

<b>Classification:</b> Open	<b>Decision Type:</b> Key
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<b>Report to:</b>	Cabinet	<b>Date:</b> 07 September 2022
<b>Subject:</b>	Places for Everyone – delegated approvals for Examination	
<b>Report of</b>	Leader and Cabinet Member for Strategic Growth and Skills	

### Summary

This report seeks approval to delegate authority to agree to potential modifications to the Submitted Places for Everyone Plan Joint Plan 2021 (PfE) as may be considered necessary during the PfE Examination and to the content of any Statements of Common Ground that may be considered necessary to aid the Examination process.

### Recommendation(s)

That Members:

- 1) Delegate authority to the Executive Director of Place, in consultation with the Cabinet Member for Strategic Growth and Skills and the Director of Law & Democratic Services, to agree proposed Main Modifications to the Places for Everyone Joint Plan 2021 as may be necessary to meet the tests of ‘soundness’ defined in the National Planning Policy Framework (2021) (or any equivalent following the amendment or revocation thereof); and the relevant statutory requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012 (or any equivalent Regulations following the amendment, re-enactment or revocation thereof);
- 2) Delegate authority to the Executive Director of Place to propose any minor modifications to the Places for Everyone Joint Plan 2021, as may be necessary.
- 3) Delegate authority to the Executive Director of Place to prepare and agree Statements of Common Ground for the Places for Everyone Joint Plan as required.

### Reasons for recommendation(s)

To ensure that any necessary modifications to the Submitted Places for Everyone Joint Plan 2021 that arise through the Examination process, can be agreed and approved in a timely manner. PfE needs to progress through Examination as smoothly as possible. If it is necessary to amend policies and/or site allocations this will need to be done quickly, by a proposed modification, as recommended by the Inspectors to ensure that the Plan can be considered ‘sound’ and proceed to Adoption.

## **Alternative options considered and rejected**

There are not considered to be any reasonable alternative options. Following the normal approvals process to agree Main Modifications and Statements of Common Ground will significantly extend the Examination period, frustrating the Inspectors, participants and local communities in Bury and across the plan area. It would also result in a significant increase in costs to the Council (and others) for the Inspectors, expert witness and QC representation time.

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## **1. Background**

- 1.1 Members will be aware that there is a statutory requirement for local authorities to have an up-to-date development plan in place that identifies enough land to accommodate new homes and jobs for a growing population.
- 1.2 PfE is a plan for sustainable growth in the nine participating Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan) and will, once adopted, form a key part of Bury's statutory development plan. In particular, the plan:
  - sets out how the participating districts should develop up to the year 2037;
  - identifies the amount of new development that will come forward in terms of housing, offices, and industry and warehousing, and the main areas in which this will be focused;
  - identifies the important environmental assets which will be protected and enhanced;
  - allocates sites for employment and housing required outside of the urban area;
  - supports the delivery of key infrastructure, such as transport and utilities; and
  - defines a new Green Belt boundary for the nine boroughs.
- 1.3 Members will recall that on 22 July 2021, approval was given to the Publication draft of PfE and to invite representations on that document over an eight-week period. This eight-week period ran from 9 August 2021 until 3 October 2021.

- 1.4 Members will also recall that on 28 July 2021 Full Council approved the formal Submission of PfE, its supporting evidence and representations received to the Secretary of State for Examination.
- 1.5 Pursuant to Regulation 22 The Town and Country Planning (Local Planning) (England) Regulations 2012, PfE together with all the supporting documents, background evidence, and representations received during the final stage of public consultation, was submitted to Government on 14 February 2022.

## 2. PfE Examination

2.1 A team of Planning Inspectors have been appointed to examine the 'soundness' of the plan, the tests for which are currently set out in the National Planning Policy Framework (NPPF)(2021). Soundness is tested by examining whether PfE has been positively prepared, justified, effective and is consistent with national policy.

2.2 There are a number of stages to the Examination which can be summarised briefly as follows:

- **Initial Assessment** - the Inspectors will look at the Plan, the evidence supporting it and the consultation responses to decide what they consider the main issues to be.
- **Preliminary Questions (PQs)** – In April, May and June 2022 the Inspectors issued 94 preliminary questions (PQs) with a further 6 questions of clarification to the nine GM Local Authorities
- **Matters, Issues and Questions (MIQs)** – Following on from the Preliminary Questions, the Inspectors have issued a series of matters, issues and questions (MIQs). These matters concern the policies and/or supporting evidence where the Inspectors consider further information is needed for them to examine if the policy is sound or a Main Modification is needed. The nine participating Local Authorities (via the CA) and others that responded to the Regulation 19 consultation in summer 2021, are invited to submit written responses to these MIQs and these will be debated at the Hearing sessions.
- **Hearings** - the main issues will be discussed at public hearings led by the Inspectors. These sessions are to discuss specific issues that the Inspectors wish to examine further, following submission of the responses to the MIQs.

## 3. Modifications to the Plan

3.1 Proposals to modify plans at Examination is standard practice and happens to varying degrees during all Examinations.

3.2 Modifications generally fall into two categories:

- **Main Modifications** – required to resolve any soundness or legal compliance issues which have been identified by the Inspectors; and

- **Minor Modifications** – required to correct technical errors and/or improve the legibility of the plan etc.

3.3 They arise through debate and discussions at the Hearings and are (in the main) derived from the written statements. Modifications are largely limited to making the plan sound and/or legally compliant. They are not intended as a way of changing the general direction or overarching strategy of the Plan.

3.4 Consequently, during the Examination (particularly during the Hearing sessions) there will be a need to respond to questions and/or proposed main and minor modifications from the Inspectors and other participants, which will require a response and a decision.

3.5 Such questions and proposals will be required to be responded to rapidly, normally within 24-48 hours. Therefore, it is neither possible nor practicable to go through the normal approvals process to agree to Main or Minor Modifications to PfE.

3.6 It should be noted that a separate Cabinet Report is seeking Member approval to request that the Inspectors propose a Main Modification to PfE involving the removal of the proposed strategic site allocation at Walshaw. The timing of this proposed modification has made it possible to report this to Cabinet. However, as the Examination progresses towards the Hearing sessions, decisions on proposed modifications will have to be made more rapidly.

#### **4. Statements of Common Ground**

4.1 Statements of Common Ground may also be required as part of the Examination process. They are agreements between the Councils and other representors - generally landowners/developers and other statutory bodies. They set out factual information about a policy area or proposal and the agreed position between the signing parties. Statements of Common Ground are a useful and collaborative tool in responding to issues raised which can aid the Examination process by addressing outstanding concerns received through representations, resulting in a more efficient and expedient Examination.

4.2 In this regard, it should be noted that Statements of Common Ground have already been requested by the Inspectors as part of the response to the Preliminary Question IN2 in relation to each of the proposed site allocations at Walshaw, Elton, Seedfield, Heywood/Pilsworth and Simister/Bowlee.

4.3 These were required to be prepared and submitted to the Inspectors in accordance with the Examination timetable, during the pre-election period. As such, it was not possible to take these through the normal approvals process and these were approved by Executive Director of Place.

4.4 Notwithstanding, these statements only set out a series of facts pertaining to each proposed site allocation and associated representations made to them at the Regulation 19 consultation stage. The content of the Statements was limited, setting out only:

- The proposed site allocation details;
- Any areas of common ground;
- Any areas of significant disagreement; and
- Whether it was the intention of either party to propose Main Modifications at that stage.

4.5 Consequently, these Statements of Common Ground set out the existing position between the Council and representors that are already a matter of public record. The principal purpose of these Statements is to make it clear to the Inspectors the current position between the Council and representors.

4.6 In addition to those referred to above, in order to assist the Examination process and the understanding of the Inspectors, it is possible that there will be a need to prepare further Statements of Common Ground in relation to other specific issues that will set out the agreed position between districts and other bodies/organisations.

4.7 Again, these will potentially need to be prepared and agreed within a short timeframe that would make it impractical to go through the normal approvals process to agree the content of these Statements.

## **5. Consultation on proposed modifications, Inspectors' Report and adoption**

5.1 At the completion of the Examination, it is a statutory requirement that all the agreed proposed Main Modifications to the Plan are subject to a final round of consultation, Sustainability Appraisal and Habitats Regulations Assessment. The consultation period will last for at least six weeks and relate only to the proposed Main Modifications to the Plan and any changes to the Policies Map. The consultation does not cover any other aspect of the Plan.

5.2 Following this consultation, the Inspectors will consider all the representations made on the proposed Main Modifications before finalising the examination report – which will include a schedule of their recommendations as to which Main Modifications should be taken forward to make the plan 'sound' and/or legally compliant and consequently capable of adoption.

5.3 It should be noted that the ultimate decision to adopt PfE will be taken by each of the Full Councils of the nine participating Greater Manchester Local Authorities.

## **6. Communication and engagement with Members during the Examination**

6.1 Regular updates will be provided to the Cabinet Member for Strategic Growth and Skills and/or Cabinet (as necessary), to ensure Members are kept informed of progress, any potential proposed modifications and any other relevant matters.

## **7. Conclusion**

7.1 The recommendations are contained at the front of this report.

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### **Links with the Corporate Priorities:**

Places for Everyone will form part of Bury's statutory development plan. It will set out statutory policies and strategic site allocations that will guide future growth and development in the Borough. A key part of the plan is to rebalance the Greater Manchester economy by significantly boosting the economic output from the north through the delivery of new housing and employment that will benefit both Bury and its residents. The 'Let's Do It' strategy specifically refers to Places for Everyone as having a key role to play in the delivery of its objectives and priorities.

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### **Equality Impact and Considerations:**

Please refer to the attached EIA. There are no negative impacts on equality and a positive impact recorded.

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### **Environmental Impact and Considerations:**

There are not considered to be any environmental impacts arising from this decision.

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### **Assessment and Mitigation of Risk:**

<b>Risk / opportunity</b>	<b>Mitigation</b>
PfE is a key strategic planning document that will provide the context for the subsequent preparation of Bury's Local Plan. If the PfE Examination is not progressed in a timely manner it will impact on the timescales for progressing the Bury Local Plan.	The recommendations in this report will help to ensure that the Examination of PfE progresses in a timely manner.

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### **Legal Implications:**

This report seeks delegations to officers and the Cabinet Member for Strategic Growth and Skills in respect of modifications to the plan for everyone during the Examination process.

The report sets out at section 3 the distinction between major and minor modifications. Members will note as set out in section 5 all major modifications will be subject to statutory consultation and a Sustainability Appraisal and Habitat Regulation Assessment. The consultation period will last for at least six weeks.

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**Financial Implications:**

There are no direct financial implications associated with this report as it relates to delegations to Officers and the Cabinet Member for Strategic Growth and Skills in respect of modifications to the plan for everyone during the Examination process. Costs associated with public hearings and consultation events are provided for within existing budgets.

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**Background papers:**

Places for Everyone Joint Development Plan and supporting and background evidence documents - <https://www.greatermanchester-ca.gov.uk/what-we-do/planning-and-housing/places-for-everyone/>

**Please include a glossary of terms, abbreviations and acronyms used in this report.**

Term	Meaning
PfE	Places for Everyone – a joint development plan being prepared by nine of the ten GM districts.