

REPORT FOR DECISION



DECISION MAKER:	CABINET
DATE:	1 OCTOBER 2014
SUBJECT:	BURY CORE STRATEGY – SUSPENSION OF EXAMINATION AND UPDATE ON CURRENT POSITION
REPORT FROM:	CABINET MEMBER – RESOURCES AND REGULATION
CONTACT OFFICER:	DAVID WIGGINS
TYPE OF DECISION:	CABINET (KEY DECISION)
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	<p>Bury’s Core Strategy sets out the framework for the future growth and development in the Borough up to 2029.</p> <p>Following the submission of the Bury Core Strategy in December 2013, an independent Inspector was appointed to undertake an Examination into whether the Plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements and whether it was sound.</p> <p>After considering the document and background evidence and having heard verbal evidence during an initial Exploratory Meeting and at subsequent Hearing sessions, the Inspector has decided to suspend the Examination.</p> <p>This report sets out the options available to the Council following the suspension.</p>
RECOMMENDED OPTION	<p>That Members agree to consider the implications of the Government’s updated household projections for the Core Strategy as well as the outcomes of consultation on the methodology behind the Greater Manchester Spatial Framework before reporting back to Cabinet setting out appropriate options going forward.</p> <p>Reasons</p> <p>To ensure that the Council is able to take account of the updated household projections from the Government’s Department for Communities and Local Government (CLG) and to determine whether Bury’s housing needs</p>

	<p>could be accommodated by the submitted Core Strategy's current approach. Consequently, the Council would be able to make a more informed decision on an appropriate way forward for the Core Strategy.</p>
<p>IMPLICATIONS:</p>	
<p>Corporate Aims/Policy Framework:</p>	<p>Do the proposals accord with the Policy Framework? Yes</p> <p>The existing Bury UDP forms part of the Council's Policy Framework (being one of the statutory plans listed under Article 4 of the Council's Constitution) and will be replaced eventually by Local Plan document(s) to be produced under the arrangements of the Planning and Compulsory Purchase Act 2004 and statutory instruments and guidance resulting there from.</p>
<p>Statement by the S151 Officer: Financial Implications and Risk Considerations:</p>	<p>The cost of preparing the Core Strategy and associated plans is met from staffing resources in the Council's annual revenue budget. There is also an earmarked reserve to meet one-off costs associated with the preparation and examination of the plan. The suspension of the examination has resulted in the need to undertake additional work, the cost of which will need to be met from these sources. The proposal to await the release of the updated CLG household projections before the Council considers whether to request the Inspector to lift the suspension and resume the Examination of the submitted Core Strategy is expected to limit the extra costs. There remains a risk that there will be further costs and delays in completing the Plan if the new evidence emerging from the CLG household projections indicates the need for a major change in approach (see paragraph 2.13).</p>
<p>Statement by Executive Director of Resources and Regulation</p>	<p>The continuing work involved in progressing the Core Strategy or an alternative Plan towards its adoption will continue to require significant commitment of staff resources, particularly from the Planning Policy and Projects Section. The Examination in Public will also require significant financial resources.</p>
<p>Equality/Diversity implications:</p>	<p>No</p> <p>An initial screening has been undertaken (see attached assessment) and as there were no negative impacts identified for affected</p>

	groups, there is no requirement to proceed to a Full Impact Assessment.
Considered by Monitoring Officer:	Yes National Planning Practice Guidance requires that household projections published by the Department for Communities and Local Government should provide the starting point estimate of overall housing need and therefore it is considered appropriate, at this stage, to await the publication of these updated projections in November as this data will inform the decision on whether the Council should continue with the examination of the Core Strategy (Option 3)
Wards Affected:	All
Scrutiny Interest:	

TRACKING/PROCESS

DIRECTOR: MIKE OWEN

Chief Executive/ Strategic Leadership Team	Cabinet Member/Chair	Ward Members	Partners
	Briefing 26/08/14		
Scrutiny Committee	Cabinet/Committee	Council	
	1/10/14	The Publication Core Strategy was presented to Council on 3 July 2013	

1.0 BACKGROUND

- 1.1 Members will be aware that the Core Strategy is a key part of Bury's Local Plan and has been developed in order to form the basis for guiding growth and development within the Borough to 2029.
- 1.2 Members will also be aware that the Publication Core Strategy was approved for consultation and subsequent submission to the Secretary of State at Full Council on 3 July 2013.
- 1.3 Following the submission of the Core Strategy in December 2013, an independent Inspector, Mr. Malcolm Rivett BA (Hons) MSc MRTPI, was appointed to undertake an Examination into whether the Plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements and whether it was sound.
- 1.4 On the morning of the fourth day of the Hearings, the Inspector made a statement to the effect that after considering the document and background evidence and having heard verbal evidence during Hearing sessions, he had decided to suspend the Examination.

2.0 ISSUES

- 2.1 Development plans remain at the heart of the planning system and under Section 38(6) of the Planning and Compulsory Purchase Act 2004, local planning authorities are legally required to make planning decisions in accordance with the development plan unless material considerations indicate otherwise.
- 2.2 In addition, the Government is proposing a number of reforms to the planning system and the 2013 National Infrastructure Plan includes proposals for it to be a statutory requirement for local authorities to have a local plan in place.
- 2.3 The current adopted plan for Bury is the Unitary Development Plan. However, this was adopted in 1997 and there is considered to be a pressing need to get a replacement plan in place as soon as possible.
- 2.4 The Inspector has indicated that, in taking matters forward, the Council could either undertake additional work to support the submitted Core Strategy or else withdraw the document and commence work on a single Local Plan.

Additional Work

- 2.5 The Inspector has suggested that, in support of the submitted Core Strategy, the Council could undertake additional work in terms of:
- (i) producing an appropriate and objectively assessed housing needs figure;
 - (ii) applying that figure (if it is higher than the Core Strategy's current 400 dwellings per annum figure) in undertaking a detailed Sustainability Appraisal of the effects of some of the identified need for housing being met outside the Borough; and
 - (iii) determining, supported by evidence, whether or not exceptional circumstances exist to justify a revision of the Green Belt boundary to provide for the identified employment needs.

Risks Associated with this Approach

- 2.6 Despite the Inspector identifying the above areas of additional work that the Council would need to undertake, he has highlighted that the length of time it would be likely to take doing this work would give rise risks in terms of the potential impact of emerging evidence and whether the Council would be able to continue to justify a multi-document approach as opposed to a single Local Plan.

Household Projections

- 2.7 Since the Core Strategy was submitted in December 2013, the Government has released National Planning Practice Guidance (NPPG) in March 2014. This new guidance specifies that '*Household projections published by the Department for Communities and Local Government should provide the starting point estimate of overall housing need.*' Clearly, this guidance was not available during the preparation of the Core Strategy and the Council had used an alternative methodology in determining Bury's housing needs.
- 2.8 Updated CLG household projections are now expected to be released in November 2014 and these will be publicly available and produced at the district level. In light of the NPPG, these updated projections will clearly need to be taken into account in determining a housing need figure for Bury.

- 2.9 The Inspector has identified that there is a risk that new evidence emerging from the CLG household projections may indicate the need for a major change in approach.

Greater Manchester Spatial Framework

- 2.10 Similarly, AGMA's emerging Greater Manchester Spatial Framework (GMSF) will include the identification of needs for new housing and employment floorspace across the sub-region to 2033.
- 2.11 Public consultation on the GMSF's evidence base and methodology for determining these needs commenced in September 2014 and is due to conclude in early November. However, in line with NPPG, the proposed methodology that is subject to consultation specifies that the eventual figures that will be included in the GMSF will largely be based on the updated CLG household projections.
- 2.12 Once the CLG figures are released, the next stage for the GMSF will be to consider whether it is possible to redistribute district housing needs across the conurbation to reflect strategic priorities and local constraints.
- 2.13 Again, the emergence of evidence within the GMSF may fundamentally affect the approach to meeting future development needs in Bury.

Separate Documents or Single Local Plan

- 2.14 The Core Strategy has emerged under the system of Local Development Frameworks – a system that allowed for the preparation of a 'portfolio' of separate development plans. The intention was for the Core Strategy to be followed by a Site Allocations plan and potentially other plans. However, the NPPF now requires the preparation of a single Local Plan which incorporate policies and site allocations and states that separate development plans should only be prepared where there is clear justification to support that approach.
- 2.15 Whilst the Inspector has specified that our current approach would not be a good reason to find the plan unsound at the present time, he has indicated that it would be likely to become increasingly difficult to justify this approach as time progresses.

Current Options

- 2.16 In seeking to establish the most appropriate course of action at this stage, there are considered to be three options available to the Council i.e:
- § To immediately commence with the additional work highlighted by the Inspector to support the submitted Core Strategy;
 - § To immediately withdraw the Core Strategy and commence with a single Local Plan;
 - § To await the outputs of the updated CLG household projections in November 2014 at which point the Council will have a clearer indication as to what Bury's housing needs will be and whether these needs could be accommodated by the submitted Core Strategy's current approach.

Commencing the additional work identified by the Inspector

- 2.17 Under this option, the Council would need to undertake the additional work on identifying housing needs, the Sustainability Appraisal and assessing whether exceptional circumstances exist to justify the release of the Gin Hall site from the Green Belt.
- 2.18 The work associated with the identification of housing needs would need to take account of the updated CLG household projections (November 2014). As a result, this work could not realistically be started in earnest until the release of this evidence in any case.
- 2.19 Similarly, the Sustainability Appraisal would not be able to properly examine the impact of not fully meeting housing needs within the Borough without understanding the level of need in the first place.

To withdraw the Core Strategy

- 2.20 Under this option, the Council would immediately take steps to withdraw the submitted Core Strategy and commence work on a new single Local Plan.
- 2.21 It is possible that the updated CLG household projections may identify a level of housing need for Bury that could be accommodated within the existing planning framework of the submitted Core Strategy.
- 2.22 With this possibility in mind, it is considered that to withdraw the Core Strategy in advance of the release of these household projections would be premature.

To await the outputs of the updated CLG household projections in November 2014

- 2.23 Whilst there is an urgency to get a replacement plan in place, it is also important to consider the Government's NPPG and its requirement that CLG household projections should act as the starting point for determining housing needs.
- 2.24 Given that the level of housing need will be central to Bury's future planning strategy, it is considered prudent to await the outputs from the updated CLG projections (expected in November 2014) before determining the most appropriate way forward for Bury's Local Plan.
- 2.25 Once Bury's updated household projections are released, the Council will be in a much more informed position in terms of whether it is worthwhile carrying out the additional work required to enable the Council to request that the Inspector lifts the suspension and resumes the Examination of the submitted Core Strategy or, alternatively, whether the better option would be to withdraw the Core Strategy and commence work on a single Local Plan.

3.0 CONCLUSION

- 3.1 This report has drawn Members' attention to the current position of the Core Strategy and, in particular, the Inspector's decision to suspend the Examination of the document.
- 3.2 Members are requested to agree to await the release of the updated CLG household projections (expected in November 2014) at which point the Council

will be in a much more informed position in terms of deciding on an appropriate way forward.

List of Background Papers:

Bury Publication Core Strategy (July 2013)
National Planning Policy Framework (March 2012)
National Planning Practice Guidance (March 2014)

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