

# **Local Development Framework**

Bolton's Core Strategy Background  
Document – BD6D

Cleaner Greener Bolton (Compatible Uses)  
December 2009

**Shaping the future of Bolton**



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# 1 INTRODUCTION

- 1.1 This Background Document is one of sixteen produced by Bolton Council to support the autumn 2009 publication version of the Bolton Core Strategy.
- 1.2 In total, there are four Background Documents that cover different aspects of the **Cleaner Greener** theme, BD6A – BD6D.
- 1.3 This Background Document covers the strategic Cleaner Greener theme policies and also policies from the spatial areas which relate to that theme, from the Core Strategy:
- 1.4 Cleaner Greener Theme Policies:
  - **Policy CG4 – Compatible Uses**
- 1.5 There are no spatial area policies that relate to CG4.
- 1.6 Each Background Document is structured to provide information, which demonstrates the soundness of the Core Strategy as a whole:
  - Conformity with national and regional guidance,
  - Specific evidence on which the policy approach is based.
  - How the policy approach was developed at each stage of the plan making process and a summary of representations at each of those stages
  - Information and guidance provided by the Sustainability Appraisal;
  - A statement that shows how the policies contribute to the effectiveness of the Core Strategy as a whole considering deliverability, flexibility and ability to be monitored
  - Information and guidance provided by the sustainability appraisal
  - Conclusions on soundness
- 1.7 All documents referenced are held within the Public Examination Core Document Library.

## 2 Background

- 2.1 Policy CG4 – Compatible Uses, has been included in the Core Strategy to address the issue of incompatible uses on and between sites. Policy CG4 initially evolved as part of the development management group of policies, and was named “Use Considerations”. As more work fed into the Core Strategy, it was felt that development management policies would sit more suitably in the suite of “Cleaner & Greener” policies. The “Use Considerations” policy was then renamed to reflect a more positive approach to compatible land uses. This policy is a logical extension to the Cleaner & Greener section, and is a way in which to actively implement the Cleaner & Greener theme within the Core Strategy.
- 2.2 This policy provides a set of criteria that will be applied to all development proposals to ensure that they take account of the borough's economic, social and environmental needs.
- 2.3 Development for residential, industrial, commercial and employment uses can have an impact, both positive and negative, on existing structures and communities. High quality and well-designed development should not result in any adverse impacts to users or occupiers of surrounding land and buildings. The use considerations policy will help to determine planning applications and manage the impact of new development, ensuring that development does not have an adverse effect on an area or jeopardise current and future generations, keeping Bolton a clean and attractive place to live.

### **Links to the Sustainable Community Strategy**

- 2.4 Policy CG4 relates to the Cleaner Greener priority theme set out in Bolton: Our Vision 2007-2017. In particular the policy relates to the following points:
- Living within environmental limits by using resources such as land, energy, water, transport networks and utilities more effectively, reducing waste and boosting recycling
  - Reducing harmful emissions
  - Protecting and promoting biodiversity

### **Links to the Strategic Objectives**

- 2.5 The basis of the council's strategic approach and vision is explained in Background Document BD1. Sixteen Strategic Objectives flow from the spatial vision, and they are also explained in BD1.
- 2.6 Policy CG4 supports the delivery of the following Strategic Objectives:
- Strategic objective 11 - To conserve and enhance the best of Bolton's built heritage and landscapes, and improve the quality of open spaces and the design of new buildings.
  - Strategic objective 12 - To protect and enhance Bolton's biodiversity.
- 2.7 The Cleaner Greener – Compatible Uses policy has been framed to deliver the achievement of the vision and the Strategic Objectives 11 and 12.

## 3 Context

- 3.1 This section identifies the context against which the Cleaner Greener – Compatible Uses policies have been prepared. It shows how the guidance, issues and information have been used to inform the final policies.

### National planning policy statements and guidance documents

#### **PPS1 Delivering Sustainable Development**

- 3.2 This planning statement emphasises the need to assess the impact of developments on communities along with environmental, economic and social issues.
- 3.3 The requirements of PPS1 have been dealt with through the inclusion of the Compatible Uses policy within the Core Strategy. Including this policy makes it clear that developments should address the issue of incompatible uses on and between sites.

#### **PPG14 Development on unstable land**

- 3.4 This document states that local authorities need to take into account the possibility of ground instability. And to take the opportunity to set out strategic policies for the use of unstable land.
- 3.5 The requirements of PPG14 have been dealt with through the Compatible Uses policy by the inclusion of the wording:

*“Ensure that new development is sympathetic to surrounding land uses and occupiers, protecting ... safety ... Development should not cause unacceptable impacts upon ... ground quality”.*

#### **PPS23 Planning and Pollution Control**

- 3.6 This document states that LDDs should set out the criteria against which applications for potentially polluting developments will be considered.
- 3.7 The requirements of PPS23 have been dealt with through the Compatible Uses policy by the inclusion of the following wording:

*“When approving planning applications, along with considering the above issues, the following should also be taken into consideration, and are identified within PPS23:*

- *Water supply*
- *Agricultural land quality*
- *Archaeological designations*
- *Protection of natural resources”*

### **PPS23 Annex 1: Pollution Control, Air and Water Quality**

- 3.8 This document supplements the guidance given in PPS23 and states that air quality can be an important consideration, whether or not levels of air pollution in areas on which the proposed development may impact due to dispersion or cumulative load are already high enough to justify the designation of an AQMA. Any air quality consideration that relates to land use and its development is capable of being a material planning consideration.
- 3.9 The requirements of PPS23 Annex 1 have been dealt with through the Compatible Uses policy by the inclusion of the following wording:

*“Development should not generate unacceptable...odours, fumes ...nor cause unacceptable impacts upon ... air quality.”*

### **PPS23 Annex 2: Development on Land Affected by Contamination**

- 3.10 This document supplements the guidance given in PPS23, and provides advice in relation to land affected by contamination.
- 3.11 The requirements of PPS23 Annex 2, have been dealt with through the Compatible Uses policy by the inclusion of the following wording:

*“Development proposals on land that is (or is suspected to be) affected by contamination or ground instability must include an assessment of the extent of the issues and any possible risks. Development will only be permitted where the land is, or is made, suitable for the proposed use.”*

### **PPG24 Planning and Noise**

- 3.12 This document requires plans to contain policies designed to ensure, as far as is practicable, that noise-sensitive developments are located away from existing sources of significant noise...and that potentially noisy developments are located in areas where noise will not be such an important consideration or where its impact can be minimised.
- 3.13 The requirements of PPG24 have been dealt with through the Compatible Uses policy by the inclusion of the following wording:

*“Ensure that new development is sympathetic to surrounding land uses and occupiers ... Development should not generate unacceptable ... noise”*

### **Circular 02/2000 Contaminated Land**

- 3.14 The Government's objectives for contaminated land are set out in this circular. These are:
- To identify and remove unacceptable risks to human health and the environment;
  - To seek to bring damaged land back into beneficial use; and
  - To seek to ensure that the cost burdens faced by individuals, companies and society as a whole are proportionate, manageable and economically sustainable
- 3.15 The requirements of Circular 02/2000 have been addressed with through the inclusion of the following wording:

*“Development should not ... cause unacceptable impacts upon water, ground or air quality.”*

### **Human Rights Act**

- 3.16 The Human Rights Act includes various sections, one of which, Article 8, relates to privacy:
- “Everyone has the right to respect for his private and family life, his home and his correspondence.”*
- 3.17 This means that the protection of private life and the home may be relevant to decisions made in planning. Permitting the carrying out of an unpleasant development near to homes, for example a nuclear plant or waste site, might affect the enjoyment of personal property, and may be an interference with rights under Article 8. The issue of privacy has been covered through the inclusion of the following wording:
- “Ensure that new development is sympathetic to surrounding land uses and occupiers, protecting ... privacy”*

## **Regional policy and evidence**

### **North West Regional Spatial Strategy**

- 3.18 Policy CG4 has full and proper regard to the policies set out in the North West of England Plan, Regional Spatial Strategy (RSS) to 2021, and in particular has been developed to conform with policies DP7 and EM2 in the RSS.
- 3.19 Policy DP7 (“Promote environmental quality”) emphasises that environmental quality (including air and water), should be protected and enhanced, especially by promoting good quality design in new development and ensuring that development respects its setting.
- 3.20 Policy EM2 (“Remediating contaminated land”) requires that plans, strategies, proposals and schemes should encourage the adoption of sustainable remediation technologies and that appropriate remediation technologies should be considered which reduce or render harmless any contamination that may be present.
- 3.21 The requirements of RSS policy EM2 and DP7 have been addressed through the Compatible Uses policy

## **Other plans, strategies and evidence**

### **Air quality management areas**

- 3.22 In 2002 part of the Borough was declared an air quality management area. The air quality management area essentially follows the main traffic route from Manchester, the A666 through to Astley Bridge. It includes Farnworth and Bolton town centres and the main access routes into the town centre. Many of the requirements of the air quality management areas are covered in the Local Transport Plan. However the compatible uses policy includes wording which supports the protection of air quality.

## 4 Council Approach

- 4.1 This section charts the policy formulation process through the stages in order to demonstrate how the current proposals have been developed.

### Core Strategy Key Issues

- 4.2 In the Key Issues consultation document the following general underlying issue was posed for public comment:
- G7 Planning policies for determining planning applications - The Core Strategy will contain generic development control policies
- 4.3 During public consultation, the issue of light pollution was raised for consideration, particularly for countryside areas and the urban fringes adjoining the countryside.

### Core Strategy Issues and Options

- 4.4 In the Issues & Options consultation document the following question was posed:

*Do you agree that:*

- *Noise*
- *Safety*
- *Smell*
- *Disturbance*
- *Air pollution*
- *Water pollution*
- *Ground pollution*
- *Light pollution*
- *Unstable land*
- *Contaminated land*
- *Derelict land*

*Should be included as considerations in a policy for incompatible uses*

*OR – Are there any other considerations that should be included in a policy for incompatible use – If so please explain what they are*

- 4.5 In response to the consultation on the Issues and Options Report, the majority of responses agreed with the suggested considerations. However it was felt by some that flood risk should also be a consideration, along with tighter pollution control measures

including light pollution controls and the control of development close to adjoining uses, and that amenity uses should only be determined by use considerations.

- 4.6 Other comments included whether there was a need or not to reference the Use Considerations policy (now known as Compatible Uses), as national policy guidance already exists and whether use considerations could be included in a Development Control Development Plan Document.
- 4.7 Use Considerations policy (now known as Compatible Uses), were the subject of consultation in the Issues and Options stage, but there were no policy options put forward. Therefore a sustainability appraisal was not carried out at this stage.

## Core Strategy Preferred Options

- 4.8 In the Preferred Options stage of consultation, the following wording was suggested as the Preferred Policy Approach:

*It is recommended that in determining planning applications, consideration is given to the impact of the following:*

- Noise
- Safety
- Smell
- Disturbance
- Air pollution
- Water pollution
- Ground pollution
- Light pollution
- Unstable land
- Contaminated land
- Derelict land

*When approving planning applications, along with considering the above issues, the following should also be taken into consideration, and are identified within PPS23:*

- Water supply
- Agricultural land quality
- Archaeological designations
- Protection of natural resources

- 4.9 Responses to the Preferred Options consultation stage emphasised the need to include flood risk in the Use Considerations policy (now known as Compatible Uses), policy. A couple of responses welcomed the recognition given to protection of natural resources and asked that more consideration is given to biodiversity, climate change adaptation and mitigation. These issues have been covered through strategic policies within the Core Strategy.

## Sustainability Appraisal

- 4.10 The radar diagram showed that the use considerations Preferred Option makes a 'Weak' contribution to most of the objectives; this is due to the scope and influence of the policy, rather than a weakness in the option. There are a couple of impacts worth noting, which are listed below.
- Noise, safety, smell and pollution can affect human health. Ensuring these impacts are considered in determining planning applications can help to ensure that impacts to human health are minimised.
  - Ensuring any planning application considers the impact of pollution can help to protect parks and wildlife habitats from any potential pollution incidents.
- 4.11 The issues identified in the Sustainability Appraisal have been addressed within the Compatible Uses policy.

## 5 Conclusions

### Summary of policy formulation

- 5.1 The content of the policy wording contained within the Publication Document has evolved from that included in the Preferred Options report and Issues and Options report. Although many of the ideas contained within the Compatible Uses policy wording are covered in national policy, it is felt that there is a need for clear guidance within the Core Strategy to reinforce and implement the aspirations of the Cleaner & Greener theme. As the Compatible Uses policy has evolved, content changes have occurred due to the results of public consultation, and the inclusion of more succinct wording.
- 5.2 The concept of “privacy” is not covered in either national or regional guidance, and yet is an important factor when considering site layouts, density and neighbouring developments. This is a particularly pertinent factor when considering applications for high-density developments.
- 5.3 Flood risk is not included as a concept within the Compatible Uses policy as it is considered to be a policy that needs a more strategic implementation, and is therefore well-placed within the strategic policy section. This means that the potential problems surrounding flooding will continue to be observed for all types of issues, and not only those relating to new developments.

### Soundness

- 5.4 The council considers this Compatible Uses policy and the contribution to the overall Core Strategy sound because it is:

#### **Consistent with National Policy**

- 5.5 This Background Document shows that the spatial vision and objectives are in accordance with national policy.

#### **Justified**

- **Founded on robust and credible evidence base**

- 5.6 This Background Document shows that the policy is based on a robust and credible evidence base including the AQMA, and the results of public consultations. Representations have been accounted for and incorporated into the policy.

- **The most appropriate strategy when considered against the reasonable alternatives**

- 5.7 This Background Document shows that the Council has chosen a policy that best reflects the available evidence. It also shows that the Council has developed this policy through a process of publicly consulting upon the contents of the Compatible Uses policy, and then adjusting the policy to reflect consultation responses.

#### **Effective**

- **Deliverable**

- 5.8 The Compatible Uses policy will be delivered by Bolton Council through the development control process. Any complaints relating to use considerations will be dealt with by planning enforcement.

- **Flexible**

- 5.9 The Compatible Uses policy is flexible because it applies to a wide range of planning applications, and will be considered as part of an assessment of the costs and benefits of a development

- **Capable of being monitored**

- 5.10 Compatible Uses covers a wide variety of issues within the planning process, and there are a range of areas that could potentially be monitored. In this instance, the quality of rivers within Bolton will be the indicator used for the Core Strategy. Planning enforcement monitors the types of enforcement complaints received. Any developments that do not comply with the use considerations policy should be dealt with and monitored through the planning control and planning enforcement process.

<b>Measuring Delivering – Cleaner Greener - Compatible Uses (CG4)</b>
<b>Strategic Objectives met:</b> SO11, SO12
<b>Indicators (and targets)</b>
Percentage of rivers good / fair (an improvement over the baseline of 90%)
<b>Flexibility and phasing</b>
The Council will apply this policy flexibly by considering it as part of an assessment of the costs and benefits of a development.