

Examination of Places for Everyone Joint Development Plan Document

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IN36 Further Action Points

GMCA have now responded to all of the Action Points that we have published to date¹, and prepared a comprehensive schedule that includes the latest version of all of the proposed main modifications (PMM4.1, which supersedes PMM3 published on 17 January 2023).

As previously advised, we can only recommend main modifications in our report at the end of the examination if we decide they are necessary to make the Plan sound and/or legally compliant. We have now considered all of GMCA's proposed main modifications in the context of all of the written material in the examination library and everything that we heard at the hearing sessions and concluded that some changes to the main modifications are required.

GMCA are therefore requested to prepare amendments to the proposed main modifications in PMM4.1 as set out in the **Annex** attached to this note. GMCA should submit the amended main modifications by **midday on Friday 23 June 2023**.

Subject to the Action Points set out in the attached Annex, we are satisfied at this stage of the examination that all of the proposed main modifications are necessary to make the Plan sound and would be effective in that regard. That is, however, without prejudice to our final conclusions that we will reach following consideration of responses to the public consultation that will be carried out on the main modifications later in the examination.

Therefore, other than following our consideration of the issues associated with peat on the five sites to be discussed at a further hearing session on Wednesday 5 July², or due to a significant change in national planning policy, we do not envisage that we

¹ Our last set of Action Points arising from the week 11 hearing sessions [IN35] was published on 5 April 2023.

² As announced on the examination website on 30 May 2023.

will be setting out any further Action Points to those included in this note prior to the main modifications consultation.

Any queries about this note should be taken up with the Programme Officers.

William Fieldhouse Louise Gibbons Steven Lee

8 June 2023

Amendments to GMCA's proposed main modifications

GMCA is requested to prepare amendments to the proposed main modifications in PMM4.1 in response to the following Action Points by **midday on Friday 23 June 2023**.

Full reasons for any modifications that we ultimately decide are necessary will be set out in our final report. Some of the main modifications we describe below may supersede, or require alterations to, modifications proposed earlier in the examination. Consequential modifications may also be required to other parts of the Plan.

Policy JP-S2: Carbon and energy

The GMCA have put forward several proposed modifications to Policy JP-S2 in GMCA21.1 and GMCA86. However, any main modifications we recommend must be limited to those which are necessary to ensure the submitted policy is sound.

In terms of criterion 8a, we consider that modifications are necessary to ensure consistency between the reasoned justification and the policy in relation to regulated and unregulated emissions. We also consider that reference to the 19% reduction in carbon emissions in relation to the 2013 Part L Building Regulations is rendered out-of-date by the publication of the 2022 version. This already requires a 31% reduction against the 2013 figures. However, to ensure there is no ambiguity, we find it would be helpful to refer to the Building Regulations in this case. As with the submitted plan, an 'interim' measure of adherence to current Building Regulations is appropriate. This is also consistent with what is set out in the reasoned justification, in particular paragraph 5.11.

We therefore suggest the following wording for criterion 8a:

- a. Be net zero carbon (footnote 31) which applies:
 - from adoption – to regulated operational carbon emissions;
 - from 2028 - to all emissions 'in construction'.

From 2025 development should also calculate and minimise carbon emissions from unregulated emissions alongside regulated emissions.

Development proposals should set out how this has been achieved in an energy statement in accordance with the energy hierarchy, which in order of importance seeks to:

- Minimise energy demand
- Maximise energy efficiency
- Use renewable energy
- Use low carbon energy; and

- Utilise other energy sources.

From 2025 any residual carbon emissions that cannot be fully mitigated on-site should be offset, in agreement with the relevant local planning authority through a financial contribution to a carbon offset fund.

As an interim measure, development should be consistent with the 2022 Part L Building Regulations unless superseded by changes to building regulations and/or national or local planning policies.

Footnote 31: Target trajectory is expected to be in line with 2025 Future Homes Standard; net zero carbon is defined in the UK GBC Framework (<https://www.ukgbc.org/ukgbc-work/net-zero-carbon-buildings-aframework-definition/>)

AP139. GMCA to amend the proposed main modifications to policy JP-S2 in light of the advice set out above.

Policies JP-J3 and JP-J4: office and industrial and warehousing floorspace

The submitted Plan does not include employment floorspace requirements at a district level. Unilaterally, the GMCA submitted proposed modifications to the Plan to address what they see as an omission. As noted above, we can only recommend main modifications where they are necessary to make the plan sound and not to make what may be considered improvements. We have therefore carefully considered the proposed methodology for apportioning employment floorspace across the districts, the associated proposed modifications and the discussions at the relevant hearing sessions.

National policy does not require local plans, including joint plans, to include district level employment floorspace figures. On this basis, it is not necessary to modify the Plan to address issues of consistency with national policy. In terms of effectiveness, the Plan identifies the anticipated supply of floorspace in each area. It also includes employment allocations and policies on what are considered appropriate locations for new employment floorspace. It would be reasonable to assume that the floorspace identified in the existing supply is in locations which are consistent with these, and other relevant local plan policies. There should therefore be no reason in principle why allocating sites from the existing supply, if necessary, need be a concern. This is therefore an effective basis on which each district can plan for employment land.

The approach of the submitted Plan would allow each authority to take local circumstances into account when drafting their plans. To ensure the overall strategy is being adhered to, there will obviously be a role for monitoring at the Plan, district and spatial strategy level to ensure the existing supply, including allocations, is providing sufficient floorspace. However, subject to the other modifications to policies JP-J3 and JP-J4 in PMM4.1, we are content that no further main modifications are necessary to ensure those policies are sound.

AP140. GMCA to amend the proposed main modifications to policies JP-J3 and JP-J4 to remove reference to district employment floorspace requirements.

Policy JP-G7

The Salford Local Plan has now been adopted and contains a similar policy to JP-G7, but this has additional wording to address the issue that 2 new trees will not always have the same value as the one being lost. This would result in an inconsistency between the two plans.

AP141. GMCA to amend the proposed main modifications to policy JP-G7 along the lines of:

“Where development would result in the loss of existing trees, requiring replacement on the basis of two new trees for each tree lost, or other measures that would also result in a net enhancement in the character and quality of the treescape and biodiversity value in the local area, with a preference for on-site provision; and ...”

Policies JPA1.1 to JPA37: Site Allocations

A significant number of changes to policies JPA1.1 to JPA37 relating to the site allocations have been proposed as main modifications. We are satisfied that, in most respects, these reflect our previously published Action Points³ and are necessary to make the Plan sound and will be effective in so doing. However, partly due to the fact they were published at different times during the examination, there are some inconsistencies and anomalies that we think need to be addressed. Whilst it is not appropriate or necessary to adopt a wholly formulaic approach, and there may be good reasons why different requirements are set for different allocations or in different districts, we do consider that inconsistencies that cause ambiguity or internal conflict should be avoided in the interests of ensuring the Plan is effective.

GMCA are, therefore, requested to undertake a review of the requirements in policies JPA1.1 to JPA37 to ensure that any significant inconsistencies that could cause ambiguity or internal conflict are addressed. The main issues where remaining inconsistencies may need to be addressed relate to Green Belt boundaries and compensatory improvements; biodiversity/ecology; heritage assets; and provision of additional school places. However, there may be others. We suggest that the following form of words (or similar) be used in relation to those issues, unless there is a particular reason why a different approach is needed on the site in question:

Green Belt

- Define and/or strengthen the boundaries of the Green Belt around/within the site such that they will comprise physical features that are readily recognisable and likely to be permanent.
- Make provision for compensatory improvements to the environmental quality and accessibility of remaining Green Belt [within and/or] in the vicinity of the site in accordance with policy JP-G2.

³ Including IN23 published on 23 January 2023

Heritage

- Take appropriate account of heritage assets on and/or around the site, and their settings, including [name specific designated heritage assets], in accordance with policy JP-P2.

Education

- Make financial contributions for offsite additional primary and/or secondary school provision to meet needs generated by the development (and/or refer to the need for provision of new education facilities on site where appropriate), in accordance with JP-P5.

Biodiversity

- Make provision for biodiversity, taking appropriate account of [name particular features or designated areas on and/or around the site], in accordance with policy JP-G9.
- Several site allocations policies include a criterion for requiring further ecological survey work being undertaken. However, this is inconsistent with most of the other allocations in the Plan which do not refer to this requirement and where updated or other appropriate survey work may also be necessary. GMCA should therefore consider deleting the specific extended Phase 1 and other survey requirements in the relevant allocations (including JPA12, JPA13, JPA14, JPA15, JPA16, JPA17, JPA18, JPA28 and JPA29). However, in line with the approach taken in JP-P2 for the heritage evidential requirements of development proposals, it is necessary to incorporate a consequential change to policy JP-G9 to include the evidential requirements for biodiversity/ecological assessments in respect of development proposals. This is to ensure that policy JP-G9 is effective, and can be consistently applied in relation to each of the allocations (and where relevant other development sites).

AP142. GMCA to amend the proposed main modification to policy JP-G9 to include the following (or similar): “Development proposals should be informed by the findings and recommendations of the appropriate biodiversity/ecological assessment(s) in the PfE evidence base and/or any updated or appropriate biodiversity/ecological assessments submitted as part of the planning application process”.

AP143. GMCA to amend the proposed main modifications to policies JPA1.1 to JPA37 where necessary in light of the advice set out above to ensure that any significant inconsistencies that could cause ambiguity or internal conflict are addressed.

Policy JPA10 – Global Logistics

Having had regard to the relevant hearing session and suggested modifications in GMCA85, we do not consider JPA10 to be a sound allocation for the following reasons. The scale of floorspace delivered would not be significant in terms of the overall employment supply; neither would it provide substantial qualitative benefits through its proximity to the airport. Accordingly, the site would make a very limited contribution to the overall economic strategy. Given the size and constrained nature of the site, we are also not persuaded that the requirements of the policy would be

sufficient in this case to ensure the delivery of a satisfactory form of development. This is particularly the case in relation to biodiversity assets in and around the site, including the effects on the mitigation measures already identified for the adjacent development.

Notwithstanding the overall moderate harm identified to the Green Belt, we therefore do not consider that exceptional circumstances have been fully evidenced and justified for the release of this site from the Green Belt, contrary to paragraph 140 of the NPPF. Reducing the allocation to areas outside the Green Belt would not overcome our concerns relating to potential effects of development and a satisfactory form of development.

AP144. GMCA to prepare main modifications which delete policy JPA10 from the Plan, along with any consequential changes to other policies, reasoned justification and maps.

Policy JPA26 – Land at Hazelhurst Farm

GMCA53 put forward a modification to the boundary of the JPA26 allocation, which would also mean further release of land from the Green Belt. GMCA have acknowledged that the evidence justifying the retention of the land in question as Green Belt, and consequently excluded from the allocation, is no longer considered accurate. The submitted Green Belt boundary does not follow any physical features on the ground which are readily recognisable and/or likely to be permanent. This would be contrary to paragraph 143f of the NPPF and, considering the updated evidence, is not justified in this case. Amending the boundary to reflect the road line would address this issue. The proposed modification would therefore be necessary to ensure consistency with national policy.

AP145. GMCA to modify the JPA26 allocation and Green Belt boundaries as proposed in GMCA53.

Green Belt Additions

The Plan proposes that a total of 49 sites be added to the existing Green Belt (total 675 hectares). However, at the hearing session on Thursday 9 March 2023, GMCA outlined its approach to considering whether each of the Green Belt additions made in the Plan is justified having regard to relevant national policy and case law. The outcome of the review of the site specific evidence submitted with the Plan was subsequently set out in a note which was published on 10 March [GMCA79] along with a relevant Court of Appeal judgment [GMCA80].

GMCA's review involved considering whether there are exceptional circumstances for each Green Belt addition based on whether there has been a fundamental change in circumstances since the extent of the Green Belt was established previously, and/or whether a change is needed to correct an anomaly where the existing Green Belt boundary does not follow a readily recognisable physical feature. GMCA reviewed each of the 49 Green Belt additions in the Plan and the findings are set out in GMCA79. In summary, GMCA concluded that 17 of the additions either

meet the fundamental change test and/or would resolve an anomalous boundary (but the remaining Green Belt additions do not meet either of those tests).

We have considered the justification for all of the 49 Green Belt additions proposed in the Plan. We agree with GMCA's judgement that there are exceptional circumstances to justify adding the 17 sites listed in GMCA79 to the Green Belt. We also conclude that exceptional circumstances have not been fully evidenced and justified for each of the other proposed additions, apart from GBA02 Land at Horwich Golf Club/Knowles Farm which we consider does meet the fundamental change test. This is because existing local plan policy has not been effective in resisting residential development in the area, and because residential development permitted on the southern part of the site results in the remaining part of GBA02 now making a more important contribution to protecting the countryside from encroachment and preventing urban sprawl. Subject to the proposed modification to the boundary set out in PMM4.1, we are therefore content that GBA02 is justified.

AP146. GMCA to prepare main modifications to the Plan (and changes to the Policies Map) to delete all of the Green Belt additions listed in Appendix B other than:

- GBA02 Land at Horwich Golf Club/Knowles Farm
- GBA05 Pigs Lea Brook 2
- GBA12 Woolfold, Bury
- GBA14 Chesham, Bury
- GBA19 land west of Stakehill Business Park
- GBA25 land at Summit, Heywood
- GBA26 Land South East of Slack Brook Open Space
- GBA28 Part of Logistics North Country Park
- GBA29 Land West of Burgess Farm
- GBA31 Fox Platt, Mossley
- GBA32 Manor Farm Close, Waterloo, Ashton-under-Lyne
- GBA35 Woodview, South View, Carrbrook, Stalybridge
- GBA37 Broadbottom Road, Broadbottom
- GBA39 Cemetery Road, Denton
- GBA40 Hyde Road, Mottram
- GBA41 Ashworth Lane, Mottram
- GBA43 Midlands Farm, Moss Lane
- GBA44 Land off Fir Tree Street, Ince

Consequential modifications to other parts of the Plan

AP147. GMCA to identify consequential changes to other parts of the Plan, including the maps and diagrams and reasoned justification, that are required to ensure consistency having regard to all of the proposed modifications set out in PMM4.1 and required as a result of the further Action Points set out in this note.

We will set a deadline for GMCA to complete its response to AP147 after we have published any further action points following the additional hearing session on Wednesday 5 July 2023.

End of IN36 Annex