

**Manchester City Council
Report for Resolution**

Report to: Executive – 11 March 2020

Subject: Planning and Climate Change

Report of: The Strategic Director -Development

Summary

The report provides a context to how planning is supporting the Council's ambitions on climate change. It sets out how as a longstanding objective associated with delivering quality and an environmental uplift in the City, we require developers and applicants to address associated issues through the application process and through the introduction of the various Regeneration Frameworks.

Whilst it also highlights some of the challenges faced, including existing and potential future limitations on the planning system, the report sets out measures that would assist in addressing this key objective.

Recommendations

The Executive is recommended to

1. Note the report.
 2. Agree to officers formally reviewing the Council's approach to address the challenge of responding to the climate emergency via the planning process in advance of changes to the Government's position on this issue following its recent consultation.
 3. Request that officers commence a review of the local validation list (the tool for ensuring all documents and plans required to assess an application are provided at validation stage) and to commence work with stakeholders to establish a Manchester Building Standard with the aim to achieve the best possible standards in new design with respect to carbon performance in order to support local plan policy formation to inform the review of Manchester's local plan.
 4. To delegate authority to the Director of Planning, in consultation with the Executive Member for Environment, Planning and Transport, to amend the process for consultation and adaptation of changes to the local validation list.
 5. To endorse the development of guidance notes on retrofitting homes.
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Wards Affected: All

Environmental Impact Assessment - the impact of the issues addressed in this report on achieving the zero-carbon target for the city

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	
A highly skilled city: world class and home grown talent sustaining the city's economic success	
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	
A liveable and low carbon city: a destination of choice to live, visit, work	
A connected city: world class infrastructure and connectivity to drive growth	

Contact Officers:

Name: Julie Roscoe
Position: Director of Planning, Building Control and Licensing
Telephone: 234-4552
E-mail: j.roscoe@manchester.gov.uk

Name: Richard Elliott
Position: Head of Local Planning and Infrastructure /City Policy
Telephone: 234-6494
E-mail: r.elliott@manchester.gov.uk

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.

1.0 Introduction

Manchester's commitment to climate change is well documented. In November 2018, following analysis by the Tyndall Centre for Climate Change Research, the Council adopted a science-based carbon budget of 15 million tonnes of CO₂ between 2018 and 2100, and committed the city to becoming zero carbon by 2038 at the latest.

In March 2019, the Council further endorsed the draft Manchester Zero Carbon Framework as the city's overarching approach to meeting science-based targets on tackling climate change, as part of the wider Our Manchester Strategy. This included draft action plans from a range of organisations who are members of the Manchester Climate Change Partnership and are collectively responsible for 20% of the city's emissions.

In July 2019, Manchester City Council declared a climate emergency. This declaration recognises the need for the Council, and the city as a whole, to do more to reduce its carbon emissions and mitigate the negative impacts of climate change. It also demonstrated the Council's commitment to be at the forefront of the global response to climate change and to lead by example.

This leadership role includes making the best use of the policy and regulatory tools available to encourage low carbon activities and to lobby and influence others to support this essential objective. The key message is that we all have a role to play in tackling climate change and that action must be taken now.

The planning system is one of the ways which can help mitigate climate change and assist in influencing and supporting those involved in place-making and shaping the use of land and buildings.

In Manchester we have always focused on delivering key outcomes for the city, new homes and jobs and for development to meet the Council's quality agenda. This agenda includes clear environmental objectives; from tackling contaminated land, improving air quality, reducing pollution, reducing emissions from buildings, promoting less waste, encouraging sustainable travel, minimising flood risk to construction management.

2.0 National Planning Policy

The planning system is about trying to get the right development in the right place at the right time, benefitting communities, the economy and the environment. It specifies the quantity and quality of development, and what needs to be protected or enhanced in order to ensure that development is sustainable.

With regard to climate change there is a statutory duty on local planning authorities to include policies in their local plans that are designed to tackle climate change and its impacts. In brief the legal framework seeks to secure development and the use of land that contributes to the mitigation of and adaptation to climate change, that plans have climate change targets and policies and require some low-carbon energy generation from new development.

Revised in 2019, the National Planning Policy Framework (NPPF) includes a stronger emphasis on future development, previously lacking in the older version. It now states that plans must “pro-actively shape places in a way that contributes to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience”. It further notes that local planning authorities need to take account of the Climate Change Act 2008, which involves setting carbon dioxide emissions reduction targets, measuring progress on carbon dioxide emissions reduction and requiring on-site renewable energy generation.

As the Framework which sets out the governments planning policies for England, the NPPF also contains policies on a wide range of other topics such as significantly boosting the supply of housing, the use of land and the importance of development being viable to willing developers. The balance between these factors is left to local planning authorities to strike through its Local Plan preparation.

Providing a high degree of certainty for communities, businesses and investors, and a framework for guiding decisions on individual planning applications, the local plan has to address needs and opportunities in relation to housing, the local economy, community facilities, infrastructure and the environment. It translates the Councils wider vision and ambitions into policy, including that on climate change.

Manchester’s current local plan, the Core Strategy was adopted in 2012 and is about to undergo a refresh. This is a formal process which will have to be supported by a robust evidence base to inform any change in policy. The Councils declaration on climate change will be at the heart of this review which will seek to align policy and processes to tackle this key issue.

However, despite the message in the NPPF it has its weaknesses. Whilst seeking “*a proactive approach to mitigating and adapting to climate change*” the importance placed on this above all other matters and how it should be balanced is less clear. The Green Belt, heritage assets and meeting housing needs which are all important still appear to take precedent. There has and remains a national planning focus, through a “presumption in favour of sustainable development”; which has meant that where there are issues over housing land supply for example, the delivery of new homes has taken priority.

Guidance on the viability of schemes has, as Members will be aware, been a key factor of development decision taking since the economic recession in 2008. Whilst this has been rebalanced to some extent through revisions to the NPPF it nevertheless remains a factor on ambition which will have to be tested through our development plan review.

It is also important to note that whilst the NPPF may contain policies on climate change there is a distinct lack of practical advice and support to local authorities on how to secure a radical reduction in carbon emissions.

For a local planning authority, the test will therefore be how to address its vision for future development in the local plan process in the context of the NPPF. On the one hand is the question of ambition and to what degree this could be robustly supported

through the development plan but also, in setting targets and standards in relation to the energy efficiency of buildings how can deliverability be achieved and evidenced.

It is also recognised that there are other potential challenges at a national level which are likely to impact on the Council's climate change ambitions. We have, for example, seen the systematic deregulation of planning through the expansion of permitted development rights. Of significance is the focus on delivering more homes which has led to the conversion of commercial and other properties for housing, without the need for planning permission. Recent announcements suggest there are further legislative changes under consideration to relax the planning laws.

Last year the Ministry for Housing, Communities and Local Government (MHCLG) launched a Future Homes Standard consultation. This set out potential changes to the Building Regulations, setting minimum levels of energy efficiency in buildings. The consultation set out two options to uplift energy efficiency standards:

Option 1: 20% reduction in carbon emissions compared to the current standard.

Option 2: 31% reduction in carbon emissions compared to the current standard.

Government anticipate this could be delivered based on the installation of carbon-saving technology such as photovoltaic (solar) panels and better fabric standards.

By setting what it sees as an ambitious minimum standard the Government believes that the current approach to expecting individual authorities to set their own ambitious standards is inconsistent, confusing, and creates inefficiencies in supply chains, labour and outcomes.

The Government is therefore proposing that once set as a minimum, local authorities would be restricted from imposing any further uplift. The inability of local authorities to respond to the climate emergency in this particular regard through its local plan process is a significant concern; not least as it is the review of our Core Strategy that we will look to introduce new planning policy to reflect and align with the Councils ambitions as set out in its Climate Change Declaration. This has been set out in our response to Government.

Existing Local Planning Policy

Notwithstanding the above, Manchester has an existing framework that seeks to tackle climate change through our local planning policies. Prior to the adoption of our development plan - the Core Strategy, the city's quality agenda was supported by the Guide to Development Supplementary Planning Document (SPD). This was endorsed and adopted in 2007 and provided the step change to a more comprehensive set of environmental policies in the Core Strategy which was subsequently adopted in 2012.

With regard to climate change the SPD set out a requirement, which still exists today, for planning proposals to be supported by an Environmental Standards Statement to cover:

- energy efficiency and renewable energy,
- environmental design,
- water management,
- construction management,
- biodiversity; and,
- climate change adaptation.

Manchester subsequently became the first local planning authority in England to require a BREEAM (Building Research Establishment Assessment Method) accreditation for development proposals. As an assessment of environmental, social and economic sustainable performance it has been the principle tool for measuring the sustainable ratings of a development from construction through to its operational phase.

The Core Strategy, which was also supported by the Council's wider Sustainable Community Strategy, its Strategic Frameworks and the Climate Change Action Plan (Manchester: A Certain Future) embedded the principles of the Guide and introduced a number of policies that seek to enhance the built and natural environment and incorporates local and global environmental protection in planning activity.

These existing policies include promoting the delivery of new homes and employment development in the city centre and in areas that are sustainable; that are aimed at increasing local decentralised energy and reducing carbon emissions and tackling the impacts of climate change through managing flood risk, enabling development to deal with differing temperatures and providing protection where required to ensure that a high standard of environment is created and maintained. Waste management, ecology and biodiversity, air quality and the treatment of contaminated land are all covered by the policy framework.

With a clear focus on outcomes we strive to negotiate wherever possible above and beyond the requirements of the policy framework. This can be a challenge but we have continually explored how measures can be incorporated and introduced into our processes to help deliver these outcomes.

On a broader level, this is possible through the Strategic Regeneration Frameworks. The expectation for addressing the Council's objectives are at the heart of each framework and guidance on how environmental, social, design and economic requirements should be achieved.

Detailed development proposals are then required to be supported by a significant and wide ranging amount of information at the planning stage. This is a requirement for all proposals and not simply those covered by a Framework. As an example and relevant to climate change this includes:

- An Air Quality Assessment to evaluate the impacts of the development and proposed mitigation
- In terms of ecology any identified ecological features or wildlife habitats on the site need to be set out together with how a proposal intends to deal with them with regards to biodiversity.

- As noted above, an Environmental Standards Statement which addresses sustainability ratings and the provision of renewable energy within the development. This should include a Building Research Establishment Environmental Assessment Method - BREEAM - pre-assessment rating through the submission of a pre-estimator report which should demonstrate that a rating level of at least Very Good would be achieved.
- A Blue and Green Infrastructure Statement which explores opportunities for such improvements as part of a proposal and how it seeks to respond to the Vision and Objectives of the Councils Blue and Green Infrastructure Plan.
- A Flood Risk Assessment if the application site is either located within a designated Flood Zone or is over 1 hectare in size. In Critical Drainage Areas, Flood Risk Assessment need to be provided for sites over 0.5 hectare in size.
- A SUDs Strategy – as we encourage the use of green types of sustainable drainage systems as part of the green infrastructure on site, both types of SuDS (infiltration or attenuation) should be considered and reasons for not utilising them needs to be provided if alternative solutions are proposed.
- A Transport Statement to assess the potential transport impacts of developments and if relevant propose mitigation measures to promote sustainable development. This includes the provision of electric charging points now or to ensure developments are future proved in this regard.
- Where that mitigation relates to matters that can be addressed by management measures, the mitigation may inform the preparation of Travel Plans.
- A transport statement regarding the available public transport and details of a parking management strategy for the use being proposed
- A Travel Plan which includes long-term management strategies for integrating proposals for sustainable travel into the planning process based on evidence of the anticipated transport needs.
- Where trees are impacted, a tree age and condition survey is required together with a tree replacement scheme.

These are all considered during the planning application process to enable an informed and balanced decision to be made. This balance has to have regard to all key objectives including delivering a sufficient supply of homes and building a strong, competitive economy.

We also encourage through the planning process the submission of a Construction Management Plan. Broadly speaking construction impacts are not material considerations for the local planning authority as these are controlled through other legislation. 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 these can cause concern in areas particularly of significant growth. It allows for potential amenity and environmental issues and mitigation measures to be identified.

By pursuing all of the above and with the support of the policy framework we are helping to deliver the growth agenda and one that also addresses other key objectives such as climate change. Through our decision making process we are supporting investment in new job opportunities (including training) and across a range of sectors and supporting the delivery of new homes. At the same time, we require land that is contaminated to be treated to a high specification with

environmental considerations being central to this, built developments to be highly sustainable both in terms of location and physical fabric; and, on site external space that provides an environmental uplift (or a contribution to improving green space/public space off site).

We have also tried to redress the implications of the changes to planning regulations and the increase in permitted development rights. Concerns about the loss of employment space but also importantly the quality of new homes led to the decision to introduce an Article 4 Direction for parts of the city. This has removed the right to change use from office and light industrial to residential without a planning consent bringing back such development into our control.

Proposed Next Steps

In advance of the refresh of the Core Strategy, and to help steer developers and applicants and those who need more encouragement, officers have been considering how we can strengthen our position to address climate change.

One way to provide a greater focus on the issue is through the information required at application stage. The validation checklist noted above is used to specify the documents that have to be submitted before an application can proceed. This was updated in 2018 to allow for greater transparency with regards to viability assessments. It would seem timely to amend the list further particularly regarding our requirements for and contents of an environmental standard and a sustainability statement

This would include a review of the use of BREEAM. Whilst the BREEAM accreditation scheme still exists a lack of assessors nationally could undermine the Councils position as applicants are no longer able to submit for example post construction accreditation reports. With the cancellation of the Code for Sustainable Homes in 2015 we should also look at information that could be provided on the energy efficiency of buildings and on-site generation.

With the ongoing issues that are being raised in the city about construction management it is proposed the review include what more could reasonably be included in supporting documents to help address environmental impacts at the planning stage.

The process for amending the validation checklist is relatively straight forward and will require a period for consultation (a minimum of 6 weeks). This could be in place by early summer.

The above, however, only addresses new development and where development requires planning permission. Regardless of when permission is needed, providing practical advice on sustainable construction and retrofitting existing homes would be a positive step. This would help residential occupiers to approach retrofitting more sustainably and support measures for such works.

Once scoped it will be necessary to identify the resource, with the appropriate level of knowledge to help draft such guidance. There is an opportunity though for this to be

developed with our housing team and possibly registered providers to capture all housing sectors.

3.0 Recommendations

Being outcome focussed and through the existing policy framework and our processes much is already negotiated and delivered through the planning system.

As we work towards the Council's 2038 ambition through the local plan review, an updated evidence base, including that on low carbon and renewable energy generation, flood risk assessments which understand climate change scenarios and consideration of the viability of development will be prepared. The focus will be on the ability of our local policies to ensure that new buildings play a key role in delivering carbon reduction.

From discussions with the industry it is clear that many responsible developers already recognise that it is incumbent on them to address climate change issues. Many contractors, developers and occupiers understand their corporate social responsibility and how important this issue is to decision makers. In many ways we are pushing at an open door. Engaging with the industry is already assisting in understanding what is achievable and deliverable.

There are others out there who will need more encouragement and the planning process is a key part of providing this encouragement.

Updating and opening up the validation checklist has the potential to help in this regard, as will be providing practical advice and guidance to those who may need more of a steer in addressing climate change.