



Neighbourhoods and Environment Scrutiny Committee

Date: Wednesday, 5 February 2020

Time: 2.00 pm

Venue: Council Antechamber, Level 2, Town Hall Extension

Everyone is welcome to attend this committee meeting.

There will be a private meeting for members of the Committee at 1:30 pm in Committee Room 6, Room 2006, Level 2 of the Town Hall Extension.

Access to the Ante Chamber

Public access to the Ante Chamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension. That lobby can also be reached from the St. Peter's Square entrance and from Library Walk.

There is no public access from the Lloyd Street entrances of the Extension.

Filming and broadcast of the meeting

Meetings of the Neighbourhoods and Environment Scrutiny Committee are 'webcast'. These meetings are filmed and broadcast live on the Internet. If you attend this meeting you should be aware that you might be filmed and included in that transmission.

Membership of the Neighbourhoods and Environment Scrutiny Committee

Councillors - Igbon (Chair), Azra Ali, Appleby, Butt, Flanagan, Hassan, Hughes, Jeavons, Kilpatrick, Lynch, Lyons, Razaq, Sadler, Strong, Whiston, White and Wright

Agenda

- 1. Urgent Business**
To consider any items which the Chair has agreed to have submitted as urgent.
- 2. Appeals**
To consider any appeals from the public against refusal to allow inspection of background documents and/or the inclusion of items in the confidential part of the agenda.
- 3. Interests**
To allow Members an opportunity to [a] declare any personal, prejudicial or disclosable pecuniary interests they might have in any items which appear on this agenda; and [b] record any items from which they are precluded from voting as a result of Council Tax/Council rent arrears; [c] the existence and nature of party whipping arrangements in respect of any item to be considered at this meeting. Members with a personal interest should declare that at the start of the item under consideration. If Members also have a prejudicial or disclosable pecuniary interest they must withdraw from the meeting during the consideration of the item.
- 4. Minutes** 5 - 16
To approve as a correct record the minutes of the meeting held on 8 January 2020.
- 5. Updated Financial Strategy and Budget Reports 2020/21 - To follow**
 - 5a Neighbourhoods Directorate Budget Report 2020/21 - To follow**
 - 5b Homelessness Budget 2020/21 - To follow**
 - 6a The draft Manchester Climate Change Framework 2020-25 - To follow**
 - 6b The draft Manchester City Council Climate Change Action Plan 2020-25 - To follow**
 - 6c Existing and future Council funding to address the Climate Emergency and deliver the Climate Change Action Plan 2020-25 - To follow**
- 7. Planning Conditions and Enforcement** 17 - 34
Report of the Strategic Director Development

Members have asked for a report which provides information relating to a number of planning related matters principally around the use and enforcement of planning conditions. This includes

reference to conditions involving trees and open space.

Information has also been requested on how the Planning Service works with the Highway Authority and Social Providers. This includes with regards to the Highway Authority issues relating to construction management and our social providers through their development activity.

- 8. Delivering the Our Manchester Strategy - The Executive Member for Environment, Planning & Transport** 35 - 44
Report of the Executive Member for Environment, Planning & Transport

This report provides an overview of work undertaken and progress towards the delivery of the Council's priorities as set out in the Our Manchester strategy for those areas within the portfolio of the Executive Member for Environment, Planning and Transport.

- 9. Delivering the Our Manchester Strategy - The Executive Member for Neighbourhoods** 45 - 50
Report of the Executive Member for Neighbourhoods

This report provides an overview of work undertaken and progress towards the delivery of the Council's priorities as set out in the Our Manchester Strategy for those areas within the portfolio of the Executive Member for Neighbourhoods.

- 10. Overview Report** 51 - 60
Report of the Governance and Scrutiny Support Unit

This report includes details of the key decisions due to be taken that are relevant to the Committee's remit as well as an update on actions resulting from the Committee's recommendations. The report also includes the Committee's work programme, which the Committee is asked to agree.

Information about the Committee

Scrutiny Committees represent the interests of local people about important issues that affect them. They look at how the decisions, policies and services of the Council and other key public agencies impact on the city and its residents. Scrutiny Committees do not take decisions but can make recommendations to decision-makers about how they are delivering the Manchester Strategy, an agreed vision for a better Manchester that is shared by public agencies across the city.

The Neighbourhoods and Environment Scrutiny Committee has responsibility for looking at how the Council and its partners create neighbourhoods that meet the aspirations of Manchester's citizens.

The Council wants to consult people as fully as possible before making decisions that affect them. Members of the public do not have a right to speak at meetings but may do so if invited by the Chair. If you have a special interest in an item on the agenda and want to speak, tell the Committee Officer, who will pass on your request to the Chair. Groups of people will usually be asked to nominate a spokesperson. The Council wants its meetings to be as open as possible but occasionally there will be some confidential business. Brief reasons for confidentiality will be shown on the agenda sheet.

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Further Information

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This agenda was issued on **Tuesday, 28 January 2020** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension, Manchester M60 2LA

Neighbourhoods and Environment Scrutiny Committee

Minutes of the meeting held on 8 January 2020

Present:

Councillor Igbon – in the Chair
 Councillors Azra Ali, Appleby, Butt, Flanagan, Hassan, Hughes, Jeavons, Kilpatrick, Lynch, Lyons, Razaq, Whiston, White and Wright

Apologies: Councillor Sadler

Also present:

Councillor S Murphy, Deputy Leader
 Councillor Akbar, Executive Member for Neighbourhoods
 Councillor Stogia, Executive Member for Environment, Planning and Transport
 Councillor Reid, Ward Member for Gorton and Abbey Hey
 Marc Hudson, Climate Emergency Manchester
 Megan Black, Head of Logistics and Environment, Transport for Greater Manchester
 Stephen Bergquist, Community Engagement Manager (North West), Canal and River Trust
 Hilary Wood, My Wild City, The Wildlife Trust
 Julie Ryan, Friends of Ryebank Fields
 Tara Parry, Friends of Ryebank Fields

NESC/20/01 Minutes silence in memory of Councillor Harland

The Committee and all those present observed a minute's silence in remembrance of Councillor Harland.

NESC/20/02 Urgent Business – Changes to Household Recycling Centres

The Chair introduced an item of Urgent Business by inviting the Executive Member for Neighbourhoods to address the Committee on the reported changes to be introduced at Household Waste and Recycling Centres.

The Executive Member for Neighbourhoods informed the Members that the changes had been introduced by the GMCA who are the Waste Disposal authority for 9 authorities within Greater Manchester to stop the illegal use of household waste recycling centres by traders and other businesses; help businesses understand their legal obligations when disposing of waste and help monitor visitor numbers to stop illegal use by traders. Members were reminded that it was illegal to dispose of trade or business waste at any household waste recycling centres. Household waste recycling centres were only for residents to dispose of their household waste.

To deter traders Household Recycling Centres would be introducing limits on the number of times centres could be used by residents of Greater Manchester (excluding Wigan) each year, dependent on the type of vehicle used. Automatic

number plate recognition systems and new access restrictions at all household waste recycling centres would help monitor visitors and identify illegal use.

The Committee heard from Councillor Reid, Ward Member for Gorton and Abbey Hey who stated that there was an area within her ward that had been blighted by fly tipping. She expressed her concerns that the changes proposed would increase incidents of fly tipping and Members should have been informed of these changes in advance of any press reports.

The Executive Member for Neighbourhoods stated that he was aware of the issues in the Gorton and Abbey Hey area raised by Councillor Reid and informed Members that fly tipping hotspots continue to be targeted for enforcement action taken against identified perpetrators.

Some of the key points that arose from the Committee's discussions were: -

- Condemning the recent violent attack on a member of staff by a member of the public at the Longley Lane Recycling Centre;
- Members expressed disappointment that they had not been made aware of the changes until this had been reported in the Manchester Evening News and contact from concerned residents;
- Communication with Members in relation to any service change needed to be improved, and provided regardless of the time of year or periods of purdah;
- The Executive Member for Neighbourhoods and/or Officers should have addressed some of the inaccuracies within the press reporting;
- Staff at the Reliance Street Centre had been witnessed facilitating the disposal of trade waste and they should be instructed to cease this immediately;
- The vehicle registration of these trade vehicles attending Reliance Street and disposing of waste illegally should be recorded and passed to the Environment Agency to pursue an investigation and prosecution; and
- Would the changes to the service be reviewed.

The Strategic Lead, Waste, Recycling and Street Cleansing informed the Committee that a Subgroup had been established to monitor the implementation and impact of the revised service. Members recommended that an evaluation report of the revised service be submitted for consideration at the Committee's September 2020 meeting. Members further recommended that information on the communications framework, including that during periods of purdah be provided to the Committee at an appropriate time.

The Executive Member for Neighbourhoods acknowledged the comments regarding communication with Members.

The Executive Member for Neighbourhoods made reference to the recent violent attack on a member of staff at the Longley Lane Recycling Centre. He stated that this criminal act was unacceptable and the health and safety of all staff working at these sites was paramount. He informed the Committee that pending full training following this incident, staff had been advised not to challenge members of the public. He stated this decision had been taken in consultation with the Trade Unions.

Decisions

The Committee;

1. Recommended that an evaluation report on the revised service be submitted for consideration at the Committee's September 2020 meeting.
2. Recommended that information on the communications framework, including that during periods of purdah be provided to all scrutiny committees at an appropriate time.

[Councillor Appleby declared a personal and non-prejudicial interest as her partner is employed by Biffa.]

NESC/20/03 Minutes

Decision

To approve the minutes of the meeting held on 4 December 2019 as a correct record.

NESC/20/04 Updated Financial Strategy and Budget Reports 2020/21 (Cllr Flanagan in the Chair during consideration of the Homelessness Budget 2020/21 report)

The Committee considered a report of the Chief Executive and the Deputy Chief Executive and City Treasurer, which provided an update on the Council's overall financial position and set out the next steps in the budget process. In doing so, the report outlined Officer proposals for how the Council could deliver a balanced budget for 2020/21.

In conjunction to the above, the Committee also received and considered the draft Council Business Plan for 2020/21, the Neighbourhoods Directorate Budget Report 2020/21 and the Homelessness Budget 2020/21.

Officers highlighted that the 2020/21 budget would be a one year roll over budget. It would reflect the fact the Council had declared a climate emergency and would also continue to reflect the priorities identified in the previous three-year budget strategy.

Taken together, the reports illustrated how the directorate would work to deliver the Our Corporate Plan and progress towards the vision set out in the Our Manchester Strategy.

Some of the key points that arose from the Committee's discussions were: -

- Welcoming Zero Carbon Manchester being identified as a priority within the Council Business Plan 2020-21, and what funding had been allocated to support this important activity;

- In recognition of the Climate Emergency declared by Council in July 2019 could money from the General Fund Reserve be used to support climate change activity;
- When setting future budgets, reports needed to be explicit in how budgets and plans were addressing carbon emissions;
- Welcoming the reported increase in the rates of domestic recycling;
- What was the cost to the Council to deal with illegal fly tipping;
- What was being done to address fly tipping and had the investment to tackle fly tipping (£500k) as part of the 2019/20 budget setting process achieved value for money;
- Clarification was sought in regard to the Highways Capital Programme for 2022/23;
- All wards needed targeted enforcement action by Neighbourhood Teams;
- A request that the outcome of the independent BAME staff review be shared with the Committee;
- A Member called for additional support and investment for Wythenshawe district centre;
- What was being done to reduce the spend on temporary accommodation to support people experiencing homelessness;
- What was being done to ensure temporary accommodation was safe and suitable for people;
- An update was sought on the proposals to purchase properties to accommodate homeless families;
- Recognising the impact of increased workloads on those staff employed to support homeless people;
- The need to reduce the numbers of families housed in temporary accommodation outside of the area, commenting that families received different levels of support depending on where they were placed;
- Welcoming the inclusion of Social Workers located within the Rough Sleepers Team to support teams and helping vulnerable residents;
- Concern was expressed that the funding arrangements to tackle homelessness from central government were piecemeal and precarious; and
- Consideration needed to be given as to how budget information was presented and the narrative clear to ensure the correct information was relayed to residents.

The Strategic Director (Neighbourhoods), in response to a question from a Member confirmed that the options presented were for setting a 12 month budget for the Council and the Neighbourhoods Directorate was not losing any funding and there were no proposed reduction in staff posts or services.

In response to the comments regarding climate change and allocated resources, the Strategic Director (Neighbourhoods) stated that the Our Corporate Plan priorities had been refreshed for 2020-21 to reflect the city's zero carbon ambitions and declaration of the climate emergency. She described that whilst no specific additional funding was specifically identified in the report, she reassured the Committee that work was ongoing within existing resources.

The Executive Member for Executive Member for Environment, Planning and Transport responded to the comment that information on the resources and finances

allocated to support climate change activity, referenced the £300k allocated to City Policy to support this work and described how outcomes would be measured should be report by stating that there was a lot of work already underway to address the issue of carbon emissions. She stated this would continue to be reported to the Committee and she welcomed the challenge presented by Members. She further commented that the Climate Change Subgroup would also continue to monitor progress and activity against this important issue.

The Executive Member for Finance and Human Resources acknowledged the comment from the Chair regarding the use of the General Fund Reserve to support climate change and reducing emissions activity. He stated that consideration would be given to this.

In response to the questions regarding activities to address fly tipping and the use of the additional £500k investment, the Executive Member for Neighbourhoods informed the Committee that this had been used to fund additional Enforcement Officer posts to undertake a programme of business inspections to ensure appropriate and sufficient waste management arrangements were in place; investment in additional CCTV cameras; target hardening projects, to design out fly tipping hotspots by installing physical measures to deter fly-tippers and supporting environmental improvement projects. He stated that this activity was undertaken across all of the city and not just in the city centre. He referred Members to the report that had been submitted to the October 2019 meeting that provided detail of the activities to improve waste, recycling and street cleansing.

In response to the question regarding Highways Capital Programme for 2022/23, the Head of Network Management stated that the future funding arrangements from central government were still to be confirmed so they were currently unable to provide any further details. He said that a review of the benefits realised from the five year highways investment programme would be undertaken, and the findings of this would inform the business case for future investment.

In response to the point raised regarding Wythenshawe District Centre, the Executive Member for Neighbourhoods stated that he would feed the comments from the Member back to the Executive Member for Housing and Regeneration.

The Chair informed the Committee that the independent BAME staff review would be scrutinised by the Resources and Governance Scrutiny Committee. She requested that when the report was made available that this be shared with the Members of the Neighbourhoods and Environment Scrutiny Committee.

In response to the questions arising from consideration of the Homelessness Budget 2020/21 report, the Deputy Leader stated that the Council was still awaiting confirmation of the financial arrangements to deliver support for homeless people in Manchester. She stated that currently the financial position indicated that the service would be £800k worse off than last year, despite the increased demand on services. She called for an end to Section 21 Notices and increased security for tenants within the private rented sector. She further paid tribute to all of the staff working in the homeless service for their continued dedication, compassion and hard work to support some of the most vulnerable residents in Manchester.

The Director of Homelessness stated the most effective method to reduce the reliance on temporary accommodation was to invest and deliver homeless prevention services. He made reference to a range of prevention initiatives, including the work of the Section 21 team that was considered by Committee at their meeting of 19 June 2019, the work of the Private Rented Sector team within the Homelessness Department work to source settled accommodation for homeless households, the move towards delivering homeless advice in local neighbourhoods and the recent changes to the Housing Allocations Policy.

The Director of Homelessness further informed the Committee that currently 21 properties had been purchased to house homeless families, with a further 16 at conveyance stage. He said that a cost benefit analysis of this approach would be undertaken to assess the effectiveness of this model. He also stated that the ambition was to bring homeless residents housed in temporary accommodation out of area back into Manchester, noting the disruption out of area placements could have on people and their families. In response to the quality and standards of temporary accommodation that was used to house people, he stated that properties were inspected by teams of officers and information on this had been shared previously with the Committee. He further advised that the contract for temporary accommodation would be reviewed and standards and quality would inform this review.

Decision

The Committee recommend that their comments be submitted for consideration by the Executive at their meeting of 15 January 2020.

[Councillor Appleby declared a personal and non-prejudicial interest as her partner is employed by Biffa and Councillor Igbon declared a prejudicial interest and withdrew from the meeting during consideration of the Homelessness Budget report.]

NESC/20/05 Petition for debate ‘Declare a Climate Emergency’

The Committee considered the report of the Governance and Scrutiny Support Unit which provided details of a petition to ‘Declare a Climate Emergency’. The report also outlined the procedure for the Committee to debate the petition in accordance with the Council’s Petitions Scheme.

The Committee heard from Mr Marc Hudson, Climate Emergency Manchester. He thanked the Members for having the courage to declare a climate emergency, commenting that climate change was a very significant concern for residents of the city. He made reference to the previous attempts and announcements to tackle climate change and expressed his disappointment that following a Freedom of Information request he had learned that no additional funding had been allocated to support the climate emergency motion.

Mr Hudson called upon all Members to lead by example within their respective wards, to take local action to mitigate climate change. He said this would help raise awareness of the issue and raise morale of residents. He called upon Members to

vigorously scrutinise and challenge the actions and plans to reduce carbon emissions. He further suggested that consideration should be given to establishing an additional scrutiny committee to ensure enough time was allocated to effectively scrutinise this area of activity, noting the large remit of the current committee.

The Executive Member for Environment, Planning and Transport thanked Mr Hudson and all of the residents who had signed the petition for their enthusiasm and passion. In direct response to the specific ask of the petition she stated that a climate emergency had been declared; the Tyndall Centre were currently looking at aviation emissions and would present their findings to the Committee and they would be attending the next meeting of the Climate Change Subgroup.

The Executive Member for Environment, Planning and Transport further commented that the Council was now working on the production of a new 5 year Climate Change Action Plan which would replace the 2016-2020 plan and would reflect the establishment of science-based carbon reduction targets for Manchester and the recent Climate Emergency Motion. She advised that the Committee and the Climate Change Subgroup would have the opportunity to monitor this progress.

The Executive Member for Environment, Planning and Transport informed the Committee that the Council was making an additional £300k available to the Corporate Core to support the delivery of this agenda. This included increased support for the Climate Change Agency to support its work across the city. In addition, a number of capital schemes were being funded such as the Civic Quarter Heat Network and the Carbon Reduction Programme aimed at reducing carbon emissions from buildings. She commented that Manchester was leading the way in regard to reducing its carbon emissions and would continue to seek to influence partners locally, nationally and internationally to respond to the issue of climate change.

Some of the key points that arose from the Committee's discussions were: -

- Recognising the importance of this issue and the impact this had on residents; and
- Recognising that everyone needed to be engaged with and act on this issue.

In reaching their formal decision the Chair informed all those present that the item was being considered within the context of the Council's Petitions Scheme, and the decision reached was not a reflection of the importance the Committee placed on this issue.

Decision

The Committee note the petition, and recommend that no action is taken.

NESC/20/06 Manchester Green and Blue Strategy and Implementation Plan, including: Annual update and a report on the Tree Action Plan

The Committee considered the report of the Strategic Director, Development and Deputy Chief Executive that provided the annual update on the delivery of the Green and Blue Infrastructure (G&BI) implementation plan together with information on the delivery of the Tree Action Plan.

The Principal Policy Officer referred to the main points and themes within the report which included: -

- Providing a general introduction and background to the G&BI Strategy and Implementation Plan;
- Information on the Tree Action Plan;
- The importance of our green and blue infrastructure in responding to the Council's climate emergency declaration;
- Key delivery highlights from the G&BI Strategy and progress in 2019, including case studies; and
- Key delivery highlights from the Tree Action Plan 2019.

The Committee heard from Julie Ryan, Friends of Ryebank Fields. She spoke to the Committee and stated that the Ryebank Fields area of land did not appear on the published Brownfield Land Register and therefore it was their assertion that any plans to build housing on Ryebank Fields was contrary to local and national planning policy. She stated that this land was green belt land with similar status to other protected locations within the area, and as such should not be used for development. She stated that they had attempted to obtain clarification on this issue by writing to senior officers within the Council but had not received any reply to date. She stated that following recent correspondence with the Manchester Metropolitan University the group had concerns that attempts would be made to reclassify this area of land to brownfield status and she called upon the Committee to scrutinise this issue.

The Committee then heard from Stephen Bergquist, Community Engagement Manager (North West), Canal and River Trust and Hilary Wood, My Wild City, The Wildlife Trust who described the range of engagement events and initiatives that their respective organisations were involved with to support the G&BI Strategy.

The Committee were shown a video presentation, created by The Wildlife Trust entitled 'My Wild City' that showcased a local park and described the many benefits of green spaces.

Some of the key points that arose from the Committee's discussions were: -

- Acknowledging the improvements delivered within the city by the Canal and River Trust and requesting that similar improvements were delivered in other areas of the canal network, commenting upon the dedication and important work of local volunteers;
- Recognising the importance of green space and the many benefits that these delivered within neighbourhoods;
- Recognising the importance of partnership working to deliver and improve green and blue spaces;

- Developers needed to share the vision for the city and the planning service should use their influence to maximise the delivery of green and blue schemes, including the delivery of green walls in urban areas to encourage bio diversity;
- Recognising the importance of trees to capture carbon;
- Social Housing providers should be encouraged to promote and coordinate a programme of tree planting;
- The number of trees lost over the previous two decades had been calculated to be significant and enforcement action should be taken against anyone responsible for the illegal felling of trees; and
- How trees located on the highway were inspected.

The Tree Officer confirmed that trees located on highways were regularly inspected and maintained. He further described that enforcement action would be taken against the illegal removal of a tree that had Tree Preservation Order status.

The Chair informed the Members that a report on Planning and Compliance was scheduled to be considered by the Committee at their meeting of 5 February 2020. She advised that this would be an opportunity to discuss the role of planning and how this could be used to influence this area of activity in further detail.

In response to the comment regarding the Canal and River Trust supporting projects in other areas of the canal network within the city, she requested that the representative meet with the Member following the meeting to discuss this further.

Decision

The Committee note the report.

NESC/20/07 Greater Manchester's Clean Air Plan – Tackling Nitrogen Dioxide Exceedances at the Roadside – Update

The Committee considered the report of the Strategic Director (Growth and Development) that described the progress that had been made following the Government's response to Greater Manchester's Outline Business Case to tackle Nitrogen Dioxide Exceedances at the Roadside, and the implications for the 10 Greater Manchester local authorities in relation to the schedule of work and statutory consultation on the Clean Air Plan.

The Committee had been invited to comment on the report prior to its submission to the Executive on 15 January 2020.

The main points and themes within the report included: -

- Providing an introduction and background;
- Describing progress to date in relation to the introduction of a Clean Air Zone;
- Information on the approach to vehicle idling and the intention to undertake more awareness raising campaigns to inform of the health impacts that idling had on air quality.; and
- Next steps.

Some of the key points that arose from the Committee's discussions were: -

- Welcoming the proposed Clean Taxi Fund, to support the upgrade of non-compliant Greater Manchester Licensed taxi and private hire vehicles;
- What was being done to improve the taxi fleet across Greater Manchester;
- Noting that that report did not address the issue of particulate matter, commenting that brake wear and tyre wear directly contributed to particle pollution from road transport; and
- What were the proposals to support smaller, local coach companies.

The Head of Local Planning and Infrastructure informed the Members that negotiations were still currently ongoing with central government regarding funding for the Clean Taxi Fund. He also confirmed that consideration would be given as to how to compensate smaller, local coach companies. He further commented that all proposals would be subject to formal consultation.

The Head of Local Planning and Infrastructure responded to the comments regarding particulate matter by informing Members that this issue was likely to be addressed in the Environment Bill that was announced in the Queen's Speech in December 2019.

The Executive Member for Environment, Planning and Transport expressed her frustration that despite government announcements to invest in the North, to date no funding had been provided by central government to Greater Manchester to support commercial vehicle owners to make the transition to cleaner vehicles as part of the ambition to tackle Nitrogen Dioxide Exceedances at the Roadside. She also emphasised that Manchester remained committed to promoting improved public transport and active travel, however increased levels of investment from Government was required to support this. She emphasised how important this work was in supporting the city's emissions targets and its objective of improving health outcomes for Manchester citizens.

The Chair encouraged all Members and citizens, if they had not already done so, to complete the TfGM consultation response on 'Doing Buses Differently' that would close on the 8 January 2020. The Chair further reminded Members that a report on taxi licensing and the activities across Greater Manchester to improve standards was scheduled to be considered by the Committee at their meeting of 4 March 2020.

Decisions

The Committee endorse the recommendations contained within the report that the Executive:

- a) note progress made to date;
- b) note the ministerial direction under the Environment Act 1995 (Greater Manchester) Air Quality Direction 2019 which requires all ten of the Greater Manchester local authorities to implement a charging Clean Air Zone Class C across the region;
- c) agree the need to continue to proceed towards developing the implementation and

contract arrangements of a charging Clean Air Zone (CAZ) in Greater Manchester utilising the initial tranche of £36m of funding as required by the ministerial direction / feedback;

- d) delegate authority to Chief Executive, in consultation with the Executive Member for the Environment, Planning and Transport to determine the preparatory implementation and contract arrangements that need to be undertaken utilising the initial tranche of £36m of funding to deliver the CAZ and other GM CAP measures, as set out at paragraph 3.11;
- e) note that the report to determine the timings for commencing the consultation will be received in the Spring of 2020;
- f) note the outstanding need to secure a clear response from the Government on clean vehicles funding asks;
- g) ask officers to work with TfGM to develop a business case and funding strategy for submission to Government to deliver a zero carbon bus fleet as quickly as possible; noting the urgent need to reduce carbon emissions from transport and to reduce nitrogen oxide exceedances towards which buses currently make a major contribution, particularly within the city centre;
- h) note that Highways England has not been directed to act in relation to tackling NO2 exceedances in the same way as the Greater Manchester local authorities, and that this will leave some publicly accessible areas of GM adjacent to trunk roads managed by Highways England, with NO2 exceedances that are not being addressed by the Highways England plan;
- i) delegate authority to Chief Executive to agree the final content and submission of the documents listed in Appendix One for formal submission to JAQU and note their Publication status;
- j) delegate authority to Chief Executive to determine any further technical reports for formal submission to JAQU; and
- k) note that the Executive member for the Environment, Planning and Transport will co-sign a letter from the GM Authorities to the Secretary of State for Transport asking them to bring forward the launch of a statutory consultation to strengthen rules on vehicle idling.

NESC/20/08

A5103 Princess Road speed limit evaluation

The Committee received a briefing note that had been prepared by the Director of Highways to review the impact of the introduction of the 30 mph speed limit on Princess Road/ Parkway.

Members paid tribute to the work of local residents, ward Councillors and officers for delivering the reported improvements in road safety.

Decision

The Committee note the report.

NESC/20/09 Overview Report

The report of the Governance and Scrutiny Support Unit which contained key decisions within the Committee's remit and responses to previous recommendations was submitted for comment. Members were also invited to agree the Committee's future work programme.

Decision

The Committee notes the report and approves the work programme.

**Manchester City Council
Report for Information**

Report to: Neighbourhoods and Environment Scrutiny Committee - 5
February 2020

Subject: Planning Conditions and Enforcement

Report of: The Strategic Director Development

Summary

Members have asked for a report which provides information relating to a number of planning related matters principally around the use and enforcement of planning conditions. This includes reference to conditions involving trees and open space.

Information has also been requested on how the Planning Service works with the Highway Authority and Social Providers. This includes with regards to the Highway Authority issues relating to construction management and our social providers through their development activity.

To assist Members, the report includes a summary of the legal framework within which the planning system must operate.

Recommendations

To note the report.

Wards Affected: All

Environmental Impact Assessment - the impact of the issues addressed in this report on achieving the zero-carbon target for the city
The Planning System assists in mitigating impacts of climate change through the statutory framework. Planning conditions are important in ensuring development is carried out in accordance with planning policy which includes addressing climate change to deliver sustainable economic growth.

Manchester Strategy outcomes	Summary of how this report aligns to the OMS
A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities	Planning supports economic growth in its wider context through enabling new development, creating jobs across all sectors. On specific proposals local labour benefit agreements are sought which also includes opportunities for training.

A highly skilled city: world class and home grown talent sustaining the city's economic success	See above
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	See above
A liveable and low carbon city: a destination of choice to live, visit, work	A major planning consideration is how a development contribute to the quality agenda, to a sense of place and the neighbourhoods, this includes how it addresses sustainability and climate change.
A connected city: world class infrastructure and connectivity to drive growth	See above

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Background documents (available for public inspection): None

1.0 Introduction

- 1.1 Members have requested a report principally around how agreed planning conditions are monitored and where necessary enforcement action taken. Questions have also been raised about these in the context of developers not adhering to their condition to plant/replace trees and develop green spaces.
- 1.2 Further, information has been requested on how the Planning Service works with the Highways Authority, with particular reference to construction management and with our Social Providers on their development proposals.
- 1.3 To assist the Committees consideration of the above, the report provides a summary of the legislative context within which planning compliance matters have to be lawfully evaluated and assessed. This is important as planning does not operate in a vacuum but must have its decision making, including how we enforce conditions, based on relevant legislation, policy, guidance and case-law.

2.0 Planning Conditions

- 2.1 Planning conditions are used to enhance the quality of development, by mitigating harm and to enable a development to take place that would otherwise have been refused. In essence, they must be fair, reasonable and practicable and tailored to deal with specific issues.
- 2.2 As context to how conditions are enforced, the following sets out a brief summary on the legal framework which govern their use.
- 2.3 Legislation provides a very wide power to LPAs to impose conditions on a grant of planning permission. However, the power is restricted to the need to have regard to Government advice in the National Planning Policy Framework (NPPF) and the relevant guidance given in the National Planning Practice Guidance.
- 2.4 These policy and guidance documents set out that, for conditions to be lawful they must only be used to satisfy specific tests. These tests are that conditions must be necessary (to make the development acceptable in planning terms), relevant to planning, relevant to the particular development, enforceable, precise; and reasonable in all other respects.
- 2.5 Amongst other things, this means that conditions must be consistent with national planning policies and accord with the provisions of the LPAs development plan (the Core Strategy).
- 2.6 There is nothing in law or guidance that condones a wilful breach of planning law but the key tenet is that enforcement action should be proportionate to the breach of planning control to which it relates and should only be taken when it is expedient to do so. This includes only taking action where it is in the public interest to pursue formal action. Whether or not it will be in the public interest to take enforcement action will vary from case to case.

- 2.7 Similarly the most appropriate way to tackle an alleged breach of planning control will ultimately depend on the circumstances. For the purposes of the Planning Act
- (a) carrying out development without the required planning permission; or
- (b) failing to comply with any condition or limitation subject to which planning permission has been granted, constitutes a breach of planning control.
- 2.8 The importance of taking into account all circumstances is demonstrated, for example, by para 58 of the National Planning Policy Framework which notes that:
- “Enforcement action is discretionary and should only be undertaken when the breach of planning control creates significant harm. Where possible the Local Planning Authority (LPA) should negotiate to resolve the breach of planning control....
Enforcement action is not appropriate against trivial/technical breaches that cause no harm”
- 2.9 It is also important to note that in general, conditions which duplicate the effect of other legislation should not be imposed. For example, conditions that require compliance with other regulatory requirements (for example Building Regulations, the Highways Act and the Environmental Protection Act) will not meet the necessity test. Planning conditions cannot therefore duplicate other non-planning law either directly or indirectly.
- 2.10 Changes to the regulations in October 2018 requires a LPA where pre-commencement conditions are to imposed, to agree these in writing with the applicant prior to permission being granted.
- 2.11 Once a planning permission is granted an applicant has a right to:
- Seek to have a condition removed or changed by making an application to the local planning authority or;
 - to seek to appeal against the imposition of individual conditions to the Secretary of State.
- 2.12 This does not lessen the importance of planning conditions and indeed they are a valuable and necessary tool; it does mean, however, that care has to be taken over their use for them to be effective.
- 2.13 Experience in Manchester is that in the majority of cases, planning consent is sought before development, new build or change of use, has commenced. This also applies to compliance with planning conditions; whilst breaches of planning condition do occur this is not common practice (see 4.10).
- 2.14 Where there is evidence of a breach the Planning Service is committed to reviewing, investigating and resolving issues where possible in a timely

fashion. The LPA has statutory powers to investigate breaches, this includes taking formal action where a satisfactory outcome cannot be achieved by negotiation.

- 2.15 Planning Enforcement is a complex part of the planning system and bringing matters to resolution is not always straight forward. Its purpose is to resolve problems, not punish mistakes or criminalise those who are found to have caused a breach. This means that, even where there is a breach of planning control, the Council has to consider if it is in the public interest to take enforcement action. The Council is not required to take any particular action on a specific breach of planning control and, indeed, can decide that no action is necessary.
- 2.16 It is therefore important to note that enforcement action does not necessarily follow a breach of planning control. There is a need to strike a balance between protecting the environment, protecting the amenities of neighbours and conserving historic building and areas, whilst at the same time enabling the freedom of the owners to use or alter their property. The focus in Government guidance is on both the impact of any breach on the complainant but also on the rights of the owner or occupier where the alleged breach is occurring. We are also required to have regard to the provisions of the European Convention on Human Rights where relevant; this includes the potential impact on the health, housing needs and welfare of those affected by the proposed action, together with those who are affected by a breach of planning control.
- 2.17 In most instances addressing breaches of planning control without formal enforcement action can be the quickest and most cost effective way of achieving a satisfactory and lasting remedy. For example, a breach of control may be the result of a genuine mistake where, once the breach is identified, the owner or occupier takes immediate action to remedy it. Furthermore, in some instances formal enforcement action may not be appropriate.
- 2.18 Notwithstanding this, the integrity of the planning process depends upon our commitment to take effective action against unauthorised development which causes significant harm. Undertaking enforcement action when required is vital to this.

3.0 Formal Action

- 3.1 Where it is considered a breach of a condition has been identified and the only effective route to resolve the matter is through formal enforcement action, the options for the LPA are to serve an Enforcement Notice and a Stop Notice in the most serious of breaches or a Breach of Condition Notice. These will set out the steps required to remedy the breach of planning control including, where a breach of condition is alleged, the steps required to comply with the condition, as well as specifying the period within which such steps must be taken (the compliance period).

- 3.2 A breach of these notices will occur, if, after the compliance period, there has been no compliance and/or the steps specified have not been taken or the activities specified have not ceased. The responsible person will at this stage be guilty of an offence and a summary prosecution could be brought in the Magistrates' Court for the offence of contravening the Notice.
- 3.3 Unlike an Enforcement Notice, there is no right of appeal to the Secretary of State against a Breach of Condition Notice. This is because this is viewed as a more minor breach than for example a development that does not have planning permission. The validity of a Breach of Condition Notice, and the propriety of the local planning authority's decision to serve such a Notice, could, however, be challenged by application to the High Court for judicial review.
- 3.4 The effectiveness and enforceability of a condition could be raised in a defence to a prosecution relying on the tests set out above. This can give rise to any number of grounds for potentially challenging the validity or effect of the notice which relies upon that condition.
- 3.5 The number of Breach of Condition Notices issued is provided in the table in section 4. Other allegations of breaches of conditions have been made, but have been resolved without the need for formal action.

Case Studies

Grade II* Listed Building, Jersey Street – as part of both the listed building consent and planning permission there was a requirement for a replacement boundary treatment prior to occupation; this would remove an unattractive palisade fencing that had negative impact on the setting of this important listed asset. This was escalated to the Planning Compliance Team when the failure to comply with the condition was raised by the case officer. The team have been successful in delivering a scheme for the replacement of the fencing and this is now proceeding to a formal discharge of the condition. Officers will continue to work together to ensure that the agreed scheme is now fully implemented.

Care Provider, Rochdale Road - the permission involves a number of conditions ranging from landscaping, boundary treatment to the provision of a travel plan. Through discussion, negotiation and regular visits from the Compliance Team, the development is now nearing compliance without the need for any formal action. The landscaping has been delivered, the boundary treatment has been achieved and the revised travel plan following commencement of the use is being compiled with.

Supermarket in Openshaw – Following a complaint about early deliveries and lighting, a breach of several conditions was established. Officers found that vehicles were being allowed in to the site but that the gates had been opened early to prevent them waiting on the street close to homes. The matter was resolved quickly through immediate contact with the store and its manager (including meetings on site) and this included a commitment to instruct those delivering to the store to not arrive until the permitted time.

The site is now subject to ad hoc monitoring.

4.0 Monitoring of Development

- 4.1 This is an area that has raised questions, particularly as the planning service may not always be aware of a breach of planning control.
- 4.2 Developers are not required to inform a LPA that work is starting on most developments once planning permission has been granted; it is unlawful to make this a condition of a planning consent. The ethos of the planning system is that it is the responsibility of the applicant or any subsequent developer to ensure that the terms of all conditions are met in full. Significantly for an applicant, failure to both discharge and comply with conditions at the correct time runs the risk of impacting on a planning permission and questions whether this remains in force due to a breach.
- 4.3 We do adopt a more proactive and targeted approach to monitoring where able and circumstances are such that this is believed necessary. Compliance officers monitor sites in conjunction with other officers where resources permit. Such cases may well include for example where there have been similar breaches in the recent past such as an establishment opening beyond the permitted hours or bin storage areas not being provided or on particularly sensitive and/or complex sites. Another example is that of tree protection measures being put in place prior to any construction work starting or, as set out below, where work is proposed to a listed building.
- 4.4 It is important to recognise that we are not able to monitor each and every site. The compliance team itself is responsible for tackling all planning related complaints and undertake proactive investigations on other potential breaches of control, for example the recent work on shisha bars. Complaints are received from across the city and are wide ranging. A large number of complaints are from residents concerned about works to a neighbour's property but allegations of a breach covers far more including signage, adverts, changes of use and so on. Such complaints will, by their nature, not only relate to developments that have been through the planning system: they may be about developments which require planning permission but haven't obtained it, or they may be about developments that have deemed planning permission (known as "permitted development") but which have breached relevant conditions or limitations.
- 4.5 On a practical level, once a consent has been granted development may not commence for several years. This means that tracking starts on site is a significant issue. In Manchester we receive around 4000 applications per year, a large number of which will be approved subject to conditions, even the smaller minor applications can have several associated conditions. These applications are spread across the city with a high number relating to householder and modest proposals which are no less important than the larger major schemes. Further, as touched on in 4.4 above, there are also innumerable developments which take place without necessarily requiring any LPA involvement. The resource implications for monitoring would be so significant to make this impossible without a substantial increase in staffing numbers.

4.6 This is a similar position for other local planning authorities who must deliver core business activity within limited budgets. Income is received from planning application fees whereas enforcement/compliance activity generally involves expenditure which has little potential to be recovered. Enforcement work together with that on heritage and trees has to be supported from income from planning application fees.

4.7 Case Studies

Welsh Baptist Chapel – the decline of the listed 2* Chapel had been high profile for many years. Applications for its repair and alterations were eventually submitted and approved

Officers worked very closely with the applicant's architects in order to ensure full appropriate compliance with the conditions of the planning permission and listed building consent. This involved visiting the site to assess materials, particularly the replacement stone work and to check the approved internal finishes.

As part of our collaborative approach officers from the different services also monitored the site, for example, the exhumation works involved in the development. The close working between officers and the applicant enabled revisions to be made to the scheme as issues arose to ensure these did not compromise the integrity of the proposal.

The result is a building being brought back into sustainable re- use with the restoration of the remaining elements of this highly significant heritage asset.

New Cross – This is an area being transformed as part of the delivery of the New Cross Development Framework (NDF) and New Cross Public Realm Strategy. The vision is to deliver a residential led redevelopment and regeneration of the area in order to provide new homes, in a sustainable location. The public realm strategy seeks to make environmental improvements in the area through a series of interventions which include upgrading of the footways, creation of new public realm and tree planting.

Several developments have been completed or are near completion such as the Marriott Hotel, Stay City apart hotel and a residential scheme along Oldham Road). Other schemes have been granted planning permission or have recently commenced such as a residential development on Addington Street.

The delivery of the high quality development is a fundamental part of realising the potential of this new neighbourhood. Officers have been closely monitoring construction in order to ensure that the quality of the architecture and workmanship corresponds to the approved plans. Full size material panels are examined as part of discharging the materials condition and, amongst other things, considers the brickwork and decorative elements, pointing and joints, specification of window frames including material, colour and size, ventilation methods, soffits and reveals. Once approved, officers have continually monitored the build process to ensure that the materials panel is being implemented to agreed standards. Where issues have arisen officers engage with the architect and contractor to rectify issues immediately. In terms of public realm improvements, the planning permissions have a condition which requires the upgrading of the footways around the development site as part of improving the quality of the public realm in the area in line with the strategy. Where possible, street trees are being planted (for example along Addington Street as part of the Stay City scheme) or contributions towards street trees and wider public realm works are secured via a legal agreement.

- 4.8 More often we are made aware that there are potential issues usually from a complaint. Where concerns are raised, these will be investigated and can lead to a more targeted approach. Where a development is being overseen by our Building Control team, any potential irregularities with the physical works to a building will be brought to the attention of the planning team and a coordinated approach taken to resolving the matter.
- 4.9 In terms of context, complaints are received from a variety of sources but most often from a neighbouring occupier/interested party or direct from a Ward Councillor. As much information is gathered from the complainant as possible in relation to the concern raised and an initial office based information gathering process is then carried out. An officer from the planning service will then usually visit the site or contact the applicant/agent to further establish the factual position. The visit to the site is sometimes accompanied by a colleague from another part of the Council such as environmental health, highways or Arborist. This will depend on the nature of the complaint and the expertise required.
- 4.10 Number of complaints

The total number of complaints investigated by the compliance team in the last 5 years is as follows:

Year	Number of Complaints	Possible Breach of Condition	Number of BCNs*	Tree related Complaints
2015	468	33	4	12
2016	327	18	2	1
2017	298	19	8	2
2018	467	36	2	3
2019	405	44	1	7

*BCN – Breach of Condition Notice

- 4.11 The above are cases identified as requiring further investigation following triage of the initial complaint/enquiry. These numbers do not include all enquiries as some matters have been dealt with immediately, may not relate to planning or are not actual complaints.
- 4.12 The BCNs relate to a wide range of issues from non-compliance with refuse conditions, storage of materials, hours of operation, dust suppression, noise outbreak and boundary treatments.
- 4.13 To emphasis the comment in para 4.4 on the spread of complaints, of those relating to a potential breach of planning condition most are from development taking place outside of the city centre on the more modest or smaller proposals. In the period 2015 to 2019 of the 150 complaints alleging a breach of condition, only 13 were connected with city centre developments.

5.0 Trees and green spaces

- 5.1 A requirement for developments to provide trees and new spaces is one consideration, amongst many for the LPA; this wider focus includes delivering key outcomes - new homes, jobs, place making, an inclusive environment and measures to assist resilience to climate change.
- 5.2 Specifically, in relation to trees and green and open spaces this is considered in the context of a developments setting with the overall aim of a landscape scheme to provide an appropriate, environmentally friendly and aesthetically pleasing external environment that enhances its distinctiveness and biodiversity where appropriate.
- 5.3 Trees are a notable part of existing and potential landscapes and the benefits of trees, woodlands and hedges have long been acknowledged, not least of which is to help tackle climate change.
- 5.4 This is reflected in the policy framework and, for example, Manchester's Residential Quality Guidance which expects new residential developments to consider how they can work with nature to create attractive, sustainable environments, connecting into the wider network of green spaces to provide clear natural breathing spaces across the city.
- 5.5 Extract from Manchester's Residential Quality Guidance

...new landscape and associated biodiversity can take a number of forms; from green public spaces and waterways; gardens, green walls and roofs; allotments and communal gardens.

Trees are the most visible components of green infrastructure; in particular street trees which fulfil a number of important benefits. Aside from the obvious aesthetic value, they add to the character of a place; they have significant capacity to adapt urban areas to climate change by improving air quality, promoting urban cooling and providing shade and shelter.

Where space is limited or there are known constraints, either within a site or surrounding street, alternative greening would be sought. This includes the use of green walls and roofs particularly where little existing green space or few opportunities can be provided.

Where street trees are introduced by private developers, an understanding of the local environment and future maintenance should inform the correct specification of trees both above and below the ground. Where the loss of a tree has been deemed appropriate or unavoidable as part of new development by the Council, replacement provision of at least 2-to-1 equivalent will be provided on site or if this is not possible a commuted sum would be provided to deliver trees off site.

- 5.6 By way of background an applicant is required to provide a number of assessments and studies to explain how a scheme design has evolved and which addresses a whole range of issues. With regards to trees and associated green/open spaces this includes:

- An assessment of any identified ecological features or wildlife habitats on the site,
- A Blue and Green Infrastructure Statement which explores opportunities for such improvements as part of a proposal
- Information on opportunities for street tree planting in or around the development;
- On trees more general an applicant needs to show existing trees and shrubs around the site that will be lost or retained as part of the development, and how retained trees will be protected during construction; and
- Give a comprehensive quality landscaping scheme for the development including trees and shrubs to be planted, with details of species, size, numbers of plants and locations of planting.
- Details of hard landscaping, public realm and lighting where appropriate details of a replacement planting scheme for trees lost will be required.

5.7 Such assessments are reviewed by a number of specialist advisors, the Greater Manchester Ecological Unit, the City's Arborist and where appropriate the Drainage team. On some applications the comments from Natural England may be required.

5.8 What will be deemed appropriate and deliverable has to be considered in the context of all other required outcomes and on a case by case basis. Once consent is granted for a development new public realm, green spaces and trees would be delivered through a planning condition or a s106 legal agreement.

5.9 Examples

Circle Square off Oxford Road is being delivered over three phases. It includes new commercial office space, new homes and ground floor retail and leisure space for shops, studios, bars and restaurants. Together with a multi-storey car park and two hotels it will provide when complete 250,000 sq ft of green public realm. NOMA has delivered two major squares and tree lined streets as part of the comprehensive redevelopment of their estates. At First Street two major squares have also been created with tree lined streets as part of a new neighbourhood in the southern part of the city centre. Owen Street – A riverside space has been created along with tree lined street as part of a city centre residential scheme. These examples relate to major development proposals but the principle of seeking an environmental uplift applies throughout the city and across a range of applications.

5.10 As already noted para 4.10 provides information on the number of complaints received specifically in relation to trees. There are no recorded complaints relating to green/open space. Of the tree complaints from 2019:

- 2 warning letters were sent – it was not considered in the public interest to instigate formal proceedings, following discussions and advice from the City Arborists.

- 2 cases were closed as there was not enough evidence to pursue any further.
 - 1 case related to non-protected trees.
 - There is one investigation on going where it now appears a resolution will be achieved without formal action.
 - In the remaining case, an agreement has been reached for replanting; if required this will proceed to a Tree Replacement Notice. This case involved the topping of a Lime tree and the felling of a Cherry tree in a Conservation Area. A CAVAT (capital asset value for amenity trees) report valued the lime at £19,994 and the cherry at £3,363. The case was proceeding to a prosecution, however, on-going monitoring found that the lime tree had recovered, which the Council's Arborist had suggested may happen.
- 5.11 In this last case it was considered prosecution for the loss of the cherry tree (this species are not native and unlikely to be considered for a Tree Preservation Order) would not be in the public interest. The owners have agreed to replant two semi-mature cherry trees on the site frontage to mitigate for the loss of the cherry and harm to the lime tree. The trees should be replanted by the end of this month but, if not a Tree Replacement Notice (TRN) may be served. A disadvantage with a TRN is that it could only secure one replacement tree as only one tree was felled originally.
- 5.12 Matters relating to trees and tree protection is one area that is sometimes monitored, when resources allow, due to the potential consequences if the agreed details are not adhered to. Priority though has to be given to which matters are considered for targeted monitoring and as noted in 4.7 this includes work to listed buildings and areas of new place making.
- 5.13 The planning service has an officer who provides a dedicated support on tree related matters and who works closely with the Arborist in Neighbourhoods. Although the focus of this report is on non-compliance with planning conditions we also deal with complaints about alleged works to trees in general. The following are a mix of such cases.
- 5.14 Case Studies

Old Lansdowne Rd, - complaints were received about unauthorised works being carried out to 5 trees in the rear garden. An emergency site visit with the City Arborist was carried out and work stopped on site. A site meeting was held which included a neighbour who had raised the initial complaint. The City Arborist confirmed that the trees removed were poor quality and there would have been no objections to the removal of trees if this had been sought; further the 2 remaining trees were of poor quality/low amenity value.

Following a formal notification for the works it was agreed that 5 replacement trees have to be replanted during the growing season (October 2019 - March 2020).

Clyde Road – a notification was submitted for the removal of a Hawthorn tree in the front garden. Works commenced and the tree was partially removed before a

decision was made. Although work stopped the planning team contacted the owner informing that unauthorised works had been carried out to a protected tree which carries the risk of possible criminal prosecution. A tree replacement scheme was subsequently agreed.

Site of Former St Johns House, Egerton Road - Following the removal of a number of trees pre application, a Tree Preservation Order was made on those remaining on site as these are considered to have high visual amenity value. The City Arborists and the planning team have monitored the health of these trees during construction and post construction phase.

Burton Road – This is on-going and relates to a site which has permission for new homes. An initial site visit was carried out as tree protection measures were required to a number of protected trees before development takes place and this is being monitored.

Leaf Street - Monitoring of the tree replacement and landscaping scheme raised some issues and this is subject to on-going discussion with the developer.

Princess Road (Telecoms) - Initial contact with contractor regarding tree replacement scheme prior to engaging and escalating to enforcement (on going)

Former Manchester Metropolitan University Didsbury Campus, Didsbury – there have been a number of questions raised by neighbours about trees on the site. This has led to officers monitoring the site for adequate tree replacements from those lost during construction works; this has been assisted through engagement with the enforcement team to escalate with the developer when required.

Miles Platting – following a consent in early 2018, the service was notified of a number of trees being removed off the development site.

There was immediate contact with the developer who confirmed that the trees had been removed in error by the contractor.

The developer was informed of the gravity of the situation which had potential serious consequences. A series of meetings were instigated through the case officer which involved the Council's Arborist to ensure that replacement planting was carried out and that the age, species, size and location of the trees were the best possible for the context and to compensate for the loss.

Follow up meetings have continued to ensure that the ongoing strategy involving quality, landscaping and tree planting is being carried out in accordance with the conditions of that permission and other schemes being carried out as part of the wider regeneration of the area.

Involvement in the above cases is both proactive when a site is revisited during construction works or based upon complaints received; many of the examples are ongoing as construction works continue or are only recently completed. The Leaf St example is post construction but as a result of being within the 5 year defects period set out within the relevant landscaping and tree replacements conditions.

6.0 Changes to approved conditions

- 6.1 Where a change to a condition is proposed it would be usual for an applicant/developer to seek a variation or for its removal. These are not planning applications as such and are not subject to consultation other than if necessary one of the specialist advisors (on trees for example this would be the City's Arborist).

6.2 Notwithstanding this, requests to discharge a condition, vary or remove are placed on the planning 'weekly' list. Dependant on the nature of the proposed change and if there had been prior engagement or interest at the application stage, it is expected the case officer will also inform the ward members. This message has recently been reinforced within the service.

7.0 Relationship with the Highway Authority

7.1 The Planning Service has an integral relationship with many teams across the Council; this is in the context of specialist advice being provided on planning applications but also reciprocally planning helping to facilitate major projects and schemes for the city.

7.2 The working relationship between planning and highways is a longstanding one which has helped to enable developments that meet the council's objectives for sustainable growth to come forward.

7.3 As a statutory consultee and advisor on planning applications and on the discharge of planning conditions, the highway authority considers the potential impact of development on public and highway safety and where and what mitigation measures may be required. This includes amongst others the need for off-site highway works and travel plans.

7.4 It is usual practice for the mitigation works to be required through the discharge of a condition. Such works often include the provision of traffic regulation orders, disabled parking bays, junction improvements, new pedestrian crossings etc.

7.5 It is also not uncommon for works agreed through a planning condition or s106 legal agreement for the highway authority to implement or manage the carrying out of the work itself. It is important that the two teams work closely together to ensure that the details are agreed and implemented within the terms of the planning consent.

7.6 Another important example of collaborative working is through a requirement for an applicant to submit a Construction Management Plan (CMP) through the planning process.

7.7 The planning system has difficulty in managing the construction phase of development. As already noted, planning conditions can only be imposed where they are necessary to make a development acceptable. It follows that conditions cannot be imposed to control matters that are not material considerations including, for example, impacts that are controlled by other legislation is not a material planning consideration. Broadly speaking, construction impacts are not material considerations, though there are some matters that can be controlled through planning. For instance, pollution or noise caused by the construction work is not a material consideration, because it is considered that there is adequate legislation in the form of the various laws on control of pollution to deal with this. Similarly, the stability of the building on which the works are being done is deemed to be dealt with

under building control regulations; and damage to neighbouring properties is deemed to be dealt with under party wall legislation (or other common law concepts which protect against damage or nuisance, in the case of premises which are too far away to be covered by party wall legislation); traffic problems are considered to be adequately controlled by highways legislation.

- 7.8 From a planning perspective there is a degree of control which can be covered on a CMP such as routing strategies, wheel washing, dust suppression and potentially the parking of construction vehicles.
- 7.9 Other elements, which may be included on a CMP would have to be controlled and enforced by other parties and legislation.
- 7.10 In relation to highways this would include:
- erecting any scaffolding, hoardings, temporary crossings or fences on the highway;
 - operating a mobile crane, aerial platform, concrete pump lorry or any such equipment;
 - lifting the footway and making any temporary excavation.
- 7.11 Many sections of the Highways Act (1980) allow the Highway Authority, working in conjunction with the Planning Authority, to manage and mitigate third parties impacting on either the structure, layout or safe operation of the highway. Whilst most permanent changes to the highway are dealt with under sections 38 (adoption of highway) and 278 (changes to highway layout) of the Highways Act, much of the impact on the highway by the developer is temporary whilst construction takes place. There are other controls within the Highway Act which can deal with these temporary impacts, but this can sometimes be challenging when many developments are in close proximity, highway space is limited and public transport, walking and cycling and access (for example deliveries to a business) all still need to take place without causing congestion. Some development sites need to be in place for up to two years whilst construction safely takes place behind secure hoarding with well managed access from the public highway.
- 7.12 During the planning application stage, the Highway Authority will seek as much information as possible on the construction phase and will offer advice on potential issues and how to either avoid or mitigate them. This will include for example, the extent of the hoarding, potential temporary road closures to facilitate safe construction, location of accesses, HGV routing, levels of construction traffic and parking. The Highway Authority will also request any early indication of the different phases of construction so that the impact of the construction on the highways is minimised for each phase.
- 7.13 The aim is to seek as far as possible at this stage, a commitment to maintaining pedestrian and cycle routes, access to homes and businesses and access to public transport. Potential temporary vehicle diversion routes

are also considered at this stage, as far as the developer is able to offer information on their construction phasing.

Example

On Ringway Road, as part of the development of the new multi storey car park at Manchester Airport, Manchester Airport Group (MAG) are constructing new road infrastructure to support access and relieve congestion around Terminal 3. Specifically, MAG are constructing a new road which will link Hotel roundabout with Ringway Road. At the junction of Woodhouse Lane it was identified that there are numerous statutory utilities which have, historically, not been installed to the correct depth or clash with the proposed new road construction. As a result of the number of statutory providers in the vicinity of the works MCC through the principal contractor, have coordinated a programme between all providers to minimise disruption to road users, airport users and the wider community. Through this coordinated approach, managed by the Highway Authority, the contractor has provided traffic management for all the works for a period of seven weeks and within this programme, statutory providers including United Utilities, Cadent Gas, Electricity NorthWest and BT have been scheduled to undertake diversions of their assets. This has removed the need for multiple traffic management permits and traffic management setups in the area, with continuity for road users.

- 7.14 For most developments we would not permit developers having a site compound away from the development site as this would result in increased construction traffic to and from the site. It is therefore more beneficial to allow more adjacent highway space to be used. Exceptions to this would be based on the scale of the development, e.g. Metrolink.
- 7.15 At the development commencement stage, the Highway Authority may need to consider Temporary Traffic Regulation Orders (TTROs). These are essentially temporary highway closures and can only be promoted for a small number of specific reasons, one of which is development management, 'in the interests of highway safety and amenity of the area'. The Highway Authority can refuse a TTRO on safety grounds or request different dates and durations on coordination grounds. The Highway Authority will also further discuss how works will take place on site, and arrange site meetings where necessary. Traffic Management plans are discussed and agreed, how and when deliveries can be made and spoil removed, and contacts are established for regular monitoring and reporting.
- 7.16 Monitoring of the highway surrounding development sites is undertaken through site inspections. Street Works inspectors report issues which the developer is then given an opportunity to resolve. Any unsafe practices can be made to cease with immediate effect. The Highway Authority can revoke any licence or TTRO, if licence or TTRO conditions are not being adhered to. However, dialogue with officers is usually enough to rectify potential issues. Inspectors also take photographs of the inside of the hoarding to check that the space is being used appropriately and that any opportunity to minimise the construction space is undertaken. However, in order to facilitate development efficiently the Highway Authority has to seek a balance between ensuring safe

practices, allowing development to continue and mitigating impact on the highway network.

Example

A developer renovating a Mill in Ancoats on the junction of Jersey Street and Radium Street, was given permission, by way of a TTRO, for Jersey Street to be made one way for the duration of the works. This would enable a safe and secure working site. This involved the developer using a full boarded hoarding system along a short length Jersey Street to the junction with Radium Street. It was agreed however, that at the junction, they would provide a couple sections of hoarding panels on Jersey St and Radium Street to be of a mesh type hoarding to allow a clear view of oncoming traffic in either direction. When the hoarding was erected they were all solid panels for the length of the hoarding. Our street works inspector noted this and immediately contacted the site manager and instructed that the panels at the junction were replaced with mesh/clear panels as a matter of urgency to enable a clear site line for approaching traffic. This was duly actioned by the contractor and the inspector did not require to take further action, for example revoking the hoarding license; and the development could continue.

- 7.17 The Highway Authority can receive concerns from members of the public from time to time which we will act on by sending an inspector out to the relevant site as soon as possible. We will then seek to rectify any issues directly with either the contractor onsite or the developer. Whilst we don't receive many requests of this nature, it is appreciated that the current capacity for site inspections is low for the number of developments taking place across the City and therefore public interest is always welcomed. Measures to increase numbers of inspectors have been taken as part of a wider restructuring programme within Highways. This would allow the service to monitor utility companies and all other third party activity on the highway, including planned events and emergencies and provide more capacity to for out of hours, weekday evenings or weekends to take place.
- 7.18 This is important as in the two City Centre wards alone, there are 177 hoarding licenses; 27 scaffold licences; 27 Temporary Traffic Regulation Orders (not including emergency orders); and occasionally crane licences (though most are erected either on private land or temporarily closed highway which we would like to be in a position to monitor.
- 7.19 In terms of best practice, information is shared and improved by regular meetings with other Greater Manchester Authorities and other Core Cities.
- 7.20 The purpose of requesting a CMP at the planning stage is therefore to seek early consideration of associated issues by relevant parties as it is recognised that associated activity can cause concern in areas particularly of significant growth.
- 7.21 Ultimately there are no powers to control when construction takes place, however, officers are continuing to explore how adverse impacts can be best managed and mitigated. Early sight of a CMP can help in this regard.

- 7.22 The Planning and Highways teams are currently exploring how the relationship can be improved. In addition, consideration is also being given to the creation of a virtual team, bringing together officers from the various services who each have some power to manage the construction phase of development. This would provide a more focused approach to issues as they arise and a contact for those who are impacted by construction works.

8.0 Working with Social Providers

- 8.1 At a strategic level, the service works with our registered providers together with other parts of the Council to deliver the residential growth strategy for the city. This includes working in partnership both on city wide and area specific initiatives. The aim is to work on delivering new homes with the necessary place making to make these attractive and sustainable.
- 8.2 As applicants in their own right or as part of a joint venture, the RPs regularly submit planning applications. Although the requirements for a planning submission are no different to other applicants (and this also applies to City Council proposals), the collaborative strategic working enables a more focused approach throughout the development process and allows for issues generally to be identified and addressed quickly.

9.0 Recommendations

- 9.1 Members are asked to note the report. It provides the Committee with information relating to planning conditions, the rules that govern their use and how they are enforced. Particular reference is made to conditions on trees/green open space and examples have been included of developments that have or will provide environmental enhancements.
- 9.2 Further some examples of where we have intervened as a result of complaints and/or alleged unauthorised works to trees and outcomes have been provided.
- 9.3 Section 7 highlights the working relationship between the planning and highway services using construction management as an example. It is recognised this is an area of significant concern as the City develops and both teams are committed to tackling the worst impacts, together with other parts of the Council.
- 9.4 Finally, as requested by Members there is a brief section on how the planning service works with our Registered Providers.

**Manchester City Council
Report for Information**

Report to: Neighbourhoods and Environment Scrutiny Committee –
5 February 2020

Subject: Delivering the Our Manchester Strategy

Report of: Executive Member for Environment, Planning & Transport

Summary

This report provides an overview of work undertaken and progress towards the delivery of the Council's priorities as set out in the Our Manchester strategy for those areas within the portfolio of the Executive Member for Environment, Planning and Transport.

Recommendations

The Committee is asked to note and comment on the report.

Wards Affected: All

Contact:

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Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

- Manchester Strategy 2016-2025 as approved by Executive 6 Jan 2016
- Building Together – Manchester Labour's promise to Manchester

1. Introduction

1.1 The Our Manchester Strategy was formally adopted by the Council in January 2016 and sets the ambitions for the city for the next ten years, to 2025, for Manchester to be:

- Thriving – creating great jobs and healthy businesses
- Filled with talent – both home-grown talent and attracting the best in the world
- Fair – with equal chances for all to unlock their potential
- A great place to live – with lots of things to do
- Buzzing with connections – including world-class transport and broadband

1.2 Executive Members are collectively and individually responsible for supporting the delivery of the Our Manchester Strategy and for providing political oversight and direction to officers for the better outcomes for Manchester residents. In October, the Executive also published its collective political priorities and those of individual Executive Members, all of which are aligned to the Our Manchester Strategy.

1.3 This report is written by Cllr Angeliki Stogia, Executive Member for Environment, Planning and Transport and sets out a summary of the work undertaken over the past 6 months and looks at what will be delivered in the next 12 months.

2. Executive Member for Environment, Planning and Transport Portfolio

As Executive Member for Environment, Planning and Transport my portfolio includes:

- Highways
- Planning and Building Control
- Transport
- Climate Change

2.1 The priorities I am responsible to deliver on in the 2019/20 municipal year are:

- Transport
 - Continue to support the progress towards bus re-regulation so that public transport serves the public, with straightforward smart ticketing covering bus, train and tram.
 - Work to make cycling safer and make walking and cycling the natural choice for short trips. Continue to seek more fund to create comprehensive dedicated cycling and walking networks across the city.
 - Work with schools, parents, local communities to make walking and cycling to school safer for parents and children through safer streets and junctions, as well as through raising awareness of air pollution.
 - Facilitate the use of local roads for school streets and play streets. Create a process for residents and community groups that will allow temporary

street closures at regular intervals for children to play out more safely and neighbours to come together making streets friendlier for all. Trial car free days in parts of the city centre starting this summer.

- Campaign with local authorities across the north to get the investment in transport the North has been starved of including HS2, Northern Powerhouse Rail and the Northern Hub.
- Environment
 - Build on our Paris commitment to become carbon neutral by 2038, we will work with all stakeholders in the city to take immediate action to reduce our carbon footprint, and prioritise ongoing reductions in our emission of greenhouse gases.
 - Demand that the Council is given all necessary resources and support to take urgent action against climate change.
 - Clean up the air we breathe: bring forward plans to improve air quality involving Manchester residents in how best to tackle the problem of air pollution in our city.
 - Accelerate our work to become a single-use plastic free Council by phasing out the use of single-use plastic products such as bottles, cups, cutlery and drinking straws in all council activities and events and encourage our facilities' users and local business to do the same by championing other alternatives.
 - Promote bio-diversity.

3. Progress and Outcomes July 2019 - January 2020

While work is ongoing on the 2019/2020 priorities, this report will focus on activities delivered in the reporting six months (July 2019 – January 2020).

3.1 £100m highways investment

We are in the 3rd year of a 5 year investment programme to improve the overall condition of our network of roads and pavements. By the end of 2019 we will have invested £30m to treat over 200 miles of roads and 20 miles of pavements. In addition, we have repaired over 40,000 highway defects, cleansed over 100,000 gullies and carried out around 7,000 drainage repairs. Our annual road condition surveys have reflected this work, showing an improvement in the percentage of 'poor' condition roads from 25% in 2017 to 19% in 2019.

Over the last six months I have visited wards across the city to review the extent of work that is taking place. I have also continued to undertake frequent visits to see how work is delivered and progresses made on the ground and had the opportunity to meet the contractors, observe the crews while they worked to deliver the improvements across the city.

An area where we have been putting a particular effort is in social value in order to create additional social, economic and environmental benefits from this investment. In the last six months highways has continued to raise the bar in terms of best practice includes significant progress in embedding and

monitoring Social Value across the workforce and the supply chain, which has resulted in new apprenticeship opportunities, supporting and delivering community improvements and supporting ex-offenders into employment.

We have also made strides in leading innovative procurement work across the council testing out ways to strengthen the importance of carbon reduction within our procurement adding an extra 10% weighting for carbon reduction within our procurement scoring in two highways tenders.

3.2 Major Projects

The projects team have made significant progress and are on target to spend around £60m on highway improvement schemes in the current financial year which is a major success. The major projects list is growing as the team have geared up to support the Council's growth agenda, supported accessing new funding to provide cycling and walking facilities and bid to government for additional investment in the city.

There is now a programme of live major projects that is supported by a pipeline of future projects being prepared.

In addition, our Highways Repairs Team have reacted quickly and efficiently when asked to support the City to successfully manage intervention works on projects that are a priority for the city. These have included:

- The successful completion of the Manchester and Salford Inner relief route (Regent Road) works, where the main contractor was no longer able to complete its contractual requirements;
- Review of the Oxford Road Bus Gate Signage & Sign Replacement Programme;
- The City Centre Hostile Vehicle Mitigation Measures Programme.

The major projects that are currently on site or shortly will be on site include:

- The Great Ancoats project that will improve access for pedestrians and people on bikes.
- A57 Hyde Road which will remove the bottleneck which causes local congestion and harmful air pollution and an upgraded crossing point.
- CCAG 2 Chorlton Phase1a which is the first phase of a larger innovative programme which will deliver a step change for people who want to actively travel from Hulme, Whalley Range, Moss Side, Chorlton and Chorlton Park to the city.
- The Princess Road/Medlock Street Roundabout Medlock reduction scheme commenced which includes cycling & walking improvements.
- Levenshulme Bee Network, which scooped the 'Community Project of the Year' award at the 2019 Healthy Streets Summit. The award recognises plans to encourage more residents and visitors to walk and cycle in an 'active neighbourhood'.
- A6 Stockport Road which will provide a cycle track on Stockport Road between Mitre Road and St John's Road, which will be physically separated from other vehicles to provide a safer and more convenient

- route for people on bikes.
- Residents Parking Schemes (St Georges, Rusholme and Moss Side, Hathersage Road and North Manchester General Hospital, Christie).
- School safety projects which aim to improve school crossings, with the completion of 46 out of 81 local projects across the city.
- More cycling and walking schemes on currently being developed.

3.4 Implementing Made to Move

The Mayor's Cycling and Walking Commissioner published his 15 step 'Made to Move' plan which seeks to transform the way that people travel around Greater Manchester, making walking and cycling the obvious choice for short journeys. Since my last report we have started delivering:

- Chorlton Cycleway project Phase 1a
- Princess Road/Medlock Street Roundabout

We are currently also consulting on the Northern Quarter cycling and walking improvements.

Manchester City Council has been successful in securing entry to the Mayor's Challenge Fund (MCF) programme for a wide range of projects. The projects accepted into the programme include:

- **Chorlton Cycleway** (MCF £9.5M) – This scheme includes a 5km segregated route from the city centre to south of Chorlton. Extensive consultation has been undertaken with local residents and businesses about the proposals, generating 1,800 comments. The designs are being refined to take account of the comments received. The MCF allocation increases the overall scheme value to £13.4M, which includes a further £3.9M funding from CCAG.
- **Reducing the Severance of the Mancunian Way** (MCF 2.9M) - This project involves a full junction upgrade where Princess Road meets the Mancunian Way. In order to improve pedestrian and cycle links across the Mancunian way the existing subways will be removed and protected cycle lanes added, as well as new footways and crossings. The full scheme will cost in the region of £10.6m, part funded by MCF.
- **Levenshulme's Active Neighbourhood** (MCF £2.4M) – This community led scheme will create a neighbourhood designed for people, by prioritising those who are on foot or on their bike. This scheme is being promoted by local people and is the first such scheme funded through MCF. This scheme will provide a template for other communities wishing to promote similar networks in their area.
- **Northern Quarter Sustainable Access** (MCF £10.6M) - This project will improve access to the Northern Quarter from Victoria and Piccadilly stations for those on foot or travelling by bike, whilst maintaining bus access. This is about creating a more attractive walking environment and making cycling in the area easier. The Government's Cycle Cities

Ambition Grant (CCAG) is providing a further £1m for this scheme. The project is currently being consulted on.

- **Enhancements to the Rochdale Canal Towpath (MCF £1.3m)** – A key priority for the Council has been to secure more funding for areas that to date have seen little or no investment in cycling and walking. In response to this priority, the Rochdale Canal will be enhanced for the local communities, providing an improved off road link for those on foot or travelling by bike.
- **Northern and Eastern Gateway (MCF £4.1M)** – This scheme will create a second city centre cycling and walking corridor. The project will connect the neighbourhoods of Ancoats, New Islington, New Cross, New Town, Redbank and the Green Quarter by creating a high-quality, continuous east-west walking and cycling route for the north and east city centre fringe. The new route will link to Cheetham Hill via an improved walking / cycling bridge crossing the River Irk through the developing New Cross area. There will be a new walking and cycling bridge crossing the Ashton Canal, making it easier to cross Rochdale Road or Oldham Road to reach Ancoats Urban Village and via the New Islington Canal basin to Pollard Street.

In addition, we are also working in conjunction with neighbouring authorities and TfGM to jointly deliver projects such as:

- **Public Cycle Hire Scheme** – The funding for a new cycle hire scheme secured from MCF is to put in place the necessary infrastructure; it is expected to be launched later this year.

Under Tranche 6 the following Manchester schemes have been put forward for approval:

- **Beswick Filtered Neighbourhood (£1.4m)** - The scheme will create a neighbourhood that prioritises movement for those on foot and on bike. It seeks to reduce the impact of traffic in the area and to enhance the local neighbourhood, making walking and cycling the easiest and most natural choices to access local amenities.
- **Fallowfield Loop enhancements (£4.9m)** - This scheme will create a 24/7, orbital cycle and walking route connecting Chorlton to Gorton. It is proposed to introduce new lighting and to improve access points along this 12km, traffic-free cycle path. The route crosses Hyde Road and the proposed programme of improvements will be aligned with a current scheme to fix a pinch-point which causes congestion and air quality problems on this major route into the city centre.
- **Route to the North (£42m)** - This route is comprised of two separate bids - a £13m bid to improve Oldham Road, submitted by Manchester City Council, plus the £29m Rochdale, Oldham and North Manchester Connectivity Scheme, submitted by Rochdale Borough Council on behalf of the three local authorities. Together, they link the city centre to north

Manchester, Oldham and Rochdale.

A number of bids have been unsuccessful which included improvements to school crossings and traffic signals across Manchester as well as other local highway improvements. The feedback on these submissions was that they included isolated interventions that will not bring about the step change in walking and cycling provision that it is expected from MCF funded schemes.

3.5 Public transport and extending democratic control over bus services

Bus services play a vital role in the city. They are the most frequently used mode of public transport for city residents. They're used for three-out-of-four public transport journeys and thousands of residents and visitors to the city depend on them every day.

Progress in this area has been ongoing and the ten year plan to create an integrated, modern and accessible public transport system was launched in June 2019. The plan outlines the projects and policies the Greater Manchester Mayor via his delegated powers intends to implement to create a world-class public transport system for Greater Manchester. A significant milestone in Manchester's bus reform journey has also been reached, which was considered by the Greater Manchester Combined Authority on Friday 28 June.

The GMCA decided to proceed with the bus franchising scheme and proceeded to carry out a statutory consultation process. Working with our staff, I led the coordination of the response on behalf of Manchester City Council, which as a statutory consultee for the purposes of the consultation and must be consulted. The response was submitted to the consultation with absolute support for the city region's buses to be returned to democratic control through franchising.

3.6 Zero Carbon 2038

In the last six months I have spent a tremendous amount of time working long hours to lead the development of an action plan to deliver the new science based carbon reduction targets from Manchester both on behalf of the City and Manchester City Council's action plan.

This has been a complex piece of work which has inspired many stakeholders across the city as well as Council staff, residents, Councillors, young people and activists. I would like to thank everyone for taking action to tackle the effects of climate change and who take action to reduce carbon emissions in their workplace, in their community, and at home, and everyone who had input on what we can do to tackle the greatest challenge facing humankind in the 21st century.

I have worked collaboratively to bring these pieces of work forward with our staff, the Manchester Climate Change Agency, all executive members, Councillors and stakeholders across all sectors. I have also attended and took inspiration from a number of transnational projects with representatives from Cities in Europe that are working to tackle the same challenge.

Clearly, this is a very complex piece of work and one we that will continue being an absolute priority in my area of responsibility in the months to come as we develop further and finalise the city-wide Manchester Climate Change Framework 2020-25 as well as the Council's Climate Change Action Plan 2020-2025.

While many events have taken place in the city and across neighbourhoods, I'd like to highlight the work that saw two very successful young people's climate change action summits delivered in the city. The summits held in July 2019 and January 2020 were attended by more than 500 pupils from schools across Manchester who gathered to have their concerns heard and develop new ideas for action on the issue of climate change. The summits allowed hundreds of local young people to explore how they can play their part in responding to the climate crisis, both through their personal actions and through working together and campaigning to make the world a better place. This was a collaborative piece of work across a number of directorates who should all be thanked for the energy they put into making them a success.

Full reports on the climate change work and the Manchester Climate Change Framework 2020-25 as well as the Council's Climate Change Action Plan 2020-2025 are tabled for discussion at today's meeting.

3.7 Clean Air

In the last six months a lot of work has taken place together with the other nine Greater Manchester authorities and Transport for Greater Manchester to develop a Clean Air Plan to address the serious problem of air pollution that affects the city along with many other large urban areas throughout Europe.

We have developed a comprehensive proposal of a package of measures that delivers compliance in the shortest possible time, at the lowest cost, least risk and with the least negative impacts. The proposals include the introduction of a Clean Air Zone across the whole of Greater Manchester in two phases from 2021 and 2023.

Since the submission of Greater Manchester's plan to the government, we have sought clarification on the government's response to Greater Manchester's proposals questioning the lack of the government's assurances around financial support for the broader GM Clean Air Plan as well as the legal tests that the plan will be tested on. The delay arising from the ministerial feedback and lack of clarity mean that consultation will now need to take place later than originally planned. This is clearly a highly unsatisfactory position, and we will keep pressing the government to clarify these issues.

Improving air quality is a huge priority and to that aim I will continue working together with colleagues across Greater Manchester as well as Transport for Greater Manchester to support the preparatory work that needs to be undertaken for the arrangements for the introduction of a Clean Air Zone in GM.

There will be another chance for Manchester residents and businesses to

have their say in Greater Manchester's clean air plan. Due to the delays in government's position the statutory public consultation is now expected in spring/summer 2020. This will give another opportunity for comment and feedback before proposals are resubmitted to our Council for further consideration and approval.

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**Manchester City Council
Report for Information**

Report to: Neighbourhoods and Environment Scrutiny Committee
– 5 February 2020

Subject: Delivering the Our Manchester Strategy

Report of: Executive Member for Neighbourhoods

Summary

This report provides an overview of work undertaken and progress towards the delivery of the Council's priorities as set out in the Our Manchester Strategy for those areas within the portfolio of the Executive Member for Neighbourhoods.

Recommendations

The Committee is asked to note and comment on the report.

Wards Affected: All

Contact:

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Position: Executive Member for Neighbourhoods
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1.0 Introduction

1.1 The Our Manchester Strategy, formally adopted by the Council in January 2016, is a vision which plans to get us where we need to be in 2025. Manchester is growing, going global and connecting communities to chances for a good life but we have also got some of the lowest wages, the nation's unhealthiest people, more rough sleepers, and too many litter grot spots. We have still got lots to do.

On the way to 2025, we have set some shorter-term goals for 2020:

- Fewer kids in care
- Fix roads, bus and cycle lanes
- Join up Health & Social care
- Better school results
- Cleaner Green places
- Better and affordable homes
- More recycling and less waste
- Work and skills for better pay

1.2 Executive Members are collectively and individually responsible for supporting the delivery of the Our Manchester Strategy and for providing political oversight and direction to officers achieve better outcomes for Manchester residents. The Executive adopted the commitments made in the Manchester Labour 2019 manifesto as priorities for the Executive. The individual priorities specific for my portfolio are:

- We will work to improve communal facilities in densely populated terraced areas to make it easier for residents to recycle
- We have invested an extra £0.5m per year into the budget to address the ongoing issue of fly-tipping and ensure that the increase in commercial fly-tipping is tackled
- We will continue working with 'Keep Britain Tidy' to achieve 'Tidy City' status by the end of 2020
- We will continue action against premises that are not complying with the Health Act 2006, planning legislation or any other legislation

I also intend to focus on:

- Managing the Biffa waste contract
- Continuing to engage with the Private Hire (PH) and the Taxi trade to work towards a GM Minimum Standards for the trade and also facilitate a move towards a fleet of PH vehicles and taxis which are going to be compliant with the Clean-Air Zone (CAZ) proposals.
- Engaging with all the Lead Members from the different equality strands

2.0 Executive Member for Neighbourhoods – Portfolio

2.1 As Executive Member for Neighbourhoods, my portfolio includes:

- Neighbourhood management and the Our Manchester Approach including waste strategy and collection,
- Management of physical environment and Environmental Services
- Licensing Policy
- Equalities and Community Cohesion

3.0 Progress and Outcomes

3.1 Waste Management & Recycling

- 3.1.1 The second half of 2019 has seen the focus for service improvement move towards the passageway container service which covers 850 sites serving 15500 properties across the city. Similar to before the project on the apartment sector the average recycling rate is around 10%. As part of this work, officers have been assessing whether each site is still in the best position, whether individual bins would be a better option and whether each street has the correct capacity and collection frequency for their refuse and recycling. To ensure that businesses and traders are not misusing containers intended for residents, officers have been working closely with Compliance and Fly Tip Investigation Teams. Furthermore, communities are being engaged and supported to potentially improve and beautify their passageways as well as steps being undertaken to consider appropriate intervention for sites most vulnerable to fly tipping.
- 3.1.2 As part of the programme, bin infrastructure and frames are being upgraded. A successful trial was completed in Fallowfield of a new-style recycling container that reduces contamination and a new low-profile locking post, which reduces litter traps and makes cleaning around container sites more efficient.
- 3.1.3 Officers are now in the process of procuring the groundwork required for cobbled sites – and scheduling work across the 16 wards in Manchester with shared passageway waste and recycling sites.
- 3.1.4 There are over 2500 litter bins located across the city, 750 of which are in the city centre. In the second half of 2019, we upgraded the bin infrastructure in the city centre, to replace standard bins with smart, solar powered compacting bins in parts of the city with the highest footfall. 51 'Big Belly' bins were installed in London Road, Piccadilly Gardens, Market Street, Cross Street, St Ann's Square, Exchange Square and St Peters Square.
- 3.1.5 The service standard requires that all passageways which are included in the contract specification should be cleansed every 12 weeks. This area of the service has suffered significant underperformance and so Biffa have been put on a performance improvement plan and their work is being checked and signed off by a member of the Waste, Recycling and Street Cleansing Team on a daily basis. Once a ward is complete, images are shared by the team with local members and the neighbourhood managers. The current cycle started in November and runs through to end of February when all wards will have been completed.

- 3.1.6 To help the city reduce its carbon footprint, plans are well advanced to replace 27 Euro 5 models with electric RCV's (Refuse Collection Vehicles). Once this proposal becomes a reality, it will release significant carbon reductions and contribute to improving the air quality through a reduction in nitrogen dioxide levels.
- 3.1.7 The approach taken during the student departure at the end of June has been sighted as being more successful compared to previous years with positive feedback being received from community organisations, residents, ward Councillors and Biffa. During June and July there was a reduction in 66% in the number of complaints and feedback received concerning student waste compared to 2018; there was a total reduction of 18.5% in fly tipping requests and a reduction of street cleaning requests of 15.5% between June/July 2019 compared to the previous year across wards where students live; overall this year's collection of donated items to the British Heart Foundation (BHF) increased by 5% compared to the previous year and Biffa reported a lower amount of builders' waste and fly tipping. The length of time taken by Biffa to clear container areas and reset individual bins after the student clear out weekend was reduced from 3 weeks to 2 weeks.

3.2 Keep Manchester Tidy Partnership

- 3.2.1 The Keep Manchester Tidy Partnership was formed last year with the aim of tackling all forms of litter across Manchester. This is the first partnership of its kind between Keep Britain Tidy and a local authority. Through the partnership we will use and develop interventions and will work towards becoming the first 'Tidy City' by the end of 2020.
- 3.2.2 Evidence is emerging to suggest that there is a positive change towards improving the understanding of litter and improving litter related behaviours as a direct result of the Keep Manchester Tidy partnership. Most evident was the response to last year's Great British Spring Clean where more than 7000 volunteers turned up to over 200 events in Manchester. This year, plans are advanced to make the event even bigger by engaging even more people and tackling more littered areas across the city. We will also boost our relationships with the business community helping them to sustain clean ups beyond the GB Spring Clean.
- 3.2.3 Evaluation work from Keep Britain Tidy has evidenced the positive impact of the *Bin the Butt* Campaign. Almost 9 in 10 smokers each felt that the campaign was aimed at people like them (88%) and that the campaign has made them more aware of the negative impacts of dropping cigarette butts in the street (87%); 8 in 10 felt it made them more concerned about the effects of dropping or leaving cigarette butts on the ground, now they knew that they may end up in the sea, releasing toxins that may kill or harm marine life (80%); around two-thirds each felt the campaign made them think the council was doing something to tackle the problem of cigarette litter (66%) and that made them think that something is being done to improve the cleanliness of the area (63%) and 83% of those who didn't already bin their butt said the campaign was likely to encourage them to use the bin.

- 3.2.4 Regular monitoring of campaign sites has shown positive results for both the dog fouling campaign and Crime not to Care campaign. In the area outside New Islington Free School, dog fouling was reduced to zero incidents in the months following the campaign. In the central Manchester alleys trial sites, there were no incidents of fly tipping following the campaign trail.
- 3.2.5 Surveyors from Keep Britain Tidy (KBT) undertook a Local Environmental Quality (LEQ) study in August 2019. The Manchester survey included 919 assessments of different land types in every ward of the city including the city centre. The KBT Surveyor completed his assessments randomly without Biffa's knowledge. The results showed that Manchester has improved performance compared to 2018 and was performing better than the national survey in Litter, Detritus and Fly posting. The only score that was slightly lower was graffiti.
- 3.2.6 The 5 priority areas for the next 6 months are fly tipping, cigarette and gum litter, eco schools, GB Spring Clean 2020 and special projects in each ward.

3.3 Compliance and Enforcement

- 3.3.1 The Compliance and Enforcement services take an Our Manchester approach to achieving compliance, working on the principle that the vast majority of citizens and businesses in Manchester want to do the right thing. Sometimes people are not sure what they need to do and our approach to achieving compliance includes working with people and giving them the chance to get it right.
- 3.3.2 In 2018/19 the service received 36,288 requests for service (RFS) and completed 13,780 proactive activities. Compared to 2017/18 there was an overall increase in RFS of 7% but a significant increase of 142% in proactive activities. As in previous years, the greatest demand comes from waste related RFS which remains around 25% of all RFS received.
- 3.3.3 There was a significant increase in all 5 categories of proactive work; street based activity, non-commercial waste related, commercial waste, licensing and housing to ensure that where issues arise, they are dealt with in a city where the range of issues requiring regulatory intervention continues to grow.

3.4 Licensing

- 3.4.1 Work has started to see how the principles of the proposed Martyn's Law could be incorporated within the licensing regime.
- 3.4.2 The licensing function seeks to support the council in delivering a safe and healthy city by promoting and enforcing best practice in licensing standards. Through the licensing process we aim to regulate both the hackney carriage and private hire trade to achieve these key objectives. Whilst it remains desirable to launch proposed minimum standards across all 10 Greater Manchester districts simultaneously, the prolonged delay is exacerbating the impact of outdated licence conditions in Manchester. It has been agreed at the

GM Licensing Network that Manchester should move ahead independently on relevant proposals as it sees fit. The proposed new conditions to be attached to Private Hire Operator and Private Hire Driver licences, and a proposed Licensed Drivers Dress Code will go through a process of public consultation.

3.5 Equalities and Community Cohesion

- 3.5.1 Manchester has become a founding member of BELONG (COIN – Cohesion and Integration Network) and the location for the network Head Office. This will further increase the profile of the city as a centre of excellence. In simple terms, BELONG will bring together the organisations and individuals who are working to improve community relations through cohesion and integration.
- 3.5.2 In recent months the city has marked Black History Month, Disability History Month, Islamophobia Awareness Month and Holocaust Memorial Day (HMD). The theme for HMD this year was 'STAND TOGETHER' and in the spirit of standing together and bringing communities together (the ethos of BELONG) this year we held our annual HMD educational event for young people for the first time at the British Muslim Heritage Centre (BMHC) where there was a 50% increase in the number of schools participating.

**Manchester City Council
Report for Resolution**

Report to: Neighbourhoods and Environment Scrutiny Committee
– 5 February 2020

Subject: Overview Report

Report of: Governance and Scrutiny Support Unit

Summary

This report provides the following information:

- Recommendations Monitor
- A summary of key decisions relating to the Committee's remit
- Items for Information
- Work Programme

Recommendation

The Committee is invited to discuss the information provided and agree any changes to the work programme that are necessary.

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Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

None

1. Monitoring Previous Recommendations

This section of the report lists recommendations made by the Neighbourhoods and Environment Scrutiny Committee. Where applicable, responses to each will indicate whether the recommendation will be implemented, and if it will be, how this will be done.

Date	Item	Recommendation	Response	Contact Officer
6 February 2019	NESC/19/12 Highways and the flow of traffic across the city	Recommend that legal advice is obtained in relation to Stopping Up Orders issued under provisions within the Town and Country Planning Act and the time limits contractors and developers are permitted to close the highway. Following this advice, a review of all Stopping Up Orders issued should be undertaken to establish if there had been any breaches of such orders.	A response to this recommendation has been requested and will be circulated once received.	Fiona Worrall
9 October 2019	NESCC/19/39 Waste, Recycling and Street Cleansing Update	Recommend that representatives from the Environment Agency and the National Rivers Authority be invited to attend a future meeting to discuss the approach to removing waste from rivers and waterways.	The Chair will consider when this item is to be scheduled into the Committee's Work Programme and invitations will be sent.	Cllr Igbon
9 October 2019	NESCC/19/39 Waste, Recycling and Street Cleansing Update	Recommend that invitations be sent to ward Councillors to accompany officers when undertaking street cleansing inspections to assess the standard of cleansing and quality of services provided by Biffa.	A response to this recommendation has been requested and will be circulated once received.	Fiona Worrall / Heather Coates
9 October 2019	NESCC/19/39 Waste, Recycling and Street	Recommend that the Executive Member for Neighbourhoods reviews the Biffa contract to ensure that it	A response to this recommendation has been requested and will be	Cllr Akbar

	Cleansing Update	stipulates that Biffa operatives to replace emptied bins in a safe and appropriate manner so as not to cause a hazard or obstruction to other users of the highway and pavement.	circulated once received.	
9 October 2019	NESCC/19/39 Waste, Recycling and Street Cleansing Update	That the passageway programme of works and cleaning for the next six months is circulated to all Members.	A response to this recommendation has been requested and will be circulated once received.	Fiona Worrall / Heather Coates
9 October 2019	NESCC/19/39 Waste, Recycling and Street Cleansing Update	Recommend that an intelligence based approach to street cleaning should be adopted with consideration to using intelligence from local residents; and understand how other core cities engage with residents around the issue of waste and recycling to influence behaviour change. The Committee shall receive a report on this at an appropriate time.	A response to this recommendation has been requested and will be circulated once received.	Fiona Worrall / Heather Coates

2. Key Decisions

The Council is required to publish details of key decisions that will be taken at least 28 days before the decision is due to be taken. Details of key decisions that are due to be taken are published on a monthly basis in the Register of Key Decisions.

A key decision, as defined in the Council's Constitution is an executive decision, which is likely:

- To result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates, or
- To be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the city.

The Council Constitution defines 'significant' as being expenditure or savings (including the loss of income or capital receipts) in excess of £500k, providing that is not more than 10% of the gross operating expenditure for any budget heading in the in the Council's Revenue Budget Book, and subject to other defined exceptions.

An extract of the most recent Register of Key Decisions, published on **27 January 2020**, containing details of the decisions under the Committee's remit is included overleaf. This is to keep members informed of what decisions are being taken and to agree, whether to include in the work programme of the Committee.

Decisions that were taken before the publication of this report are marked *

Decision title	What is the decision?	Decision maker	Planned date of decision	Documents to be considered	Contact officer details
Clean Air Plan (Full Business Case) 2018/12/18B	To approve the Clean Air Plan Full Business Case for the city of Manchester	Executive	11 September 2019 or later	Report to the Executive meeting	Richard Elliott Head of Policy, Partnerships and Research 161 219 6494 r.elliott@manchester.gov.uk
Manchester Zero Carbon 2038 Action Plan 2020-	The Executive is requested to:-	Executive	11 March 2020	Covering report, Manchester Climate Change	David Houliston d.houliston@manchester.gov.uk

Decision title	What is the decision?	Decision maker	Planned date of decision	Documents to be considered	Contact officer details
2025 (2020/01/16B)	<ul style="list-style-type: none"> • To endorse the Manchester Climate Change Framework 2020-25 (including citywide carbon reduction targets); • To note the summary of Manchester Climate Change Partnership members' action plans; and To adopt the Manchester City Council Climate Change Action Plan 2020-25. 			Framework 2020-25, Manchester City Council Climate Change Action Plan 2020-25.	

**Neighbourhoods and Environment Scrutiny Committee
Work Programme – February 2020**

Wednesday 5 February 2020, 2 pm (Report deadline Monday 27 January 2020)				
Item	Purpose	Lead Executive Member	Lead Officer	Comments
Budget 2020/21 – final proposals	The Committee will consider refreshed budget proposals following consideration of original proposals at its January 2020 meeting.	Cllr Ollerhead Cllr Akbar Cllr Stogia	Fiona Worrall	There will be no detailed business plans for Directorates included in this report
Climate Change themed suite of reports	<p>1. The draft Manchester Climate Change Framework 2020-25 and progress update on Manchester Climate Change Partnership Action Plans and Tyndall Centre targets review.</p> <p>2. To receive and comment on the draft Manchester City Council Climate Change Action Plan 2020-25.</p> <p>3. To receive a report on existing and future Council funding to address the Climate Emergency and deliver the Climate Change Action Plan 2020-25.</p>	Cllr Stogia	Richard Elliott / David Houliston	Jonny Sadler, Programme Director for the Manchester Climate Change Agency and representatives from the Tyndall Centre for Climate Research will be in attendance.
Planning and Compliance	<p>To provide a report that describes how agreed planning conditions are monitored and where necessary enforcement action is taken, with a particular reference to developers not adhering to their condition to plant / replace trees and develop green spaces.</p> <p>The report will further provide information on how the</p>	Cllr Stogia	Julie Roscoe	

	Planning Department work with the Highways Department and Social Housing Providers across the city.			
Delivering the Our Manchester Strategy	This report provides an overview of work undertaken and progress towards the delivery of the Council's priorities as set out in the Our Manchester Strategy for those areas within the portfolio of the Executive Member for Neighbourhoods and the Executive Member for Environment, Planning and Transport.	Cllr Akbar Cllr Stogia		
Overview Report	This is a monthly report, which includes the recommendations monitor, relevant key decisions, the Committee's work programme and any items for information.		Lee Walker	

Wednesday 4 March 2020, 2 pm (Report deadline Monday 24 February 2020)

Item	Purpose	Lead Executive Member	Lead Officer	Comments
Taxi Licensing	To receive a report that provides Members with information on the work undertaken in Manchester and across Greater Manchester to improve standards across Private Hire Taxis.	Cllr Akbar	Julie Roscoe	
Private Rented Sector Strategy	To receive a report on the Private Rented Sector Strategy. This will include information on the issues related to Airbnb across the city and the response to this.	Cllr Richards	Kevin Lowry	Executive Report
Update on Selective Licensing Schemes	To receive a report that provides an update on the Selective Licensing Schemes. The report will provide and analysis of the impact of such schemes and the	Cllr Richards	Fiona Sharkey	

	options for extending the scheme to other areas of the city.			
Overview Report				

Items to be scheduled				
Item	Purpose	Lead Executive Member	Lead Officer	Comments
Air Quality Task and Finish Group – Update report	To receive a report that provides the Committee with an update on the actions taken to progress the recommendations made by the Air Quality Task and Finish Group. The report will include a section specifically on air pollution around schools.	Cllr Stogia Cllr Craig	Richard Elliott	See minutes of NESC November 2017. Ref: NESC/17/53
Update on the Delivery of Cycle Schemes and Proposed Principles to Guide the Extension of Cycling and Walking Networks	To receive an update report on the Delivery of Cycle Schemes and Proposed Principles to Guide the Extension of Cycling and Walking Networks. This report will included information on the Chorlton Road Corridor consultation.	Cllr Stogia	Richard Elliott Steve Robinson	Invitation to be sent to Chris Boardman, Cycling and Walking Commissioner for Greater Manchester
War Memorials Update	To receive a progress report on the implementation of the recommendations of the Committee following their consideration on this item at their meeting of 4 Sept 2019.	Cllr Stogia	Fiona Worrall	See minutes of the Neighbourhoods and Environment Scrutiny Committee Ref. NESC/19/35
Highways Department's communication strategy	To receive a report on the Highways Department's communication strategy, including communication with Members.	Cllr Stogia	Steve Robinson	See minutes of the Neighbourhoods and Environment Scrutiny Committee Ref. NESC/19/45

Homelessness Update	To receive a report on the approach to accommodating homeless families with children. The report will include data on the numbers of children housed in temporary accommodation; the length of time spent in temporary accommodation and the support that is offered to families to minimise the disruption to children's education.	Cllr S Murphy	Mike Wright	See minutes of the Neighbourhoods and Environment Scrutiny Committee Ref. NESC/19/44
Lithium Batteries for the use in electric vehicles	To receive a report on the environmental and social impact of lithium batteries, including the extraction of the materials used for the production of these units and the arrangements for the safe recycling of them when they degrade.	Cllr Stogia	TBC	See minutes of the Neighbourhoods and Environment Scrutiny Committee Ref. NESC/19/39
Waste, Recycling and Street Cleansing Update	This is the annual update report, previously considered by the Committee at their meeting of 9 October 2019. At the meeting of January 2020 the Committee had further requested an evaluation of the revised service at Household Waste and Recycling to be introduced from February 2020.	Cllr Akbar	Fiona Worrall	September 2020 See minutes of the Neighbourhoods and Environment Scrutiny Committee Ref. NESC/20/02
Behaviour Change and Waste Task and Finish Group – Update report	To receive a report that provides the Committee with an update on the actions taken to progress the recommendations made by the Behaviour Change and Waste Task and Finish Group that were endorsed by the Committee at their meeting of 9 October 2019.	Cllr Akbar	Fiona Worrall	See minutes of the Neighbourhoods and Environment Scrutiny Committee Ref. NESC/19/40

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