

Implications of requesting the Secretary of State to revoke the Places for Everyone Joint Development Plan for Oldham Council

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Agenda

1. Background to Places for Everyone (PfE)
2. Council Motion
3. The Secretary of State's proposed changes to the Planning system – 30th July 2024
4. Implications of requesting the Secretary of State to revoke Places for Everyone for Oldham

Your opportunity to.....

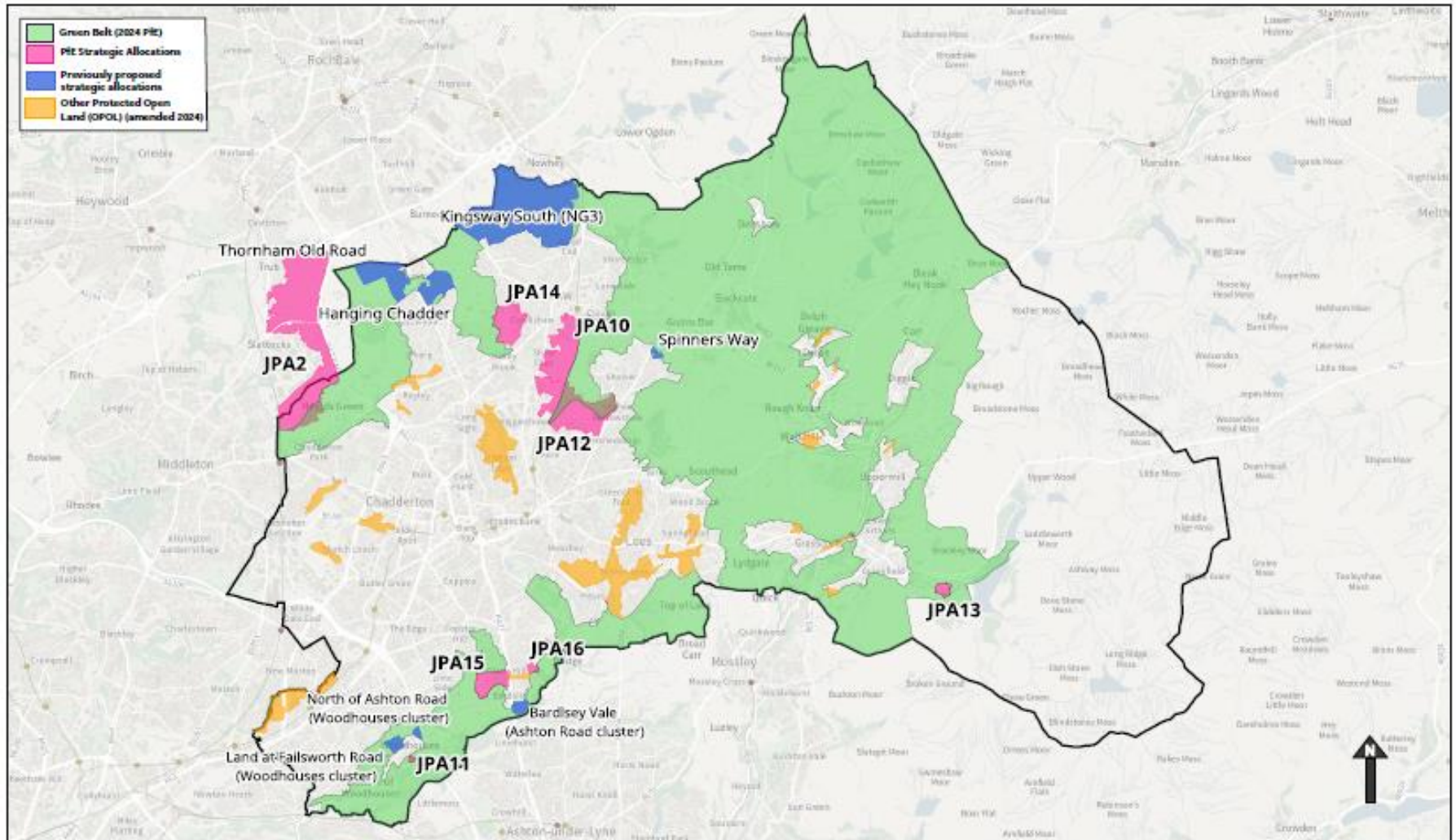
- Discuss and ask questions
- Review consequences of proposed revisions to national policy
- Consider and understand the implications of requesting the Secretary of State to revoke Places for Everyone as it relates to Oldham

Background – Evolution of PfE

- In 2014 the 10 Greater Manchester local authorities resolved to prepare a joint development plan - the Greater Manchester Spatial Framework (GMSF).
- Following the decision of Stockport Council to withdraw from the GMSF, the remaining nine GM authorities progressed Places for Everyone.
- Before ‘submission’ the joint plan was subject to different stages and consultations, as part of which the council made several changes to reduce the amount of Green Belt being released.
 - Several allocations were removed – Kingsway South; Hanging Chadder, Thornham Old Road; Spinners Way / Alderney Farm
 - Several allocations were reduced – Land east and west of A627M amended to Stakehill; Ashton Road Corridor amended to just Land south of Coal Pit Lane; Woodhouses amended to just Bottom Field Farm; Chew Brook Vale amended to just the site of Robert Fletchers
- As a result of these changes the amount of Oldham’s Green Belt proposed for release has reduced significantly:

2016 = 436ha (7.0%)	2019 = 366ha (5.9%)
2020 = 208ha (3.3%)	2021 = 155ha (2.5%)

Background – Green Belt and Allocations



Background – Examination Process

- Submitted to the SoS for examination on 14 February 2022
- Three Inspectors were appointed to examine whether the submitted plan met relevant legislative requirements and tests of soundness as defined in NPPF - positively prepared, justified, effective and consistent with national policy.
- The public hearing sessions commenced in November 2022 and sat for 12 weeks in total, with the final session in July 2023.
- The Inspectors' published their conclusions on 11 August 2023 and the Main Modifications required to ensure the Plan was sound.
- Consultation on the Main Modifications was carried out between 11 October and 6 December 2023.
- The Inspectors' Report, published 15 February 2024, concluded that subject to inclusion of the Main Modifications, the Plan is sound, complies with all relevant legal requirements and provides an appropriate basis for the planning of the nine boroughs.

Background - Current Position

- Oldham Council approved the adoption of PfE 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.

Motion (1)

- Motion tabled at full Council on 10th July 2024 for the removal of Oldham Borough from Places for Everyone.
- *Council cannot legally withdraw from PfE on its own. It can only make a request to the Secretary of State to revoke the Plan under section 25 of the Planning & Compulsory Purchase Act 2004.*
- As such an amended Motion was put forward and approved comprising a list of concerns and the council's resolutions.

Motion (2) – Concerns

- The amended and approved motion listed the following concerns:
 - PfE is based on ‘housing need’ calculations which are already the better part of a decade old.
 - PfE does not give guarantees with regards to the delivery of affordable and socially rented homes.
 - PfE 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.

Motion (3) Resolution

- The amended and approved Motion resolved 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 on 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 green belt and green spaces for future generations.

Motion (4)

There are two elements to the approved motion that require careful consideration:

1. Responding to the concerns listed; and
2. The implications of deciding to make a request to the Secretary of State for the revocation of PfE.

These need to be considered within the context of the recently published proposed revisions to national planning policy as significant ramifications for local planning.

Open consultation

Proposed reforms to the National Planning Policy Framework and other changes to the planning system

ended 2 August 2024

- On 30 July 2024 the Government published details of their 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>).
- 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 method.
- The consultation ran up to 24 September 2024.

Implications of NPPF revisions on requesting the SoS to revoke PfE for Oldham

In the absence of PfE the proposed NPPF revisions would have significant ramifications ...

- Mandatory Local Housing Need method (based on 0.8% of housing stock with an adjustment made for affordability) increases Oldham's housing requirement by 54% compared to PfE
- Addressing local housing need = a 'very exceptional circumstance' that justifies development in the Green Belt
- Must meet needs in full, including through the release of Green Belt – unless the release of land undermines the performance of the Green Belt as a whole (*very difficult to evidence and an extremely high bar to meet*)

Implications of requesting revocation of PfE for Oldham's Local Plan

With PfE =

1. A newly adopted and up-to-date plan in place that sets our strategic direction
2. Able to provide local policy direction (e.g. relating to affordable housing and mix / tenure) through a Part 2 Oldham Local Plan

No PfE =

1. reliant on out-of-date policies set out in the Core Strategy (adopted in November 2011)
2. Out-of-date plan = presumption in favour of sustainable development (NPPF revisions clarify 'out-of-date' relates to housing land supply policies / position).
3. Would be required to prepare a new plan in line with NPPF revisions immediately = this would be a plan that would have to meet our 1,049 a year housing need.

Implications of requesting revocation of PfE for Oldham on our housing requirement

With PfE = 680 homes a year (on average)

Without PfE =

- 1,049 homes a year based on revised NPPF – an increase of 54%

The result of the "presumption" kicking-in for Oldham would be that Green Belt and our other protected open spaces will be extremely vulnerable to an increase in inappropriate and unplanned development that we have little control over and that does not provide the necessary infrastructure.

Housing land supply position

5 Year Supply (2024- 2029)	PfE requirement (2024-2029)	Proportion of PfE requirement (2024-2029)	Requirement - proposed Standard Method (2024-2029)	Proportion - proposed Standard Method (2024-2029)
3,520	3,124	113%	5,244	67%

- Total housing land supply as at 1 April 2024: 13,475
- Proportion on brownfield land = 61%
- Proportion on mixed (brownfield and greenfield) = 14%

Implications of requesting revocation of PfE for Oldham on GMCA and the other districts

Significant implications for the spatial strategy – boosting northern competitiveness, North-East Growth Corridor – Stakehill and Atom Valley.

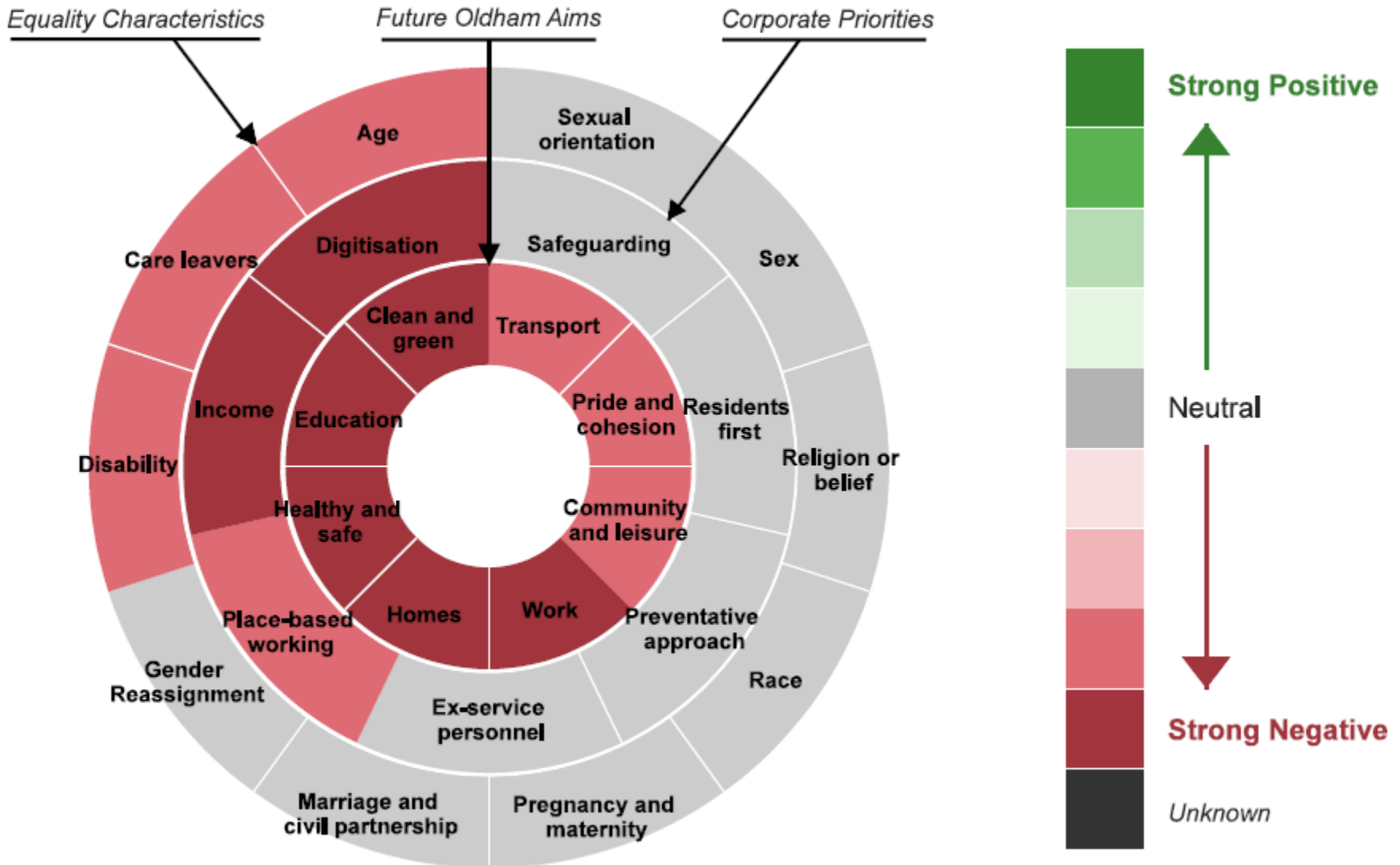
Unforeseen consequences could render the other 8 PfE districts plans out of date = increasing their vulnerability and placing them in presumption in favour of sustainable development.

GMCA and the other 8 PfE districts are considering the potential implications with an expectation that they will submit representations to the Council against requesting the SoS to revoke PfE as it relates to Oldham.

Implications of requesting revocation of PfE for Oldham on the Council's reputation

- Taking the decision to request the SoS to revoke PfE for Oldham will cause significant reputational damage for the Council.
- It will damage our working relationship with:
 - GMCA and the other eight PfE districts;
 - Organisations such as TfGM, UU, Electricity North-West and EA; and
 - Developers actively engaged in PfE and the delivery of new homes across the borough.
- At a GM level, it will put at risk our ability to secure funding that is not only vital if we are 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 Oldham's development viability issues, external funding will be critical if we are to bring brownfield land forward at the scale required and deliver the necessary infrastructure.

Oldham Impact Assessment – without PfE



Responding to concerns listed (1)

- The legal position is **clear** that:
 - **None of the concerns** listed would **provide enough justification** for the SoS to revoke PfE as it relates to Oldham.
 - As such, the **concerns** listed are considered **perverse** and **unreasonable**.
- On this basis it would be **unlawful** for Oldham Council, as a responsible public authority, **to request the SoS to revoke PfE** as it relates to Oldham.
- It is considered that any decision to request the SoS to revoke PfE as it relates to Oldham would be challengeable through Judicial Review and that such a decision would be quashed.

Responding to concerns listed (2)

Why are the concerns listed perverse and unreasonable?

- Recently adopted Plan
- The Plan was subject to independent examination by planning inspectors where the concerns listed were considered
- The inspectors **found the plan sound** and concluded that PfE provides an appropriate basis on which to plan for the nine GM districts
- No relevant change in circumstances since adoption of PfE in March 2024

Conclusion (1)

- Council cannot legally withdraw from PfE. It can only make a request to the Secretary of State to revoke the Plan under section 25 of the Planning & Compulsory Purchase Act 2004.
- What the Motion asks for is unchartered territory.
- Proposed revisions to national planning policy would have significant ramifications for our housing requirement – in the absence of PfE the need to release Green Belt land will be significantly greater.
- Risk of unplanned, ad hoc housing development as the "presumption" kicks in for Oldham, causing even greater harm to the borough's environment.
- Major reputational damage for the council.
- Undermine delivery of the council's regeneration ambitions and aspirations.

Conclusion (2)

It would be **unlawful** for Oldham Council, as a public authority, to request the SoS to revoke PfE as it relates to Oldham.

It is considered **extremely unlikely that the SoS would approve the revocation of PfE for Oldham** – even more so given the proposed changes to national planning policy and the significant increase in housing numbers.

As such it is our view, as professional planning officers, that the Council continue to prepare an **Oldham Local Plan as the Part 2 Plan for Oldham under PfE** – this will provide an opportunity to set out further detail on affordable housing, mix and tenure, and other local planning policies.