

Report to COUNCIL

Places for Everyone Joint Development Plan: Request for revocation of the Plan for Oldham

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Reason for Decision

A motion was submitted for Council consideration on 10 July 2024 for the removal of Oldham Borough from the Places for Everyone (PfE) Joint Development Plan. The motion was amended to include a requirement for member workshops to inform members about the opportunities and risks associated with this decision, ahead of a report being brought back to the November Council meeting for consideration and decision.

Five workshops were held to provide all elected members with the opportunity to ask questions, understand all the issues, opportunities and legal risks associated with the decision they need to make given PfE was formally adopted earlier this year and is now part of the statutory development plan for Oldham.

Recommendations:

In considering this report and the motion put to Council, Members are asked -

- 1) To reflect on the information provided in the workshop sessions (slides appended to this report for ease of reference, Appendix 2) and summarised within the body of this report to inform their decision;
- 2) To note Officer recommendations that there is only one reasonable and justifiable resolution to the original motion and that is: **not** to write to the Secretary of State to request a revocation of the Places for Everyone Joint Development Plan insofar as it relates to the Borough of Oldham; and instead,
- 3) To **retain** Places for Everyone providing clarity on strategic development areas / planning policies as part of the adopted Development Plan for Oldham; and, acknowledging that this provides the Green Belt site protection currently afforded in anticipation of the revised National Planning Policy Framework (NPPF) being confirmed and the housing numbers increasing in support of the national housing crisis; and
- 4) To continue to prepare an Oldham Local Plan as the Part 2 Plan for Oldham under PfE in order to provide the local, non-strategic planning policies as part of the adopted Development Plan for Oldham.

Executive Summary

Oldham Council approved the adoption of the Places for Everyone (PfE) Joint Development Plan Document 2022 – 2039 on the 13 March 2024 following several years of community engagement and many formal processes including public examination. The PfE Plan came into effect as part of the Borough's Development Plan on 21 March 2024 and is now an adopted joint development plan for Oldham and eight other Greater Manchester authorities.

A motion was submitted to Full Council on 10 July 2024 asking the Council to write to the Secretary of State (SoS) to revoke the plan as it relates to Oldham; however, an amended motion was agreed providing a window for members to obtain information about the decision they were making and to ask questions about the opportunities and consequences of this request.

There are no powers for a Council to 'undo' an adopted Local Plan once it takes effect; and it is understood that the SoS has never been asked to revoke a newly adopted Plan or Joint Plan such as PfE. As such, for both Oldham and the other eight Greater Manchester authorities within the Plan, the legal ramifications of revocation needed to be fully explored with the support of specialist legal advice and careful consideration given to the financial, planning, environmental and reputational implications.

This report sets out two sets of information for members to consider as part of their deliberations when this is considered at Full Council:

1. The concerns listed within the motion as justification for writing to the SoS; and
2. The implications and consequences of deciding to make a request to the SoS for the revocation of PfE for Oldham.

All members were invited to a series of workshops through which officers were able to answer questions and fully explain the ramifications of the motion, on Oldham and the remaining eight PfE authorities. 37 of 60 elected members attended the workshops - details of the key issues discussed are appended to this report for ease of reference (Appendix 2).

The Concerns within the Motion:

The following concerns were listed within the Motion to Council:

- *Places for Everyone is based on 'housing need' calculations which are already the better part of a decade old.*
- *Places for Everyone does not give guarantees with regards to the delivery of affordable and socially rented homes.*
- *'Places for Everyone' represents a developer-led approach.*
- *It would see the irreparable loss of Green Belt sites and green spaces which is not necessary.*
- *It uses Green Belt for the delivery of a housing strategy focused solely on developer profit.*
- *It does not deliver the right mix of affordable housing types and tenures in the places people want to live.*

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- *We also believe the Adoption Statement for the Plan presented at the last Full Council meeting in March 2024 was misleading by implying that all the main modifications had been consulted on. This was not the case, as none of the main modifications related to HS2 have been consulted upon.*

In investigating these matters it is considered that **none of the concerns provide sufficient justification to request that the SoS** revoke PfE as it relates to Oldham. Therefore, were it to be challenged via Judicial Review and the concerns listed were the basis of the Council's decision, it **would be considered legally perverse and unreasonable, and consequently the reasons for the revocation request would be unlawful**. Members have been advised that there are financial consequences for losing a Judicial Review and there will be reputational consequences if the decision proceeds to write to the SoS.

With the Government's ambitions for plan-making and housing growth set out in the proposed revisions to the National Planning Policy Framework (NPPF), Officers cannot foresee any justifiable or rational reason as to why the SoS would agree to the revocation of PfE as it relates to Oldham.

On these grounds, Officers are recommending that Members seriously consider the grounds for asking the SoS to revoke PfE (as it relates to Oldham) and reflect on the further consequences and implications as set out below to further inform their decision.

Implications of deciding to make a request to the SoS for the revocation of PfE:

The ramifications of requesting the SoS to revoke PfE as it relates to Oldham have been considered within the context of the recent consultation by Government on their proposed reforms to the NPPF, as the implications of these changes are significant, and it is essential that these form part of any decision taken.

Consultation on these changes commenced on the 30 July 2024 until 24 September 2024 and details can be found online at <https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system>.

Several of the proposed reforms have implications for plan-making, and the key changes that are important when considering the revocation of PfE for Oldham include:

- Revisions to the Local Housing Need calculation and the resulting **increase in the number of homes** that Oldham would be required to deliver;
- **Land release and requirement to review Green Belt boundaries** to deliver the number of homes needed;
- Changes to the presumption in favour of sustainable development; and
- The transitional arrangements for how the revised NPPF should be reflected in adopted and emerging Local Plans.

As evidenced by the assessment of revoking PfE for Oldham outlined in this report, **there are no benefits to Oldham or its communities of revoking PfE**. In fact, the resulting harm created by ad hoc, uncoordinated housing development on the borough's

environment, on economic growth, on infrastructure provision and on the quantity and type of housing development coming forward would be far worse than under PfE.

Local authority decision-making must be lawful and based on arguable and rational grounds; **none of the concerns put forward in the Motion provide a legally sound basis, therefore there is no justification for requesting that the SoS revoke PfE** for Oldham Borough. Any request to the SoS on that basis would be challengeable through Judicial Review, and it is considered that this is likely to be found to be irrational and unreasonable in law, and therefore has financial consequences for the Local Authority.

Following the review of all these key elements, **it is clear that there is only one option open to the Council which members should be considering – that is to retain Places for Everyone** to provide the strategic planning policies as part of the adopted Development Plan for Oldham and continue to prepare an Oldham Local Plan, as the Part 2 Plan for Oldham under PfE, to provide the local, non-strategic planning policies as part of the adopted Development Plan for Oldham.

Places for Everyone Joint Development Plan: Request for revocation of the Plan for Oldham

1 Background to Places for Everyone Joint Development Plan Document

- 1.1 Oldham Council approved the adoption of the Places for Everyone (PfE) Joint Development Plan Document 2022 – 2039 on the 13 March 2024. The report and accompanying papers can be viewed online at: https://committees.oldham.gov.uk/documents/s144357/PfE%20Adoption_Final.pdf. Following approval by all nine PfE authorities, the Plan came into effect on 21 March 2024.
- 1.2 At full Council on 10 July 2024, under Notice of Opposition Business, a motion was tabled for the removal of Oldham Borough from Places for Everyone. The Motion was moved by Councillor Sykes and seconded by Councillor Woodvine. Full details of the Motion can be found at Appendix 1 to this report and online at <https://committees.oldham.gov.uk/ieListDocuments.aspx?CId=132&MId=9172&Ver=4>.
- 1.3 The PfE Plan came into effect as part of the Borough's Development Plan on 21 March 2024 and is now an adopted joint development plan for the nine districts, including Oldham. There are no powers in the Planning and Compulsory Purchase Act (PCPA) 2004 for a Council to 'undo' the decision to adopt once it takes effect. As such, the Council cannot legally withdraw from PfE on its own; it can only make a request to the Secretary of State (SoS) to revoke the Plan under Section 25 of the PCPA 2004.
- 1.4 It is understood that such a request to revoke a Plan has never been made of the SoS for a newly adopted Plan, nor for a Joint Plan such as PfE. Therefore, the legal ramifications of revoking the Plan needed to be fully explored for both Oldham and the other eight Greater Manchester authorities in the Plan, and careful consideration given to the financial, planning, environmental and reputational implications.
- 1.5 Taking account of the above and following consideration of the Motion, the full Council debated and approved the following amended Motion. The amendment was moved by Councillor Hince and seconded by Councillor Navesey.
- 1.6 The Motion as amended and approved is as follows:
- 'This Council is concerned that:*
- *Places for Everyone is based on 'housing need' calculations which are already the better part of a decade old.*
 - *Places for Everyone does not give guarantees with regards to the delivery of affordable and socially rented homes.*
 - *Places for Everyone' represents a developer-led approach.*
 - *It would see the irreparable loss of Green Belt sites and green spaces which is not necessary.*

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- *It uses Green Belt for the delivery of a housing strategy focused solely on developer profit.*
 - *It does not deliver the right mix of affordable housing types and tenures in the places people want to live.*
 - *We also believe the Adoption Statement for the Plan presented at the last Full Council meeting in March 2024 was misleading by implying that all the main modifications had been consulted on. This was not the case, as none of the main modifications related to HS2 have been consulted upon.*

1.7 *This Council resolves to:*

1. *Request the relevant council officers deliver an all-member workshop in September (after recess to ensure maximum opportunity to enable all members to attend) to understand the issues, options and opportunities associated with Oldham Council seeking revocation of its involvement in the Greater Manchester Places for Everyone Joint Development Plan (PfE).*
2. *On the back of the workshop, request the relevant council officers to present a thorough and full report to Council in November 2024 to inform a decision in writing to the new Secretary of State to revoke PfE insofar as it relates to the Borough of Oldham.*
3. *Should the request be approved Oldham Council' withdraw engagement and support for the defence of the judicial review of 'Places for Everyone'.*
4. *Should the Plan be revoked the Green Belt boundaries should be restored to their pre-adoption state.*
5. *If the Plan is revoked develop an Oldham-led housing strategy that prioritises brownfield and ex-industrial sites, while protecting greenbelt and green spaces for future generations.'*

1.8 Resolution 1 sought the delivery of all-members in September to understand the issues, options and opportunities associated with Oldham Council seeking revocation of its involvement in PfE.

1.9 In total five workshops were arranged:

- (in person) Wednesday 25 September 2pm – 4pm
- (in person) Wednesday 25 September 6pm – 8pm (note, this session was cancelled due to very low numbers in attendance)
- (in person) Monday 30 September 2pm – 4pm
- (in person) Monday 30 September 6pm – 8pm
- (on Teams) Monday 7 October 6pm - 8pm

1.10 A total of 37 members attended at least one workshop. A copy of the member workshop slides is appended to this report for ease of reference (Appendix 2).

1.11 Key issues raised and discussed at the workshops were:

- Oldham's five-year housing supply, including the application of density, site make-up (i.e. proportion on brownfield land), role of PfE and requirements of NPPF.
- The need for social housing within the borough and the ability to inform the housing mix, type and tenure to be delivered locally.

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- Proposed revisions to National Planning Policy Framework (NPPF), particularly the standard housing methodology and the implications for Oldham.
 - The protection afforded to Green Belt and Other Protected Open Land.
 - The implications for sites allocated in PfE and those that were removed or reduced during the preparation of the Plan.
 - The legal implications, including the grounds on which the SoS might be minded to revoke PfE and previous use of Section 25 of the Act.
- 1.12 Resolution 2 of the Motion sought a report to Council in November 2024 setting out the implications of writing to the SoS to request revocation of PfE insofar as it relates to Oldham Borough. This report fulfils that resolution.
- 1.13 Resolutions 3, 4 and 5 would all follow if the Council agreed to request the SoS to revoke PfE for Oldham and if the SoS granted that request.
- 1.14 If the SoS approved the revocation of PfE for Oldham then the borough would no longer be part of the Joint Plan and as such the Council would no longer be involved in the legal challenge to 'Places for Everyone' currently in progress.
- 1.15 Should the Plan be revoked for Oldham, Oldham's Green Belt boundaries would revert to the boundaries within the Joint Core Strategy and Development Management Development Plan Document, adopted November 2011.
- 1.16 With regards to resolution 5, should PfE be revoked for Oldham then the Council would be required to prepare a brand-new Local Plan immediately, the scope of which would need to be revisited to include setting our housing and employment land requirements. This new Local Plan would need to be prepared in line with forthcoming revisions to the NPPF which were recently out to consultation. The implications of the proposed revisions to NPPF on plan-making are set out below (see paragraphs 2.4.7 to 2.4.13).

2 Current Position

- 2.1 There are two elements to the approved Motion that require careful consideration and which are considered in turn in the remainder of the report:
- 1) Responding to the concerns listed; and
 - 2) The implications of deciding to make a request to the SoS for the revocation of PfE.

2.2 Response to the 'concerns' listed in the Motion

- 2.2.1 Each of the concerns listed in the Motion have been addressed in turn below.
- *Places for Everyone is based on 'housing need' calculations which are already the better part of a decade old.*
- 2.2.2 The PfE housing need figure is calculated using the standard methodology for calculating Local Housing Need (LHN) as prescribed in the current NPPF, under

which PfE was prepared and required to be in accordance with. This matter was fully considered as part of the Public Examination into the Joint Plan. The Inspectors examining the Plan found no justification for deviating from this methodology or for not meeting the target in full.

- 2.2.3 Therefore, this is not a change in circumstances since the Council made its decision to adopt PfE in March 2024 and is insufficient justification to request that the SoS revoke PfE as it relates to Oldham.
- 2.2.4 Further detail regarding the implications of the revocation of PfE on Oldham's local housing need, having consideration to the proposed revisions to NPPF, is set out below in paragraphs 2.4.17 to 2.4.19 and 2.5.2 to 2.5.28.
- *Places for Everyone does not give guarantees with regards to the delivery of affordable and socially rented homes.*
- 2.2.5 It has always been very clear that PfE does not cover all aspects of planning policy. PfE has never provided affordable housing targets; these have always been something which would be (and indeed are being) included in the Part 2 Oldham Local Plan, which is currently being prepared. The Part 2 Plan will provide a local planning policy framework that will support the council's response to the housing crisis within the Oldham, based on up to date and robust local evidence. The role of PfE in the respect of this concern was fully explored during the Examination and the Inspectors found the Plan sound.
- 2.2.6 Therefore, this is also not a change in circumstances since the Council made its decision to adopt PfE in March 2024 and is insufficient justification to request that the SoS revoke PfE as it relates to Oldham.
- *'Places for Everyone' represents a developer-led approach*
- 2.2.7 It is not considered that PfE represents a developer-led approach; it is a strategy-led approach, maximising the use of brownfield land. PfE is based on a sound evidence base, as required by national planning policy, and was subject to several stages of consultation providing the opportunity for all to engage in the process. Both the strategy and the evidence base were scrutinised at the Examination and the Inspectors concluded that both met the requirements of government policy, providing an appropriate basis on which to plan for the nine GM districts.
- 2.2.8 Therefore, this is also not a change in circumstances since the Council made its decision to adopt PfE in March 2024 and is insufficient justification to request that the SoS revoke PfE as it relates to Oldham.
- *It would see the irreparable loss of Green Belt sites and green spaces which is not necessary*
- 2.2.9 By maximising the use of the mainly brownfield land available within our urban areas, the level of Green Belt and protected open land being developed has been kept to a minimum through PfE. In Oldham several changes were made during the preparation of PfE to reduce the amount of Green Belt being released. This included the removal and reduction of several allocations, which led to a reduction in the amount of Oldham's Green Belt proposed for release from 7.0% in 2016 to

2.15% in the adopted PfE. Following a thorough examination, the Inspectors concluded that the loss of Green Belt and green spaces set out in PfE is necessary to meet the identified development needs, providing an appropriate basis on which to plan for the nine GM districts.

2.2.10 Therefore, this is also not a change in circumstances since the Council made its decision to adopt PfE in March 2024 and is insufficient justification to request that the SoS revoke PfE as it relates to Oldham.

2.2.11 Further detail regarding the implications of the revocation of PfE on Oldham's Green Belt and green spaces, having consideration to the proposed revisions to NPPF, is set out below in paragraphs 2.4.20 to 2.4.29.

- *It uses Green Belt for the delivery of a housing strategy focused solely on developer profit.*

2.2.12 The release of Green Belt for housing development through PfE is not considered to be focused on developer profit. PfE has a very clear strategy for which a site selection methodology was developed to ensure that the identified sites enabled the strategy to be met. The site selection methodology and the site-specific evidence and justification for the individual allocations was thoroughly examined as part of the Examination and the Inspectors found the Plan sound.

2.2.13 Therefore, this is also not a change in circumstances since the Council made its decision to adopt PfE in March 2024 and is insufficient justification to request that the SoS revoke PfE as it relates to Oldham.

- *It does not deliver the right mix of affordable housing types and tenures in the places people want to live.*

2.2.14 As detailed above, this matter was fully debated and explored by the Planning Inspectors at the public examination into PfE. It has always been very clear that PfE does not cover all aspects of planning policy. It has never provided affordable housing targets. These have always been something which would be (and indeed are) included in the Oldham Local Plan which is currently being prepared.

2.2.15 Therefore, this is also not a change in circumstances since the Council made its decision to adopt PfE in March 2024 and is insufficient justification to request that the SoS revoke PfE as it relates to Oldham.

- *We also believe the Adoption Statement for the Plan presented at the last Full Council meeting in March 2024 was misleading by implying that all the main modifications had been consulted on. This was not the case, as none of the main modifications related to HS2 have been consulted upon.*

2.2.16 Adoption Statements were not in the suite of background documents published for the Council meetings. They were published by each local authority party to PfE upon adoption of the Plan – once the Plan came into effect on 21st March 2024. The Statements available online at Adoption Documentation - Greater Manchester

Combined Authority (greatermanchester-ca.gov.uk) meet the requirements of the Regulations and do not imply all main modifications were consulted upon. Therefore, they are not considered to be misleading and, as such, it is incorrect to say that 'the Adoption Statement for the Plan presented at the last Full Council meeting in March 2024 misled the Council', as they were neither presented at the Council meeting, nor were they misleading.

2.2.17 Notwithstanding the fact that the Adoption Statements were not presented to Council in March 2024, the matter of the HS2 Main Modifications, and whether or not they should be the subject of further consultation, was very clearly considered by the Inspectors in their Examination report (paragraph 88). The independent Planning Inspectors concluded that none of the main modifications they recommended, relating to HS2 and Northern Powerhouse Rail (NPR), materially affect the Plan's strategy or policies and therefore they were satisfied that [further] consultation about them was not necessary.

2.2.18 This matter does not have any bearing on the revocation of PfE as far as it relates to Oldham.

2.3 Conclusion regarding 'concerns' listed in the Motion

2.3.1 It is considered that to request that the SoS revoke PfE as it relates to Oldham, the Council must have a tenable lawful basis for doing so. Where a local authority has discretion to exercise in making a decision, that decision must be rational, and an irrational or unreasonable decision is one that is not reasonably open to it, as stated by Lord Green MR in the *Associated Provincial Picture Houses v Wednesbury Corporation* [1948] 1 KB 223. Irrationality includes taking into account an irrelevant consideration and an example of an irrelevant consideration is an assumption not based on evidence.

2.3.2 None of the concerns listed above provide sufficient justification to request that the SoS revoke PfE as it relates to Oldham; rather they are irrational and would not stand up to scrutiny. If challenged via Judicial Review, all the concerns listed would, in a legal sense, be considered perverse and unreasonable and consequently, unlawful. Indeed, under the circumstances we are in (a newly adopted Joint Plan and the government's ambitions for plan-making and housing growth set out in the proposed revisions to NPPF), Officers cannot foresee any justifiable or rational reason as to why the SoS would agree to the revocation of PfE as it relates to Oldham. The only examples of when Section 25 of the Act has been activated, which Officers are aware of, have been in relation to 'out-of-date' plans. Not, in relation to newly adopted and up-to-date plans such as PfE.

2.3.3 As such, it is considered that it would be unlawful for Oldham Council, as a responsible public authority acting rationally, to request the SoS to revoke PfE as it relates to Oldham on the basis of the concerns set out in the Motion. Such a decision would be challengeable and, if challenged, the decision would be found to be irrational and unreasonable.

2.4 Implications of the proposed reforms to the National Planning Policy Framework and other changes to the planning system

2.4.1 The ramifications of requesting the SoS to revoke PfE as it relates to Oldham must now be considered within the context of the recent consultation by Government on their proposed reforms to the NPPF, as the implications of these changes are significant, and it is essential that these form part of any decision taken.

2.4.2 On 30 July 2024 the Government published details of their proposed reforms to NPPF and other changes to the planning system (<https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system>).

2.4.3 As part of the consultation the following documents were published for comment:

- Proposed reforms to the National Planning Policy Framework and other changes to the planning system;
- National Planning Policy Framework: draft text for consultation; and
- Outcome of the proposed revised standard method for calculating Local Housing Need.

2.4.4 The consultation ran up to 24 September 2024.

2.4.5 Several of the proposed reforms have implications for plan-making. The key changes that are important to have regard to when considering the revocation of PfE for Oldham Council relate to:

- The transitional arrangements for how the revised NPPF should be reflected in adopted and emerging Local Plans;
- Changes to the presumption in favour of sustainable development;
- Revisions to the Local Housing Need calculation and the resulting increase in the number of homes that Oldham would be required to deliver; and
- Land release through plan-making and requirement to review Green Belt boundaries.

2.4.6 Further detail on each of these is provided below.

2.4.7 **The transitional arrangements for emerging and adopted Local Plans**

2.4.8 With regards to adopted plans, paragraph 225 of the proposed revised NPPF makes clear that existing policies should not be considered out of date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with NPPF (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given). This would apply to PfE, as our adopted Plan.

2.4.9 In particular, the proposed revisions to the NPPF largely retain what is currently paragraph 75 (paragraph 76 under the proposed revisions), which under the revisions would now state:

“Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.”

2.4.10 This paragraph is important because it ensures that, even with the proposed change to the Local Housing Need calculation, the housing requirement set in PfE would be what Oldham’s housing delivery is measured against until at least 2029.

2.4.11 The proposed reforms then go on to set out the transitional arrangements for plan-making once the new NPPF is in place.

2.4.12 Upon publication, the policies in the proposed revised NPPF will apply for the purpose of preparing local plans unless one of the exceptions listed in paragraph 226 apply. These exceptions include where the local plan is a Part 2 Plan that does not introduce new strategic policies setting the housing requirement. Where this applies, the said plan will be examined under the relevant previous version of NPPF. As a party to PfE, this would apply to Oldham’s emerging draft local plan – PfE would be our Part 1 Plan, setting out the strategic policies, and Oldham’s Local Plan would be our Part 2 Plan, setting out more local detail on the strategic policies contained in PfE.

2.4.13 In the absence of PfE, Oldham would have to revert to our Core Strategy, which would be considered out-of-date, particularly those policies relating to land supply. As such, the Council would be required to prepare a new Local Plan immediately in line with the new NPPF when published. This will include addressing the much higher local housing need and the new requirement to release Green Belt land to meet such needs in full (see below).

2.4.14 **Presumption in favour of sustainable development**

2.4.15 Paragraph 11 of NPPF sets out the presumption in favour of sustainable development. The current NPPF sets out that, for decision-making, this means:

- *‘approving development proposals that accord with an up-to-date development plan without delay; or*
- *where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date¹, granting permission unless:*

¹ Footnote 9 to the current NPPF explains that *‘This includes, for applications involving the provision of housing, situations where: (a) the local planning authority cannot demonstrate a five year supply (or a four year supply, if applicable, as set out in paragraph 226) of deliverable housing sites (with a buffer if applicable, as set out in paragraph 77 and does not benefit from the provisions of paragraph 76; or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years.’*

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- *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed²; or*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole’.*

2.4.16 The proposed revisions to the NPPF retain paragraph 11 and the presumption in favour of sustainable development. However, it has been amended to make it clear that in terms of the policies that may be ‘out-of-date’ this relates to those for the supply of land. As such, if the Council are unable to identify a five-year housing land supply, then the presumption would take effect.

2.4.17 **Proposed revised standard method for calculating local housing needs**

2.4.18 A new standard method is proposed for calculating local housing need as part of the planning reforms. The method is based on a proportion (0.8%) of the housing stock which is then adjusted for affordability. This provides an annual housing requirement for each LPA. The proposed changes make the use of this standard method mandatory and the basis on which the Council must plan.

2.4.19 For Oldham, the proposed standard method represents a significant increase of 54%, requiring a total of 1,049 homes to be delivered a year, compared to the average of 680 homes a year Oldham is required to deliver under PfE. Further detail on the implications of this are considered in paragraphs 2.5.2 to 2.5.28.

2.4.20 **Land release through plan-making and requirement to review Green Belt boundaries**

2.4.21 The planning reforms set out that councils will be expected to make all efforts to allocate land in line with their housing need as per the new standard method calculation, including reviewing Green Belt boundaries.

2.4.22 Paragraph 142 of the proposed revised NPPF states that:

‘Once established Green Belt should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Exceptional circumstances include, but are not limited to, instances where an authority cannot meet its identified need for housing, commercial or other development through other means. In these circumstances authorities should review Green Belt boundaries and propose alterations to meet these needs in full, unless the review provides clear evidence that such alterations

² Footnote 7 to the current NPPF explains that ‘*The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 742); and areas at risk of flooding or coastal change.*’.

would fundamentally undermine the function of the Green Belt across the area of the plan as a whole.'

- 2.4.23 In the absence of PfE, when preparing our own Local Plan, Oldham would therefore be required to review Green Belt boundaries and allocate sufficient land to meet our own development needs. With the increased housing requirement resulting from the proposed new standard method, this would have far greater implications for Oldham's Green Belt, our Other Protected Open Land and green spaces than PfE has had.
- 2.4.24 Under PfE, the supply of land in Oldham earmarked for housing has the potential to deliver 13,311 new homes. This includes the 15% flexibility allowance in the supply of land that the PfE Inspectors considered was acceptable to ensure the full PfE housing requirement can be achieved over the Plan period.
- 2.4.25 Even if the Council were to commence the preparation of a new Local Plan immediately, they can take several years to prepare, especially those that are more complex and include the release of land in the Green Belt / allocation of land. As such the Council would not be in a position to adopt it until 2028 at the very earliest. Therefore, that Plan would cover the period 2028-2043. Under the new housing requirement, that Local Plan would have a target of at least 15,735 new homes to be delivered in that period, meaning the Council would have to identify land for the supply of housing of approximately 18,000 homes if providing a similar flexibility allowance to PfE.
- 2.4.26 By 2028, it is anticipated that over 3,000 new homes would have been delivered in Oldham from the current supply of housing sites. Therefore, even if all the supply of housing land currently in PfE was counted, there would only be a supply of approximately 10,000 homes left by 2028. As such, the new Local Plan would have to identify further land for at least 8,000 additional new homes.
- 2.4.27 To put that in context, the PfE allocations in Oldham that involved the reallocation of Green Belt or other protected open land provide a supply of only 2,105 homes over the plan period, so a brand-new plan could be reallocating as much as four times the amount of Green Belt or Other Protected Open Land that was reallocated under PfE, probably more when employment land is also factored in.
- 2.4.28 Given the housing supply has already been maximised through the use of previously developed land in the urban area, the vast majority of these 8,000 homes would have to be developed on land that is currently Green Belt, Other Protected Open Land or urban green space. This would include sites currently allocated as part of PfE – these are not going to go away just because Oldham is no longer part of PfE. Those sites have been demonstrated to be developable, deliverable, viable and within sustainable and accessible locations. Therefore, given the potential increase in the local housing need calculation, these sites will continue to be under pressure. Sites previously considered at other stages of PfE, but which were removed, may also come to the fore – sites such as Kingsway South, Hanging Chadder, Thornham Old Road, Spinners Way / Alderney Farm

and those that formed part of the wider clusters previously proposed in Woodhouses and along Ashton Road.

2.4.29 Therefore, whilst the Council would have to consider the implications of the revised standard method proposed by government in due course when PfE is reviewed after 5 years, the revocation of PfE for Oldham now would accelerate this and have a much greater impact on the Green Belt and Other Protected Open Land compared to PfE, as it would leave Oldham vulnerable to unplanned and inappropriate development.

2.5 Implications of deciding to write to the SoS to request the revocation of PfE

2.5.1 The decision to request the SoS to revoke PfE as it relates to Oldham has several significant ramifications which are set out below.

2.5.2 On Oldham's Housing Requirement

2.5.3 PfE Policy JP-H1: Scale, Distribution and Phasing of New Housing Development sets out the minimum number of new additional dwellings each district is expected to plan for across the plan area. As stated above for Oldham, this is an average of 680 homes a year, or 11,560 homes over the plan period (2022 to 2039). Policy JP-H1 phases this through a stepped requirement, as follows:

- 404 homes a year 2022 to 2025;
- 680 homes a year 2025 to 2030; and
- 772 homes a year 2030 to 2039.

2.5.4 There are lower targets in the early years for many of the PfE districts, including Oldham, reflecting the expectation that delivery will be slower in the short term. The requirement then increases from 2025 and again in 2030. It is important to note that “stepped” housing requirements such as those in PfE can only be secured through the preparation and adoption of a Local Plan (such as PfE). Likewise, “fixing” the annual average housing requirement can only be done through a Local Plan (such as PfE).

2.5.5 The revocation of PfE in relation to Oldham would mean that the housing targets set out in Policy JP-H1 would no longer apply for us.

2.5.6 In the absence of PfE, Oldham's housing requirement would be based on the standard method for calculating LHN – whether it be against the current or the new methodology (when it is finalised).

2.5.7 Using the current local housing need calculation, Oldham's housing requirement would currently be around 690 homes a year. Whilst this is only 10 homes more than the average requirement in PfE Policy JP-H1, Oldham would have to deliver this from the outset as it would not benefit from the stepped requirement provided through PfE. This has implications for our Housing Delivery Test measurement and housing land supply position, which are considered below. Oldham would

also be vulnerable to this requirement increasing in future years, should the figures inputted into the standard method calculation cause such an increase.

- 2.5.8 Using the proposed new local housing need calculation in the revised NPPF, as discussed above, the housing requirement would be significantly higher and have substantial implications for Oldham – increasing by 54% to 1,049 homes a year.
- 2.5.9 Paragraph 76 of proposed revised NPPF states that '*Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.*'
- 2.5.10 As such, as explained above, as part of PfE Oldham continues to benefit from the housing requirement set out therein, until such a time as the plan is reviewed, and in line with paragraph 76 of proposed revised NPPF will be required to identify a five-year housing land supply against said housing requirement.
- 2.5.11 In contrast, in the absence of PfE, Oldham would be required to identify sufficient land to meet the requirement as per the new proposed calculation for local housing need and, if unable to do so, the 'presumption of sustainable development' would take effect.
- 2.5.12 **On the borough's housing land supply position**
- 2.5.13 As stated above, as party to PfE and a plan that has been adopted in the last 5 years, Oldham will continue to benefit from the housing requirement set out therein, until such a time as the plan is reviewed.
- 2.5.14 However, in the absence of PfE, Oldham would be required to identify sufficient land to meet the requirement as per the standard method proposed in either the current or draft NPPF (once in place). This section therefore looks at the borough's housing land supply at 1 April 2024 and the implications of the differing housing requirements.
- 2.5.15 **Five-year housing land supply**
- 2.5.16 Table 1 shows the borough's five-year housing land supply (for the period 2024 to 2029) against our a) PfE requirement; b) the current LHN methodology; and c) the Standard Method proposed in the revised NPPF.

Table 1: Five-year housing land supply for 2024-2029 against the PfE requirement, current and proposed NPPF LHN methodology

5 Year Supply	3,520
PfE requirement stepped requirement	3,124
5 Year Supply as a proportion of PfE requirement	112%
Current LHN methodology – requirement = 690 homes a year	3,450
5 Year Supply as a proportion of current LHN methodology	102%
Proposed Standard Method – requirement = 1,049 homes a year	5,245
5 Year Supply as a proportion of proposed Standard Method	67%

2.5.17 As of 1 April 2024, the borough’s five-year housing land supply contains sufficient land to accommodate 3,520 dwellings (before accounting for demolitions). Based on the PfE stepped housing requirement, the identified five-year housing supply represents a 5.6-year supply, at 112% of the requirement for this period. As such, under PfE, Oldham can demonstrate a 5-year housing land supply.

2.5.18 However, in the absence of PfE, our housing supply would be measured against the requirement as per the standard method set out in NPPF. Against the current LHN methodology requirement of 690 homes a year, Oldham can only demonstrate 102%. When measured against the revised proposed LHN standard method proposed in draft NPPF, the current five-year housing land supply would only provide 67% of what is required.

2.5.19 Total housing land supply

2.5.20 As of 1 April 2024, it has been identified that there is land to accommodate approximately 13,475 homes (including accounting for demolitions and small sites) within Oldham. These are identified over the short to long term (including 756 homes identified to be delivered after 2039).

2.5.21 The sites forming the housing land supply include those with a live planning permission; under construction sites; PfE allocations; remaining saved UDP housing allocations; sites that have previously had planning permission but the permission has lapsed (and not been implemented); stalled sites (where construction has started but has been stalled for an extended period of time); potential sites (no planning history but assessed as suitable for residential development); and pending sites (where at the time of assessment a planning application was pending decision) – where it has been considered that the principle of residential development is acceptable.

2.5.21 Importantly, this housing land supply position includes an element of housing delivery on sites allocated under PfE. If PfE were revoked for Oldham, the Council could not legitimately count the supply from these allocations, unless they had been granted planning permission or were under construction. As such, in reality the housing land supply position would be even worse against the current and proposed LHN calculation.

2.5.22 If Oldham cannot demonstrate a five-year supply, it will be extremely vulnerable to unplanned and inappropriate development, and the Council will be less able to effectively co-ordinate the delivery of the necessary infrastructure required to support the new housing (and its residents).

2.5.23 **On housing delivery in Oldham**

2.5.24 The Housing Delivery Test (HDT) was introduced by the Government as a monitoring tool to demonstrate whether local areas are building enough homes to meet their housing need. The HDT measures net additional dwellings provided over the past three years against the number of homes required over the same period. The consequences of failing the Test set out in the current, and proposed revised, NPPF are:

- less than 95% - an Action Plan must be prepared;
- less than 85% - the LPA must identify a 20% buffer of additional deliverable sites for housing in addition to their existing 5-year housing land supply.
- less than 75% - the presumption in favour of sustainable development (see NPPF paragraph 11) must be applied. This is in addition to the 20% buffer and Action Plan.

2.5.25 The latest HDT results were published on 19 December 2023 and are based on the previous three complete financial years of 2019/20, 2020/21 and 2021/22. The results are shown in table 2 below.

Table 2: Oldham's HDT Results – 2022 Measurement

Year	Number of Homes Required	Number of Homes Delivered	Average Delivery Rate (%)
2019/20	633	729	115%
2020/21	461	380	82%
2021/22	677	506	75%
Total (2019-2022)/ Average Delivery Rate %	1,772	1,615	91%

2.5.26 Looking forward, based on the requirement set out in PfE, the 2023 HDT measurement would be assessed against housing delivery in 2020/21, 2021/22 and 2022/23 to identify the number of new homes required and delivered. The PfE housing requirement of 404 homes per year would apply for 2022/23. This would increase to two years of 404 homes per year for the 2024 HDT measurement (2022/23 and 2023/24) and three years of 404 homes per year for 2025 HDT measurement (2022/23, 2023/24 and 2024/25) - with the lower target from the stepped requirement being in place for all three years of the measurement the latter would be our lowest amount required. From 2025/26 the higher requirement (680 homes a year from 2025-2030) would then start to be fed into the calculation.

2.5.27 In the absence of PfE, Oldham’s HDT measurement would be measured against the local housing need derived from the standard method. This would be non-negotiable. Table 3 below shows that, based on past delivery rates, this would result in a lower performance and place us at greater risk of the consequences of failing the HDT measurement.

Table 3: Example of Oldham’s HDT Results (for the period 2019/20 to 2021/22) measured against housing need of 690 homes a year and 1,049 homes a year

Year	Number of Homes Required (current LHN calculation)	Number of Homes Delivered	Average Delivery Rate (%)	Number of Homes Required (new LHN calculation)	Number of Homes Delivered	Delivery Rate (%)
2019/20	690	729	106%	1,049	729	69%
2020/21	690	380	55%	1,049	380	36%
2021/22	690	506	73%	1,049	506	48%
Total (2019-2022)/ Average Delivery Rate %	2,070	1,615	78%	3,147	1,615	51%

2.5.28 Clearly, if the proposed new standard method is adopted, the implications for our HDT would be significant, triggering the presumption in favour of sustainable development.

2.5.29 On our Other Protected Open Land and green space

2.5.30 Paragraphs 2.4.20 to 2.4.29 consider the impact of proposed revisions to NPPF and the revocation of PfE on the Green Belt in Oldham. Our Other Protected Open Land and other green spaces would also become extremely vulnerable to development (arguably even more vulnerable than Green Belt). Not only does this lead to the loss of much valued and important open spaces, but it also has other consequential impacts for the Council.

2.5.31 A good example of how the presumption in favour of sustainable development can have impacts on the Council would be the Knowls Lane site in Lees. When the Council initially refused planning permission for the residential development of this site, that decision was overturned at appeal by a Planning Inspector because Oldham could not demonstrate a five-year housing land supply at that time – i.e., the Council lost control of the decision-making on that site.

2.5.32 Such decisions not only result in the loss of undeveloped land that the Council wants to protect from development, it also harms the reputation of the Council and leads to significant financial costs for the Council (in defending such appeals and the risk of the appellant’s costs being awarded against the Council if the Planning

Inspector considers that the Council has been unreasonable in refusing permission in the first place because it should have applied the presumption in favour of sustainable development).

2.5.33 On Oldham's Local Plan

2.5.34 In the absence of PfE, the Council would be reliant on the Joint Core Strategy and Development Management Policies Development Plan Document, adopted in November 2011, which would be considered out of date. As such, an immediate review of our Local Plan would be required. This would need to be a full new Plan that covered strategic policy matters and prepared in accordance with the new NPPF (when published), including addressing how the housing requirements identified through the new mandatory standard method will be met.

2.5.35 The current Local Plan review that is underway (and which is designed to be a Part 2 Local Plan to sit alongside PfE) is at an advanced stage, with the Council having already consulted on a Draft Local Plan. In the absence of PfE, the scope of the Local Plan review would need to be substantially altered, to cover all the strategic planning policy matters that are currently covered by PfE and which are of relevance to Oldham, including allocating sufficient land for development needs and the release of Green Belt. As such, subject to any changes made by the new Government, this would mean that the Council would have to produce a 'new-style' Local Plan, as set out under the new Local Planning provisions in the recent Levelling Up and Regeneration Act 2023. We are still awaiting guidance on how these are to be produced, so again this is another unknown in the process and another likely delay to getting a Local Plan in place.

2.5.36 As with the housing land delivery position, this policy vacuum and the reliance on out-of-date policies puts us at greater risk of having development imposed on us where the Council does not want it, and a reduced ability to secure necessary infrastructure improvements alongside that development.

2.5.37 On GMCA and the other eight PfE authorities

2.5.38 PfE is a joint development plan. It relates not only to Oldham but also to Bolton, Bury, Manchester, Rochdale, Salford, Tameside, Trafford and Wigan, and has implications for the GMCA. As such, it is only right and necessary to consider what impact a request to the SoS to revoke PfE, as it relates to Oldham, will have on them.

2.5.39 The removal of Oldham from PfE will undermine delivery of the Plan's spatial strategy, particularly in relation to 'boosting northern competitiveness'. The policy approach for the North-East Growth Corridor, which includes Oldham, is a key part of this - not only would our removal prevent the delivery of the cross-boundary allocation at Stakehill, which would have consequences for Rochdale, it would also mean that our ability to influence development coming forward across Atom Valley, and how Oldham residents (present and future) connect to it, would be undermined. With limited opportunities for new employment land across the

borough, the role of the North-East Growth Corridor and ensuring that our residents have sustainable access and good connectivity to opportunities outside of the borough, such as those across Atom Valley, cannot be underestimated. Such opportunities are vital if the Council is to ensure our future economic growth and regeneration ambitions.

2.5.40 Reflecting the importance of the matter at hand, Paul Dennett (the Salford City Mayor) has written to the Council on behalf of the other eight PfE Council Leaders and the Mayor of GM, setting out their concerns regarding the implications of the Motion. The full representation can be found at Appendix 3. It is their view that there is no lawful basis on which to take such a decision, or that the SoS would agree to such a revocation. In addition, they express concern for the implications such a step would have on delivering Oldham's ambitions, many of which are common across the sub-region. These key concerns are summarised below:

- Stakehill – returning the site to Green Belt would result in uncertainty and risks around the delivery of this important cross-boundary employment and housing site, which is an agreed priority within the wider Atom Valley Mayoral Development Zone. It is very unlikely that the Stakehill site will be able to be brought forward in isolation. As such, there will be consequential impacts on infrastructure planning and delivery across the northern parts of Greater Manchester.
- Without the proposed scale of development at Stakehill, it is hard to see how a successful business case for the new rail station at Slattocks could be developed, undermining its delivery and the economic prospects of the local communities of Rochdale and Oldham.
- Alongside Northern Gateway / Atom Valley, one of the keys ways that PfE will boost the competitiveness of the north is by the small number of sites allocated in the northern areas specifically to increase attractiveness of the northern areas to highly paid, highly skilled workers. These higher value sites are in very short supply in the northern districts and include Chew Brook Vale (Robert Fletchers) in Oldham.
- The revised methodology for calculating local housing need, resulting in a far higher housing target for Oldham than that in PfE.
- The expectation that local authorities will be required to meet their housing need in full and review Green Belt boundaries if there is not sufficient brownfield land to accommodate their need.
- Finally, being party to PfE provides protection from the proposed higher housing figures for more than 4 years and makes it easier for Oldham to maximise investment in infrastructure, including for example brownfield housing funding, transport funding. Disconnecting from PfE would inevitably make this more difficult, resource intensive and time consuming as well as the risks of 'planning by appeal' if a five-year land supply cannot be demonstrated.

2.5.41 **On Oldham's future economic growth and regeneration ambitions**

2.5.42 The Council's regeneration ambitions are intrinsically linked to PfE. As stated above Atom Valley and Stakehill are central to PfE's ambition of increasing northern competitiveness and form part of the North-East Growth Corridor, within which Oldham sits.

2.5.43 Without PfE, Oldham has very limited, if any, opportunities for new employment and economic growth across the Borough. The cross-boundary allocation in PfE at Stakehill with Rochdale offers one of the only opportunities within the Borough for new employment land, and there are no alternative sites available on which to deliver these jobs. Oldham's ability to link in with the proposals across Atom Valley and the wider North-East Growth Corridor Growth Location could be severely impacted.

2.5.44 The largest PfE strategic allocations in Oldham – Beal Valley and Broadbent Moss – also sit within this growth corridor and the Council is working closely with GMCA, Homes England, Transport for Greater Manchester (TfGM), the Environment Agency and United Utilities to help bring these sites forward in a sustainable manner with the necessary infrastructure. If PfE were to be revoked, these allocations would be removed, together with the ability to deliver supporting infrastructure at scale, such as the proposed new metrolink stop and park and ride facility.

2.5.45 Were PfE to be revoked, it would be likely that the landowners and developers involved in the Beal Valley and Broadbent Moss allocations (and other PfE housing allocations in Oldham) would submit individual, piecemeal planning applications for development that, because of our lack of a five-year housing land supply, the Council would be unable to resist. Securing all the necessary infrastructure improvements through piecemeal development on these allocation sites would simply not be possible, as the most significant items of infrastructure require co-ordinated work between the various parties to deliver that infrastructure.

2.5.46 **On the Oldham Plan, Corporate Plan and Council Priorities**

2.5.47 The Oldham Impact Assessment Tool has been used to assess the implications of remaining part of PfE and in the absence of PfE were it to be revoked for Oldham. The outputs from this assessment can be found at Appendix 4. In summary, it clearly shows that not being party to PfE will have a negative impact on equality characteristics, corporate priorities and future Oldham aims. Whereas remaining part of PfE has a positive impact on those equality characteristics that may be more affected and supports the Council's corporate priorities and future Oldham aims.

2.5.48 It is important to note that the Oldham Impact Assessment Tool is high-level and simply looks at the implications of relevant PfE policies that may or may not be in place. PfE has been the subject of a detailed Integrated Assessment and Habitat Regulations Assessment which was assessed as part of the independent examination.

2.6 Reputational damage to the Council of requesting revocation of PfE

2.6.1 Taking the decision to request the Secretary of State to revoke PfE for Oldham will cause significant reputational damage for the Council:

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- It will damage our working relationship with:
 - GMCA and the other eight PfE districts (Bolton, Bury, Bolton, Manchester, Rochdale, Salford, Tameside, Trafford and Wigan). Especially with Rochdale with whom the Council shares the cross-boundary allocation at Stakehill and with which, along with Bury, we form the North-East Growth Corridor.
 - Organisations such as Transport for Greater Manchester, United Utilities, Electricity North-West and the Environment Agency who have been planning and programming delivery of supporting infrastructure to align with delivery of PfE and its strategic allocations, including those in Oldham.
 - Developers actively engaged in PfE and the delivery of strategic allocations in Oldham, many of whom are responsible for delivering new homes across the borough.
 - At a Greater Manchester level in particular it will put at risk our ability to secure funding that is not only vital if the Council is to realise our regeneration ambitions for the future, but also if we are to bring forward brownfield land for development.
 - MHCLG and fundings partners such as Homes England will consider us unreliable and unable to commit to the long-term growth and regeneration of the borough. Given the viability issues that brownfield land in the borough face, external funding will be critical if the Council is to bring the sites forward and deliver the necessary infrastructure. This will therefore put other brownfield sites, that are critical if Oldham is to meet its housing need, also at risk of delivery.

2.6.2 Whilst the level of local opposition to PfE and the release of Green Belt sites is understood, the need to release Green Belt to meet our local housing need cannot be avoided. The necessity will become even greater with the introduction of the Standard Method calculation proposed as part of the revisions to NPPF (as set out above). Not having PfE and the strategic allocations, alongside the proposed NPPF revisions, will mean that it will be very difficult for the Council to resist applications for new homes in the Green Belt and on our Other Protected Open Land. Our local communities will therefore see more unplanned and ad hoc development coming forward in inappropriate locations. The Council will not be able to offer the certainty that PfE gives us as to where new development will take place, nor with regards to future infrastructure planning.

2.7 Financial implications of revoking PfE as it relates to Oldham

2.7.1 A significant amount of time and financial resources have been spent on preparing PfE since its inception in 2014. If PfE were to be revoked it is likely that all this would be wasted time and resources. There would also be significant costs associated with preparing a new Local Plan – these would be greater than the costs for the current Local Plan review, given the change in scope that would be required to include strategic policies.

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- 2.7.2 As outlined in the previous section, there is a risk that Oldham would lose out on significant levels of funding required to enable regeneration and to bring forward housing development on brownfield land. The same would apply to developer contributions secured through such new developments.
- 2.7.3 Most importantly, the decision to request the SoS to revoke PfE as it relates to Oldham is likely to face legal challenge. As explained in paragraphs 2.3.1 to 2.3.3 such a decision would be challengeable as it would be unlawful for Oldham Council, as a responsible public authority acting rationally, to request the SoS to revoke PfE as it relates to Oldham on the basis of the concerns set out in the Motion. It is considered that, if challenged, the decision would be found to be irrational and unreasonable. Were the decision quashed through a legal challenge, the Council would be subject to the financial costs of losing at judicial review – not only those of the Council but also those of the party(s) who made the challenge. Whilst this cost cannot be quantified the risk is high and the cost is likely to be considerable (running well into six figure sums).

3 Options/Alternatives

- 3.1 There is only one option open to the Council:
- to **retain** Places for Everyone to provide the strategic planning policies as part of the adopted Development Plan for Oldham and continue to prepare an Oldham Local Plan as the Part 2 Plan for Oldham under PfE to provide the local, non-strategic planning policies as part of the adopted Development Plan for Oldham.
- 3.2 The alternative of requesting that the SoS revoke PfE for Oldham Borough and, if this were to be agreed, to commence preparation of a new Local Plan immediately, as set out in the Motion approved at Council in July, **should not be considered** for the reasons set out in this report.
- 3.3 The assessment of revoking PfE for Oldham set out within this report shows that there are no benefits to Oldham or its communities of revoking PfE. In fact, the resulting harm created by ad hoc, uncoordinated housing development on the Borough's environment, on economic growth, on infrastructure provision and on the quantity and type of housing development coming forward would be far worse than under PfE.
- 3.4 Most importantly, for the reasons explained in Section 2, it would be unlawful for Oldham Council, as a responsible public authority, to request the SoS to revoke PfE as it relates to Oldham on the basis of the concerns in the Motion. Local authority decision making must be lawful, being based on arguable and rational grounds. None of the concerns put forward in the original Motion as the justification for requesting that the SoS revoke Places for Everyone for Oldham Borough are legally sound. Any request to the SoS on that basis would be challengeable through Judicial Review, and if challenged would be found to be irrational and unreasonable. As such, the only available option to the Council is set out in paragraph 3.1 above.

4 Preferred Option

- 4.1 To **not** request the Secretary of State to revoke the Places for Everyone insofar as it relates to the Borough of Oldham and to retain Places for Everyone to provide the strategic planning policies as part of the adopted Development Plan for Oldham.

5 Consultation

- 5.1 Resolution 1 (see above) sought the delivery of all-member workshops in September to understand the issues, options and opportunities associated with Oldham Council seeking revocation of its involvement in PfE.
- 5.2 Details of these workshops and the main issues raised / discussed can be found in paragraphs 1.8 to 1.11.
- 5.3 An additional workshop was also held for Save Oldham's Greenbelt groups on Tuesday 15 October, given feedback from members attending the workshop sessions, so that these groups also understand the implications of a decision to ask the SoS to revoke PfE as it relates to Oldham.

6 Financial Implications

- 6.1 Refer to Section 2.7 above. (S Johnson)

7 Legal Implications

- 7.1 These are referenced throughout this report. (A Evans)

8 Oldham Equality Impact Assessment, including implications for Children and Young People

- 8.1 See paragraphs 2.5.46 to 2.5.48 and the Oldham Impact Assessment at Appendix 4.

9 Key Decision

- 9.1 No

10 Key Decision Reference

- 10.1 N/A

11 Background Papers

11.1 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:

- Places for Everyone – <https://www.greatermanchester-ca.gov.uk/what-we-do/planning-and-housing/places-for-everyone/>
- Oldham Council report approving adoption of Places for Everyone (PfE) Joint Development Plan Document 2022 – 2039 - https://committees.oldham.gov.uk/documents/s144357/PfE%20Adoption_Final.pdf
- National Planning Policy Framework 2023 - <https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- Proposed reforms to the National Planning Policy Framework and other changes to the planning system - <https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system>

12 Appendices

Appendix 1 – Original motion to remove Oldham Borough from Places for Everyone, 10 July 2024

Appendix 2 – Councillor Workshop slides on the Implications of requesting the Secretary of State to revoke the Places for Everyone Joint Development Plan for Oldham Council

Appendix 3 – Representation from GMCA and other PfE districts against Oldham Council deciding to request the SoS to revoke PfE as it relates to Oldham.

Appendix 4 - Oldham Impact Assessment Tool

Appendix 1 – Original motion to remove Oldham Borough from Places for Everyone, 10 July 2024

Motion 1: Removing Oldham Borough from Places for Everyone

Moved by Councillor Sykes

Seconded by Councillor Woodvine

The motion as present by the Opposition was as follows:

This council recognises that:

- Places for Everyone is based on ‘housing need’ calculations which are already the better part of a decade old.
- Places for Everyone does not give guarantees with regards to the delivery of affordable and socially rented homes.
- ‘Places for Everyone’ represents a developer-led approach.
- It would see the irreparable loss of Green Belt sites and green spaces which is not necessary.
- It uses Green Belt for the delivery of a housing strategy focused solely on developer profit.
- It does not deliver the right mix of affordable housing types and tenures in the places people want to live.
- We also believe the Adoption Statement for the Plan presented at the last Full Council meeting in March 2024 was misleading by implying that all the main modifications had been consulted on. This was not the case, as none of the main modifications related to HS2 have been consulted upon.

This council resolves to:

- 1 Request the new Secretary of State to revoke the Plan ‘Places for Everyone’ in the interest of all Oldham’s residents, businesses and other stake holders for the reasons stated above.
- 2 In order for Council to consider this decision at its next meeting in September, the relevant Council officers are requested to present a full report on the planning, legal, equalities and all other considerations of such a revocation.
- 3 Should the request be approved Oldham Council’ withdraw engagement and support for the defence of the judicial review of ‘Places for Everyone’.
- 4 Should the Plan be revoked the Green Belt boundaries should be restored to their pre-adoption state.
- 5 If the Plan is revoked develop an Oldham-led housing strategy that prioritises brownfield and ex-industrial sites, while protecting greenbelt and green spaces for future generations.

Appendix 2 – Councillor Workshop slides on the Implications of requesting the Secretary of State to revoke the Places for Everyone Joint Development Plan for Oldham Council

See separate document.

Appendix 3 – Representation from GMCA and other PfE districts against Oldham Council deciding to request the SoS to revoke PfE as it relates to Oldham.

See separate document.

Appendix 4 - Oldham Impact Assessment Tool

See separate documents.