

**Minutes of: OVERVIEW AND SCRUTINY COMMITTEE**

**Date of Meeting:** 20 July 2021

**Present:** Councillor R Bernstein (in the Chair)  
Councillors C Birchmore, N Boroda, LJ Dean, G McGill, M Powell, L Smith, D Vernon, C Walsh

**Also in Attendance:** Councillor O'Brien – Leader of the Council and Cabinet Member for Finance and Growth  
Councillor Quinn – Cabinet Member, Environment, Climate Change and Operations  
Jacqui Dennis – Council Solicitor and Monitoring Officer  
Donna Ball – Executive Director, Operations  
Crispian Logue – Assistant Director, Strategy Planning and Regulation  
Simon Warburton – TfGM Representative  
Chad McDowell – Climate Change Officer  
Julie Gallagher – Democratic Services Officer

**Public Attendance:** There were three members of the public present at the meeting.

**Apologies for Absence:**  
Councillor Peel and Farooq

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## **OSC.01 DECLARATIONS OF INTEREST**

Councillor C Birchmore declared a personal interest in item OSC.6, Submission of the places for everyone plan as a member of the group Bury Folk Keep it Green.

## **OSC.02 MINUTES**

Responding to a query from Councillor Bernstein, the Monitoring Officer reported that she had ruled out a request for a Call-in in relation to Cabinet Minute CA.100 Future of the Civics Venues reporting that call in should not be used as a mechanism for voicing objections or dislike for a particular decision and should only be used in exceptional circumstances.

### **It was agreed:**

That the minutes of the last meeting, held on 25 March 2021, be approved as a correct record.

## **OSC.03 PUBLIC QUESTION TIME**

The following questions from members of the public were received in advance of the meeting:

**Question one:** Taken the Places For Everyone plan is before the council, over the next 3 years exactly how many social and affordable to rent homes will the council be building on brownfield land/sites owned by the council, either as the master developer or under a joint venture with an external social and affordable to rent housing developer?

**Supplementary question:** As the leader of the council has previously stated that the council would enter into joint ventures for the development of social and affordable to rent homes in the borough, exactly how many joint ventures regarding social and affordable to rent homes are the council exploring as of today, and will these new social and affordable to rent homes be constructed to the Passivhaus Standard?

In response Councillor O'Brien, Leader of the Council reported there are a number of Council owned brownfield sites coming forward for development, including land at School Street in Radcliffe, the Wheatfield site in Whitefield and William Kemp Heaton and Fletcher Fold Road in Bury, all of which will be expected to provide at least 25% affordable housing, and some of these are likely to be developed for 100% affordable housing, including affordable rent and shared ownership.

The Leader reported we are also exploring opportunities

- to provide specialist accommodation in conjunction with Adult Social Care. (These proposals will be subject to sign off by Cabinet in due course)
- We are working in partnership with Homes England to bring forward the East Lancashire Paper Mill Site in Radcliffe, which will include the provision of affordable housing, and
- Through our Joint Commissioning Partnership, we are working with Registered Providers of affordable housing to facilitate joint working and increase the delivery of affordable homes.

There is a clear ambition from Government, both through planning policy and Affordable Homes Programme funding to increase opportunities for affordable home ownership, including shared ownership and discount sale.

The Housing Strategy proposes the development of a Bury Eco Standard which will reflect a fully retrofitted home with a renewable energy source. In order to meet the targets for all new homes to be carbon neutral by 2028 and all existing homes by 2038, a significant step change is needed. This will require high standards to be achieved and Passivhaus is seen as the level we need to be aiming for. In developing the Bury Eco standard all options including Passivhaus will be considered and we will certainly include the principles of quality installation which Passivhaus embodies.

**Question Two:** The Council's Climate Strategy and Plan contain several statements and actions which are in conflict with elements of Places for Everyone (PfE). How will the Overview and Scrutiny Committee ensure Bury Council brings PfE in line with its zero carbon aims and similar aims across Greater Manchester?

**Supplementary question** Would it be appropriate to form an Environment Scrutiny Committee to be the vehicle for ensuring that this climate change is given the necessary priority?

Councillor Bernstein in his role as Chair of the Scrutiny Committee reported that the Council recently reviewed the scrutiny function, following this review, Full Council agreed to establish a Children and Young Peoples Scrutiny Committee. Councillor Bernstein reported that there is sufficient capacity to ensure effective scrutiny of environmental matters under the current arrangements without the necessity to establish an additional scrutiny committee.

The Leader reported that climate change is a key theme running throughout PFE and it is only through a combination of actions that it can be properly addressed. The PFE, in particular sets out:

- Methods to de-carbonise the city region through new and existing development, effective land management and through the provision of infrastructure and new technologies;
- The aim of delivering a carbon neutral Greater Manchester no later than 2038, with a dramatic reduction in greenhouse gas emissions, including measures to ensure that all new homes and commercial/industrial buildings achieve net zero carbon by 2028;
- The delivery of renewable and low carbon energy schemes through heat and energy networks;
- Measures that will be taken in Greater Manchester to future proof the city region by mitigating and making it more resilient to environmental challenges, including climate change;
- Water based measures, such as reducing flood risk, to adapt and reduce the impacts of climate change; and
- Measures to support improvements in air quality.

The PFE, if adopted, will form part of the Council's statutory development plan and will allow the Council to require certain standards within new development to ensure that the climate change targets are achieved. This will include ensuring that new housing is carbon neutral and encouraging active travel – road layouts to prioritise walking and cycling, improved cycling infrastructure, integrated EV charge point infrastructure etc

Without a statutory plan in place, it will be very difficult to refuse planning applications which don't meet these requirements.

**Question three** - Clean Air – What funding will be available to support the taxi trade? **Mr S Raja**

The Leader placed on record his thanks for the crucial and important key work that taxi drivers undertake and reported that the Council has provided a variety of support to them during the pandemic. Additional monies have been made available to support the Clean Air plan and this will help to support and encourage taxi drivers to retrofit and replace their vehicles.

Cllr Quinn Cabinet Member, Environment, Climate Change and Operations reported that the Greater Manchester Combined Authority are under a ministerial directive to deliver the Clean Air Plan and additional monies have been agreed from central government for a;

- Clean bus fund
- Clean freight fund

- Taxi Fund

Ten million pounds has been made available which will enable more electric charging points and a try before you buy electric fund, as well as an extension period for taxi driver compliance.

The TfGM Representative reported that there is support available to upgrade vehicles to complaint diesel and petrol vehicles.

Funding available will include:

Replacement funding for Hackney Carriages up £10k

Hackney Carriages Retrofit up to £5k

Private Hire replacement funding up to 6k

Private Hire replacement funding up to 5k.

#### **OSC.04 MEMBER QUESTION TIME**

The following questions from members of the public were received in advance of the meeting:

**Question ONE:** The Crostons Road junction, at which traffic from Brandlesholme Road, Tottington Road and Walshaw Road, the three main arteries for traffic going into and out of Bury, converge, already experiences significant delays during rush hour. Has the Council carried out a full assessment of potential impact on traffic levels at the junction with over a thousand houses to be placed in Walshaw under the revised Places for Everyone plan?" Cllr J Rydeheard

In response the Leader reported that all the PfE allocations are supported by a Transport Locality Assessment. These assessments examine the likely local impact of the development of the allocation on the transport network and identifies where mitigation is needed. The Crostons Road junction was included within the transport modelling for the Walshaw allocation and mitigation for the junction has been identified. It is a requirement of the Walshaw allocation policy that off site highway works are provided to ensure acceptable travel movement.

Responding to Cllr Rydeheard supplementary question, Councillor Quinn reported that the places for Everyone submission has taken into account proposed increases in traffic.

**Question two:** How many independent and Small to Medium Enterprises (SMEs) will the clean air charge impact in Bury and what engagement has there been with these stakeholders. Councillor N Jones

In response Councillor Quinn Cabinet Member, Environment, Climate Change and Operations reported that Across Greater Manchester, Members and Officer have met regularly to engage with key stakeholders including bus, freight transport, taxi and private hire industry bodies, to raise awareness and ascertain feedback on the Clean Air proposals. Marketing and communications activity has taken place during the 2019. This has included extensive marketing, using radio ads, local press, digital advertising, social media and local authority channels.

**OSC.05 PUBLICATION OF THE PLACES FOR EVERYONE PLAN**

The Leader of the Council attended the meeting to present an overview prior to publication of the Places for Everyone Joint Plan.

Documents had been shared with Members prior to the meeting which contained information in respect of the rationale for the proposal. The Leader reported that continuing to work collaboratively on a joint plan across the nine districts brings significant benefits to Bury including a stronger local economy; reduced impact on the Green Belt; an up-to-date plan; significant infrastructure investment and affordable housing.

The reports circulated in advance of the meeting provided information in respect of:

- Publication plan and consultation
- Plans for Homes
- Plans for the environment
- Plans for jobs
- Plans for the greenbelt and a brownfield land preference

Questions and comments were invited from Members of the Committee and the following issues were raised:

Following a commitment from the Leader at the meeting a summary of the questions and responses received are appended to the minutes; the responses will also be made available on the Council's website

1. Councillor Birchmore raised concerns in respect of the criteria used to select the sites including concerns in relation to Radcliffe/Elton Reservoir and the effect on green belt.

Responding The Leader reported that the criteria was developed using national planning policy principles and the wider strategic context of Greater Manchester's ambitions to boost the competitiveness of northern districts, create more opportunities for employment and improve the housing offer and market.

The Elton Reservoir site meets criterion 6 as it is in close proximity to the existing tram line and has the potential to provide a comprehensive public transport hub as part of a new tram stop. This is proposed to include a park and ride facility as well as well as active travel facilities (e.g. cycle hub / electric vehicles etc).

2. Councillor LJ Dean sought clarification in relation to previously undertaken consultation and also whether the Council could choose to have a local plan

The Leader reported without an up-to-date plan in place we would be at serious risk of:

- Planning by appeal - rather than development being planned and managed properly, we would be likely to get inundated by smaller-scale ad-hoc planning applications on Green Belt land with developers appealing against any refusal of planning permission - with a greater likelihood of success given the recent appeal decision in Welwyn.
- Government intervention - Government has indicated that it will use sanctions for districts that do not have an up-to-date plan by December 2023 meaning that Bury's planning powers could be removed and for us to

have a plan produced for us - which could mean higher housing targets than currently set out by the PfE.

3. Councillor Lucy Smith asked for clarification in relation to the number of houses that may be required if Bury Council, like Stockport chose to develop a local plan rather than partake in the GM PfE report

The Leader reported that the Council would be in a much worse position and may be required to build more housing than those committed to in the PfE proposal, Bury have been able to reduce the housing commitment following cooperation with the other 8 districts.

4. Councillor Vernon sought clarification in respect of the number of houses expected to be built at Elton Reservoir.

The Leader reported that The Elton Reservoir site is key to delivering significant early investment into essential infrastructure and the site needs to be able to provide the long-term certainty on the scale of development to withstand the considerable costs.

In total, the site could deliver around 3,500 units but only around 1,900 are considered to be deliverable within the plan period. This figure is based on aspirational delivery rates from the site and will be dependent on the infrastructure being provided to allow the site to come forward.

5. Councillor Vernon sought assurances as to why the Council is insisting that they have no choice but to build on greenbelt.

The evidence from local plan examinations is that where the scale of housing need cannot be met within the urban area, and neighbouring authorities are unable to meet some of that need, a failure to identify potential green belt sites risks the plan being found unsound.

Recent planning appeal decisions have shown that in the absence of an up-to-date plan, Green Belt sites are at risk of unplanned and uncoordinated development which fails to deliver the necessary infrastructure. Without an up-to-date plan in place, we are at serious risk of planning by appeal and Government intervention.

6. Councillor Birchmore raised concerns in respect of the number of homes expected to be built in the green belt surrounding Elton Reservoir and the concerns that the infrastructure is not there to support the housing developments.

The Leader reported that the development of the Radcliffe Strategic Framework will allow for short, medium and long term inclusive growth and will include infrastructure projects in addition to the new high school; including two new primary schools, support for, public transport, highways, health as well as creating new economic centres.

7. Councillor LJ Dean sought clarification as to how the numbers of brownfield

Sites had been calculated and why Bury had only received £1.3million in brownfield regeneration monies and why the proposed fire station building has not been set aside for housing development.

In response the Leader reported that Each district has prepared their own Strategic Housing Land Availability Assessment (SHLAA), in line with Government guidance.

A summary of the supply and the approach taken are provided in the PfE Housing Topic Paper – Housing Land Supply Statement appendix available on the GMCA website and Bury's Strategic Housing Land Availability Assessment is published on the Council's website with a full site listing and an online map showing the location of all the sites that have been assessed.

The Leader reported that the fire station site will bring new economic activity to the Town Centre and create jobs and help to re-balance the economy.

8. Councillor Powell sought assurances in respect of the Plans for Bowlee and Simister in particular that there would be no proposals to allow through traffic via Simister village and no infill developments at Simister village

The Leader confirmed that he could guarantee there would be no through road through Simister, master planning work undertaken acknowledged that it would not be appropriate to use a single-track road but it would be permeable to enable people to walk and cycle. Traffic as a result of the Bowlee developments would feed in, instead, through Middleton

The Leader reported that the plan had been changed to protect Simister village and there would be no risk of any infill developments, and he would like to reassure residents in Simister, that the housing development will be at Bowlee.

9. Councillor Birchmore asked for clarification in relation to the brownfield first policy.

Responding the Leader reported that the development of suitable brownfield sites remains a priority for the Council. The Brownfield Land Statement affirms our commitment to the regeneration of brownfield sites and sets out some of the key tools that the Council is using to support the regeneration and re-use of brownfield sites.

We are continuing to make progress in bringing forward the East Lancashire Paper Mill (ELPM) site for housing and have agreed to enter into a Collaboration Agreement with Homes England and a delivery strategy as set out in the report to Cabinet on 26 May 2021. A number of brownfield sites are identified within the strategy for redevelopment, including East Lancashire Paper Mill, School Street adjacent to Millwood Primary School and Blackburn Street Gateway. We successfully secured brownfield land funding to de-risk the School Street site, with work well under way to address some of the abnormal costs associated with developing sites of this nature.

The Leader confirmed that as well as the School Street Site funding was also made available for Fletcher Fold.

10. Councillor Bernstein asked if there was any scope to move the consultation deadline back to 1<sup>st</sup> September 2021.

The Leader reported due to the 2023 deadline for getting a plan in place and the length of time it is likely to take for the PfE plan to go through an Examination in Public, it is not proposed that consultation is delayed until September.

A lot of the information to support the plan has been in the public domain for many months, and there have already been several rounds of extensive consultation. An 8-week consultation period is considered to give sufficient time for all those who wish to respond to do so.

11. Councillor Bernstein asked for clarification as to what was meant by the term "major new issue".

Responding the Leader reported public opposition to building on the Green Belt cannot be considered to be major new issue, although if representations are made to this effect, the Planning Inspectorate will give this the appropriate consideration and weight.

A major new issue could, for example, be major changes to national planning policy with no applicable transitional arrangements up to and throughout the Examination. Another example could be updated evidence which may influence the plan. The plan, therefore, may evolve through the Examination process, as the Inspector takes a view on the submitted evidence and the representations made as a result of this consultation.

12. Councillor Boroda asked what would be the position if the Council fails to adopt a plan.

The Leader reported that if we do not adopt a plan by 2023 the Council would be outside the protection afforded by the current arrangements. This protection allows the Council to insist on high standards of development, clear infrastructure plans and restricts building on green belt. The concern would be if the Council are operating outside of the plan, there would be a developer free for all. The Assistant Director, Strategy Planning and Regulation reported that 2023 is a government imposed deadline, the Government may appoint planning inspectors/ planning decisions maybe taken out of local planning authority control, or other sanctions may be imposed if a plan is not in place by the imposed deadline.

13. Councillor McGill asked if there is criteria to ascertain/determine if a brownfield site is suitable for housing and if so have these been applied?

The Leader reported that it is very expensive to remediate and prepare a brownfield site for development. The Assistant Director, Strategy Planning and Regulation reported that each Brownfield site must be considered on its own merits, the purpose of this plan is to allocate land for housing and infrastructure and employment.

Councillor Vernon moved, and Councillor Birchmore seconded, that the following recommendation

*"The scrutiny committee advises the Cabinet to reject the Places For Everyone model like Stockport has and pursue a Bury local plan."*

Be forwarded from Overview and Scrutiny to Cabinet, and **On being put, with 5 voting for, 4 against**

**It was agreed:**



The scrutiny committee advises the Cabinet to reject the Places For Everyone model like Stockport has and pursue a Bury local plan.

**OSC.06 MEETING THEME - THE ENVIRONMENT**

- **(A)** Councillor Alan Quinn, Cabinet Member Environment, Climate Change and Operations provided an overview of the Clean Air Plan, an accompanying report had been circulated to Members in advance of the meeting.

The proposed final GM Clean Air Plan sets out final proposals for:

1. The boundary, hours of operation, management of the scheme, discounts, exemptions and daily charges of a Clean Air Zone;
2. The amount of supporting funds for each vehicle type; and
3. Other supporting measures.

Questions and comments were invited from Members of the Committee and the following issues were raised:

Responding to Councillor Birchmore, Councillor Quinn, Cabinet Member Environment, Climate Change and Operations reported; that air quality monitoring work is overseen by the Government's Joint Air Quality Unit and their Independent Technical Review Panel. The air quality modelling has been undertaken following published national best practice guidance. Both bodies have looked in detail at Greater Manchester's modelling throughout the development of the Plans and endorsed the work, concluding that a clean air zone is required to achieve compliance.

For economic and practical reasons Local Authorities are advised to monitor air quality using both continuous automatic analysers and diffusion tubes. This enables the much wider spread of monitoring using multiple diffusion tube sites, alongside the greater accuracy of the continuous automatic analysers. It is the annual average nitrogen dioxide target that we have an issue with and the diffusion tubes offer a low cost practical means for measuring annual concentrations.

Alongside our existing network of monitoring sites this year a new automatic real time analyser we will be installed at Bury Bridge, a busy road section predicted to be the last site in Bury to meet the nitrogen dioxide target. This should give a good indication of when the Borough is meeting the objectives.

The Base Year used for this project was 2016 which was the latest available data. The monitoring data from years 2020/2021 which have been most directly impacted by the COVID-19 pandemic have not formed part of the baseline appraisal process.

Responding to Councillor Vernon, the TfGM representative reported that a driver of a non-compliant vehicle would be charged for driving within the Clean Air Zone each day. However, these are the only charges they would face for a 48-hour period, they could make multiple trips in the CAZ.

Councillor Quinn, Cabinet Member Environment, Climate Change and Operations reported that the anticipated cost to small businesses is dependent on their individual circumstances and business model.

In terms of the cost of upgrade, this will depend on the circumstances of the vehicle owner in terms of the value of their existing vehicle and their choice of upgrade.

For market traders, who are likely to own an LGV, there is a temporary exemption to 31 May 2023 to support LGV owners to upgrade. As well as this, the funding amounts for their financial support has increased for larger LGVs and a retrofit grant is also available for the models eligible for retrofit.

For the taxi trade, there is a temporary exemption to 31 May 2023 to support PHV and hackney carriage owners to upgrade. As well as this, in some cases, the funding amounts for financial support has increased, this is following feedback from the consultation.

Responding to Councillor McGill Councillor Quinn, Cabinet Member Environment, Climate Change and Operations reported that air pollution kills 1200 in Greater Manchester every year.

The Cabinet Member Environment, Climate Change and Operations reported that there were no exceedances of air quality limits in 2020. In 2019 there were 6 monitoring sites that did not meet the limit value for annual average of nitrogen dioxide.

Responding to Councillor Smith; the TfGM representative reported that there are grant conditions attached to any funds given to the bus companies to ensure that the buses continue to operate in Greater Manchester. The Mayor of Manchester has indicated his intention to move to a franchise bus system across Greater Manchester the proposals are on hold until the outcome of a judicial review.

- **(B)** Councillor Alan Quinn, Cabinet Member Environment, Climate Change and Operations had circulated a Climate Strategy for Members consideration in advance of the meeting.

**It was agreed:**

- (1) The Cabinet member and officers be thanked for their attendance.**
- (2) The Climate Strategy item will be deferred for consideration at a future meeting.**

**OSC.07 SUB-GROUP MEMBERSHIP**

Members considered the establishment of the Scrutiny sub committees.

**It was agreed:**

Democratic Services would liaise with Councillors and confirm the final membership.

## **OSC.08 REFUSE COLLECTION UPDATE**

Following a request from the Chair, the Cabinet Member for Environment, Climate Change and Operations provided members with an update in relation to recent changes to refuse collections across the Borough. Councillor Quinn, apologised for the inconvenience caused and reported that he takes responsibility for the current disruption, performance has improved, and the collection backlog was cleared as of 19<sup>th</sup> July 2021.

Members of the Overview and Scrutiny Committee raised the following concerns;

- Low workforce morale
- Over-reliance and use of agency staff
- Changes to the fleet
- Capacity of new lorries
- Poor confidence amongst member of the public in the service
- Missed collections
- Inability to report issues of concern

Responding to the concerns raised the Cabinet Member for Environment, Climate Change and Operations reported that there has been an over-reliance on agency staff within the service, the Cabinet member is due to meet with the workforce tomorrow at 6am to discuss their concerns.

The Executive Director reported that are a number of issues affecting the service, in addition to the changes to three weekly round collection, ping covid notifications have placed additional pressure on staffing. Communication going forward will be improved, it is envisaged by the third cycle of three weekly bin collections, the service will return to a collection rate of 99%.

The Cabinet Member for Environment, Climate Change and Operations reported that the new vehicles are slimmer and can carry half a tonne more waste than previous vehicles.

### **It was agreed:**

1. Both the Cabinet Member for Environment, Climate Change and Operations and the Executive Director, Operations be thanked for their attendance.
2. The Councils Performance in relation to the refuse collection "Industry Standard" will be presented at a future meeting of the Overview and Scrutiny Committee.

## **OSC.09 NOTIFICATION OF CALL IN MEETING**

The Head of Democratic Services reported following a receipt of a valid call-in, an additional meeting of the Overview and Scrutiny Committee will be convened.

### **It was agreed:**

The Overview and Scrutiny Committee will meet on 29<sup>th</sup> July 2021 at 7.15pm to consider the Accelerated Land Sales, Phase Two Call in item.

### **COUNCILLOR R BERNSTEIN**

**Chair**

**(Note: The meeting started at 6pm and ended at 9.35pm)**



