authority. The plan should include the use of the best practice techniques to reduce and mitigate the effects of traffic, noise, vibration, dust and light pollution.

As a minimum, the CEMP must include individual phasing elements including;

- (i) Extent of each phase on a scale plan
- (ii) Confirmation that no phase will exceed 1 hectare at any one time, when considered individually or combined with other phases
- (iii) Timescale for each phase
- (iv) Inclusion of any above ground infrastructure for each phase
- (v) A programme for the anticipated start and completion dates for each phase
- (vi) Any known or anticipated highway closures or restrictions including any known or anticipated highway closures or restrictions that may impact on the strategic road network and its junctions related to each phase
- (vii) Proposed route required for a specified phase
- (viii) Construction hours
- (ix) A scheme to manage construction activities and the storage of any chemicals including
 -
 - securing any required de-watering of the site
 - securing the protection of licenced and un-licenced sources of water
 - securing the maintenance of any identified spring-fed flows
 - securing the protection of groundwater dependent terrestrial ecosystems

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.

Informative: National Joint Utilities Group (NJUG) Guidelines should be adhered to when undertaking works permitted by this Order. Relevant undertakers and asset owners must be contacted for departing from the NJUG Guidelines.

12. High Risk Coal Mining Areas

Within the defined Development High Risk Area prescribed by The Coal Authority, prior to works commencing on that phase of the development, the following details shall be submitted to and approved in writing by the Local Planning Authority: a) a risk assessment highlighting the risk to the development, neighbouring occupiers, public safety, highway users and contractors from the coal mining legacy features present within the defined Development High Risk Area; and b) details of any mitigation measures necessary to allow development to proceed. The works shall be carried out in accordance with the approved details.

Reason: In the interests of public safety.

13. Post Construction

Within sixty working days of completion of any works, details shall be provided to the Local Planning Authority providing the date of completion and a map showing the geographical position of the completed works. This detail shall include:

- (i) The location and route of the network;

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- (ii) The depth of the network;
 - (iii) The location of any above ground infrastructure; and
 - (iv) The location of any chambers

Reason: In the interests of the safe operation of the adopted highway and to allow the Local Planning Authority to monitor the take up and implementation of the development permitted by this Order.

14. Reinstatement

Prior to the expiry of ninety working days from the date of completion of the installation, maintenance or replacement works, the site shall be reinstated to the condition which existed prior to such works taking place unless an extension of time or variation in approach is granted in writing by the local planning authority.

Reason: To ensure that all land over the Oldham Heat Network is reinstated promptly and to an appropriate standard.

15. Biodiversity Net Gain Condition

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the “biodiversity gain condition” which means development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority for the relevant phase of development, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, is Sheffield City Council.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

If this permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 would apply if the permission were subject to the biodiversity gain condition. In summary: Biodiversity gain plans would be required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).

Advice about how to prepare a Biodiversity Gain Plan and a template can be found at [Submit a biodiversity gain plan - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan).

The Biodiversity Gain Plan should be submitted as an ‘application for approval of details reserved by condition following grant of planning permission’ via the Planning Portal.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at: [Biodiversity net gain - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain)

Informatives

Environmental Impact Assessment (EIA)

The proposed development subject to this LDO has been Screened for EIA purposes which indicates the proposals, alone and cumulatively, would not result in significant environmental effects, having had full regard to its characteristics, location, and types and characteristics of the potential impact/s. Regard has also been had to the conditions and mitigation measures. As significant environmental effects are not likely, the proposed LDO does not fall to be considered as EIA development.

Other Statutory Requirements

Whilst the Order grants planning permission for certain types of development as described, it does not grant any other consents that may be required under other legislation.

It will remain the responsibility of the developers to comply with all relevant legislation. Failure to comply with all relevant statutory requirements could result in development being unlawful or enforcement action being taken by Bristol City Council or other appropriate persons or bodies.

This legislation includes, but is not limited to, the following (as may be amended or re-enacted from time to time):

- The Ancient Monuments and Archaeological Areas Act 1979;
- The Highways Act 1980;
- Wildlife and Countryside Act 1981;
- Planning (Listed Buildings and Conservation Areas) Act 1990;
- Planning (Hazardous Substances) Act 1990;
- The Planning (Hazardous Substances) Regulations 1992;
- New Roads and Street Works Act 1991;
- The Hedgerow Regulations 1997;
- The Town and Country Planning (Tree Preservation) (England) Regulations 2012;
- The Town and Country Planning (Control of Advertisements) (England) Regulations 2007;
- The Building Regulations 2010;
- The Environmental Permitting (England and Wales) Regulations 2016;
- Conservation of Habitats and Species Regulations 2017;
- The Environment Act 2021; and
- Rules and Guidance issued by the Health and Safety Executive.

Procedure for Written Approval

A fee is payable to the Local Planning Authority in connection with any applications for written approval from the Local Planning Authority pursuant to this Order.

Timeframes for Local Planning Authority Approval

Where the Local Planning Authority's written approval is required pursuant to conditions 2, 3, 5, 7, 10, 11, 12 & 15 to this Order the development must not begin or continue (as applicable) before the occurrence of one of the following –

(a) the receipt by the applicant from the Local Planning Authority of a written notice giving its approval of details submitted under this Order; or

(b) the expiry of [28] days following the date on which the application for written approval was received by the Local Planning Authority without the Local Planning Authority notifying the applicant as to whether approval is given or refused.

Monitoring and Review

The Order Map shall be kept under review and updated periodically by the Local Planning Authority to ensure it reflects the up to date planning and policy designations from time to time.

This Order shall be reviewed by the Local Planning Authority at five year intervals from the date on which it is made to ensure the objectives of the Order are being achieved and that it remains expedient for the proper planning of the area having regard to the development plan and other material planning considerations.

Appendix B – Statement of Reasons

Oldham Metropolitan Borough Council

District Heating Network Local Development Order (ref xx)

Town and Country Planning Act 1990 (as amended)

Statement of Reasons

Description of Development Permitted by this Local Development Order

1. The Local Development Order (“LDO”) grants planning permission for the development of a District Heating Network (DHN) comprising of pipes, cables and wires, heat exchange equipment, street furniture, informational signage and ancillary engineering works within defined areas of land in the Metropolitan Borough of Oldham and shown on the attached map (ref xx), subject to conditions.

Justification for creating this Local Development Order

2. The principal aim of the LDO is to encourage the uptake and implementation of a DHN in accordance with Oldham Joint Core Strategy and Development Management Policies (“Local Plan”) Policy 18 Energy; Oldham Emerging Local Plan Policy OTC1; Places for Everyone Policy JP-S3 Heat and Energy Networks; and the UK Clean Growth Strategy.
3. Oldham has been identified through the Advanced Zoning Programme as one of 19 areas for new zonal-scale heat networks. This programme is backed by national government to support areas in participating on a national programme of heat decarbonisation.
4. Oldham Metropolitan Borough Council (“Council”) is determined to promote and support the development of an ambitious, Borough-wide DHN. By distributing heat to multiple users through a underground pipe network, several thousand homes and businesses can be connected to remote sustainable heat sources. This can be produced through connecting to the existing St Mary’s heat network and the creation of a new energy centre at Rhodes Bank in the south of the town centre. This creates an opportunity for the creation of large volumes of heat, close to the densely developed urban area.
5. The Energy Masterplan identifies a realistic strategic network that could be developed over the long-term to supply circa 94MW of connected load with circa 28.5 MW of heat capacity from low carbon generation sources, articulating how a critical piece of infrastructure could help deliver the Council’s carbon reduction and regeneration ambitions.
6. As part of the Department for Energy Security & Net Zero (DESNZ) Heat Network Zoning for Oldham, AECOM (as the appointed consultant) have identified three opportunity areas for heat network zones: Oldham Town Centre, Shaw, and Failsworth. These areas include a range of heat sources for this long-term project,

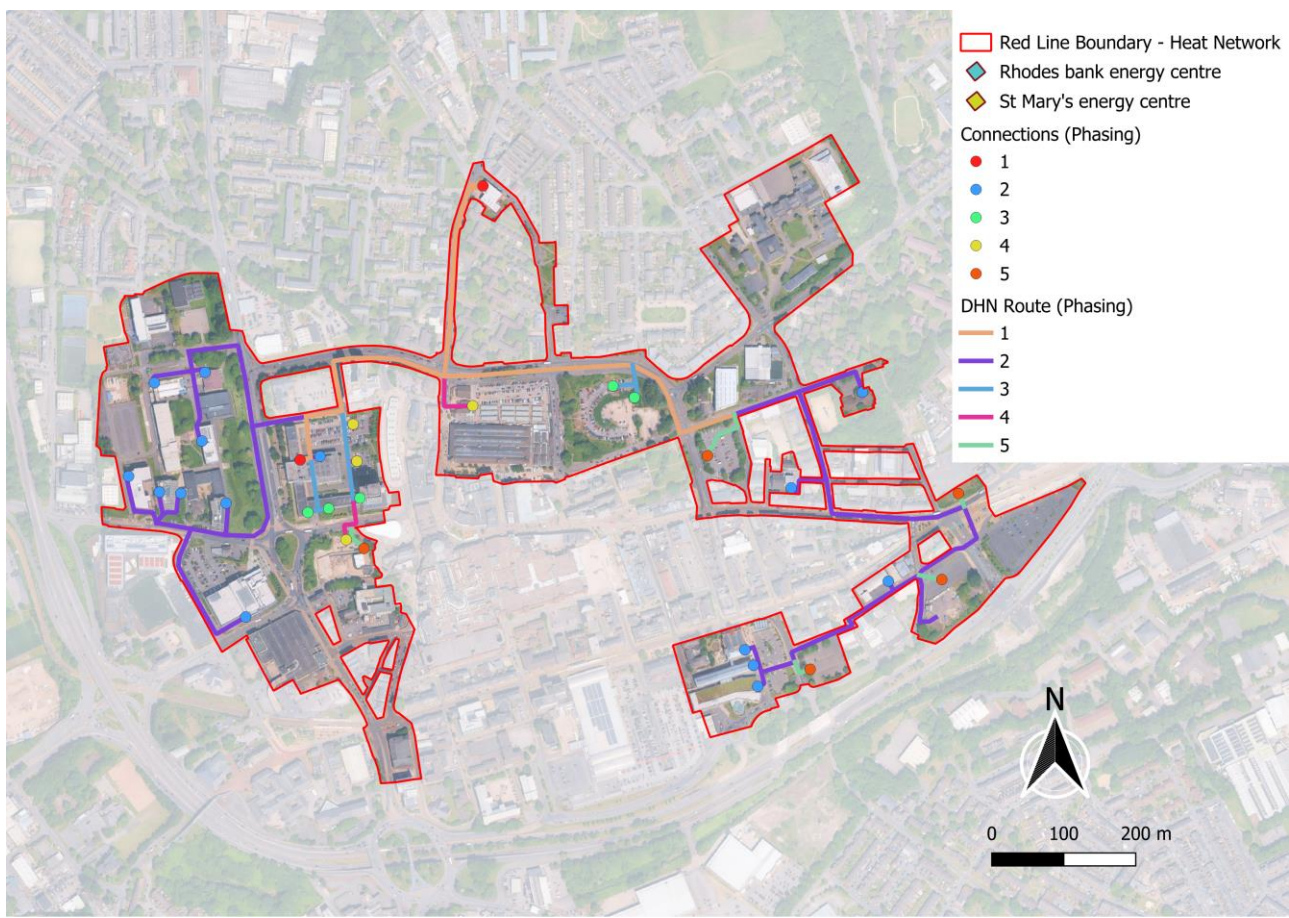
including Royal Oldham Hospital, Spindles Shopping Centre, and hundreds of development sites and existing buildings that could connect to make use of the heat. In simple terms, 28.5 MW of low carbon generation would provide enough heat for approximately 23,500 average homes.

7. The short-term priority for the Council is to build an initial network to supply heat from the existing St Mary's network and a new energy centre at Rhodes Bank to Oldham town centre in order to generate confidence in heat networks and allow expansion to further buildings and zones.
8. In addition, the key anticipated benefits are:
 - Creation of construction and maintenance jobs;
 - Supporting regeneration of Oldham town centre;
 - Greater retention of wealth within the local economy;
 - Demonstration of the benefits of district heating with a view to persuading public and private sector partners to connect;
 - Initiation of a strategic network to allow the Council to implement Core Strategy Policy 18 Energy and Places for Everyone Policy JP-S3, allowing new developments to connect and providing an outlet for heat from proposed waste/energy activities in Oldham town centre, Shaw, and Failsworth; and,
 - Improved comfort levels in flats and more controllable heating.
9. The Council regards the DHN as the key to unlocking long-term decarbonisation of heat in the Borough. DHN pipes can last up to 80 years, offering long term potential for future expansion to connect low carbon heat sources to dense town centre heat loads and industrial areas, principally by means of underground pipes.
10. The Council declared a climate emergency in July 2019. The Council is committed to the Borough being carbon neutral by 2030, with the Green New Deal outlining how low carbon heat networks can set the foundation to meeting this target, as well as attracting inward investment.
11. At a city region level Greater Manchester Combined Authority declared a climate emergency in 2019 and published a second Five-Year Environment Plan (2025 - 2030). This Plan outlines ambitions to become a carbon neutral region by 2038.
12. The LDO will help realise this goal through the Town Centre, Shaw, Failsworth and surrounding areas, in addition to preparing for evolving national regulation and zoning policies.
13. The LDO will offer certainty for those persons or businesses seeking to create or connect to the DHN by removing the requirement to obtain express planning permission in certain circumstances (set out in the LDO), subject to the specified exclusions (also set out in the LDO). Such permitted works are similar to those undertaken by statutory undertakers.
14. Furthermore, it ensures the planning system further facilitates delivery of the aspirations of the Council and wider community to deliver green energy facilities within the area, whilst retaining important safeguards over the appearance of installations. Planning permission is still required for large structures and development affecting listed buildings and development within the curtilage of

listed buildings which are excluded from the scope of the LDO. These measures will ensure that the LDO does not have a detrimental impact on the most valuable heritage assets.

15. Heritage assets within a Conservation Area will be protected by an additional restriction on the cubic volume and size of above ground structures. A more relaxed limit will apply in those areas not designated as a Conservation Area.
16. The LDO areas shown on Figure 1 below principally concern those areas of the public adopted highway, Council controlled land, large public institutions, Oldham Town Centre, and areas of high density of industrial units. The heat density mapping which informed heat zone opportunity areas has identified these to be the most suitable and likely location for creation or extension of a DHN.

Figure 1 – Order Map



Statement of Policies that this Local Development Order will implement

17. The LDO is consistent with and will help deliver a number of national and local planning policies and guidance.
18. The National Planning Policy Framework (NPPF) 2024 advises that local planning authorities should consider using Local Development Orders to set the planning framework for areas or categories of development, where the impacts would be acceptable, and in particular where this would promote economic, social or

environmental gains for the area, such as boosting enterprise and promoting low carbon technologies to reduce the impacts and mitigate the effects of climate change. In particular, the framework states that local planning authorities should actively support energy efficiency improvements and have a positive strategy to promote renewables.

19. Section 182 of the Planning Act 2008 puts a legal duty on local authorities to include policies on climate change mitigation and adaptation in Development Plan Documents. Section 14 of the National Planning Policy Framework (NPPF) 2024 details how the planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. Paragraph 161 requires the planning system to help to:

Shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

20. Paragraph 164 states that new development should be planned for in ways that:

- a) *avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and*
- b) *can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.*

21. Paragraph 165 states that to help increase the use and supply of renewable and low carbon energy and heat, plans should:

- a) *provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);*
- b) *consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and*
- c) *identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for*

co-locating potential heat customers and suppliers.

22. The LDO accords and assists with implementation of Local Plan policies as follows:

Oldham Joint Core Strategy and Development Management Policies 2011

Policy 1: Climate Change and Sustainable Development

Development should adapt to and mitigate against climate change and address the low carbon agenda, contribute towards sustainable development, help create a sense of place, improve the quality of life for residents and visitors, and enhance the borough's image.

Policy 4: Promoting Sustainable Regeneration and Prosperity

Oldham will encourage and support sustainable, low carbon economic regeneration, diversification, growth and prosperity. The council will promote and support the development of a range of low carbon industries that contribute towards sustainable regeneration and prosperity across the borough by working with developers and partners, where appropriate.

Policy 18: Energy

Green energy will be promoted by reducing energy consumption and increasing energy conservation through sustainable construction, renewable technologies and low carbon energy. It will promote and facilitate appropriate viable green energy proposals to reduce carbon emissions whilst also reducing fuel poverty.

All developments over 1,000 square metres or ten dwellings and above are required to reduce energy emissions in line with targets of:

	Target Area 1 Network Expansion Area: Locations where the proximity of new and existing buildings creates sufficient density to support district heating and cooling	Target Area 2 Electricity intense area: Locations where the predominant building type has all electric services, resulting in higher associated carbon dioxide (CO2) emissions	Target Area 3 Micro generation area: Locations where lower densities and a fragmented mix of uses tend to favour building scale solutions
Minimum Carbon Dioxide Reduction Requirements	Connect to a Combined Heat and Power (CHP) / district heating network	+ 17% increase on Part L for domestic; and + 10% increase on Part L for non-domestic buildings	+ 15% increase on Part L for domestic and non domestic buildings
Maximum Carbon	Up to 73%	Up to 56% for domestic buildings Up to 28% for	Up to 49% for domestic buildings; and Up to 42

Dioxide Reduction Requirements		non-domestic buildings	% for non domestic buildings
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Where possible, new development will be required to connect or make contributions to existing or future decentralized heat or power schemes. Where possible new development will be used to help improve energy efficiency and increase decentralised, low-carbon energy supplies to existing buildings.

Within the borough the following strategic areas may have a role to play in achieving an increase in the level of decentralised, low carbon and renewable supply available, subject to appropriate planning and other considerations including environmental and health impacts:

- Oldham Town Centre.
- The centres of Chadderton, Failsworth, Hill Stores, Lees, Royton, Shaw and Uppermill.
- Business and employment areas (i.e. Hollinwood, Foxdenton).
- Regeneration areas, including Housing Market Renewal areas.

Where suitable and appropriate, proposals for low carbon, decentralised and renewable energy, including any ancillary infrastructure, will be permitted in accordance with national and local policies. A development proposal must be acceptable taking into account the number, size, scale, siting and cumulative impacts of green energy schemes in terms of:

- i. natural resources, including air and water quality, soil including peat which can act as an important carbon sink and mineral sterilisation; and
- ii. aviation and highways safety; and
- iii. existing transmitting or receiving systems; and
- iv. shadow flicker, electromagnetic interference or reflected light; and
- v. public access to the countryside, including footpath and bridleway users; and
- vi. high quality design; and
- vii. residential and workplace amenity or human health; and
- viii. the visual amenity of the local area, including the sensitivity of local landscape character, through the number, scale, size and siting of renewable energy infrastructure, such as wind turbines, impact on the skyline, cumulative impact or the need for new power lines for connection to the supply grid; and
- ix. biodiversity, nature conservation and the historic environment; and
- x. the openness and visual amenity of the Green Belt; and
- xi. the statutory purposes of the Peak District National Park.

Where proposals are likely to result in an unacceptable impact, the harm must be minimised through appropriate and effective mitigation measures, to be agreed by the council, otherwise permission will not be granted.

Places for Everyone Joint Development Plan 2024

Policy JP-S1: Sustainable Development

Greater Manchester will be carbon neutral by 2038 which it will meet through a variety of measures including through the delivery of renewable and low carbon energy schemes.

Policy JP-S2: Carbon and Energy

The aim of delivering a carbon neutral Greater Manchester no later than 2038, with a dramatic reduction in greenhouse gas emissions, will be supported through a range of measures including:

- Promoting and retrofitting of existing buildings to improve energy efficiency and generate renewable and low carbon energy, heating and cooling.
- Taking a positive approach to renewable and low carbon energy schemes, particularly schemes that are led by, or meet the needs of local communities.
- New development needs to consider the energy hierarchy of:
 - i. Minimise energy demand;
 - ii. Maximise energy efficiency;
 - iii. Use renewable energy;
 - iv. Use low carbon energy; and
 - v. Utilise other energy sources.
- Where practicable, prioritise connection to a renewable energy/heating/cooling network in the first instance or a low carbon energy/heating/cooling network that is adaptable to non-fossil fuels at a later date.
- For non-residential developments, achieve at least BREEAM excellent standard.

Policy JP-S3: Heat and Energy Networks

Support for the provision of decentralised energy infrastructure to meet objectives for low carbon growth, carbon reductions and an increase in local energy regeneration. The following measures will help to achieve this:

1. Delivery of renewable and low carbon energy schemes will be supported with particular emphasis on the use of decentralised energy networks in areas identified as “Heat and Energy Network Opportunity Areas.”
2. Within the identified “Heat and Energy Network Opportunity Areas” it is expected that:
 - a. new residential development of 10 or more dwellings and other development over 1,000 sqm floorspace shall:
 - i. Connect to an existing or planned heat/energy network or be designed to enable future connection (where within 500m of such a network); and/or
 - ii. Install a site-wide or communal heat/energy network solution.
 - b. An expectation that new industrial development will demonstrate that opportunities for using waste heat locally have been fully examined, and included in proposals;
 - c. An expectation that where publicly-owned buildings and assets adjoin new major development sites, opportunities for these buildings and assets to connect to site-wide proposals will be considered; and
 - d. An expectation that any site-wide networks will be designed so as to enable future expansion to adjoining buildings or assets as appropriate.

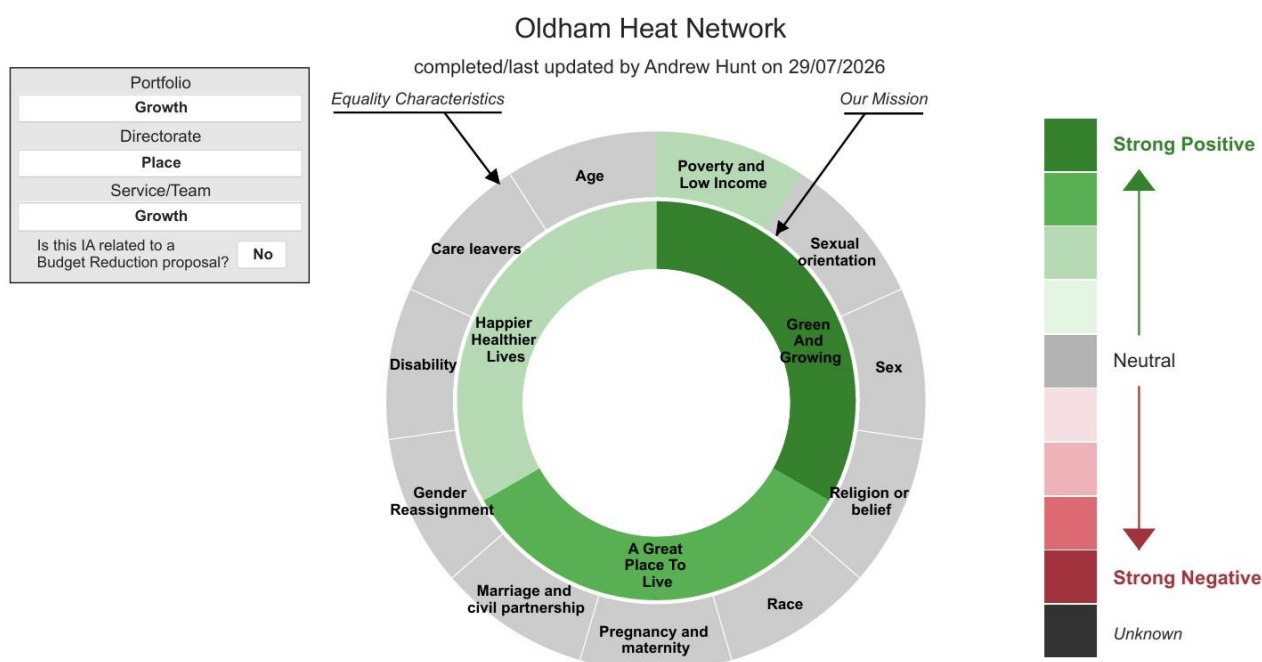
Policy JP-J1: Supporting Long-Term Economic Growth

To support a thriving, inclusive and productive economy, emphasis will be on a range of measures including grasping the economic opportunities from the global transition to a low carbon economy.

Legal advice

The LDO has been reviewed by the Council's legal department who confirm that it complies with the statutory requirements as set out in the Town and Country Planning Act 1990 (as amended) and Planning and Compulsory Purchase Act 2004 and requirements of current Government guidance.

Appendix C – Equality Impact Assessment



Our Mission / Corporate Priorities

Category	Impact	Likely	Duration	Impact Score	Comment
Happier Healthier Lives	Moderate Positive	Possible	Long Term	2	The project will help to stabilise energy costs for Town Centre residents and so help to control levels of fuel poverty
A Great Place To Live	Moderate Positive	Very Likely	Long Term	4	The project will provide a critical piece of energy infrastructure to support the wider regeneration of Oldham Town Centre
Green And Growing	Strong Positive	Very Likely	Long Term	8	The project will make a major contribution to energy security and carbon emissions reduction through the provision of locally sourced, sustainable heat to town centre businesses and residents

Equality Characteristics

Category	Impact	Likely	Duration	Impact Score	Comment
Age	Neutral	Very Likely	Long Term	0	
Care leavers	Neutral	Very Likely	Long Term	0	
Disability	Neutral	Very Likely	Long Term	0	
Gender Reassignment	Neutral	Very Likely	Long Term	0	
Marriage and civil partnership	Neutral	Very Likely	Long Term	0	
Pregnancy and maternity	Neutral	Very Likely	Long Term	0	
Race	Neutral	Very Likely	Long Term	0	
Religion or belief	Neutral	Very Likely	Long Term	0	
Sex	Neutral	Very Likely	Long Term	0	
Sexual orientation	Neutral	Very Likely	Long Term	0	
Poverty and Low Income	Moderate Positive	Possible	Long Term	2	The Outline Business Case for the project shows an expected fall in the price of heat to social housing customers at St Mary's