Classification: Open	**Decision type:** Key

Report to:	Cabinet	**Date:** 02 December 2026
Subject:	Bury Local Plan - Delegation of authority to agree modifications arising during examination	
Report of	Leader of the Council	

Summary

1. Members will be aware that following consultation on the draft Local Plan under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 between March and May 2025, the Plan was revised to take account of representations received and was subsequently published for representations under Regulation 19 over an eight-week period ending 11 September 2026.

2. On 11 November 2026, approval was given by Full Council to submit the Local Plan, Policies Map, relevant supporting evidence and all representations received during the Regulation 19 stage to the Secretary of State for independent examination under Regulation 22. Officers are currently compiling the necessary documentation with a view to submitting later this month.

3. Following submission, an independent Planning Inspector(s) will be appointed by the Secretary of State to oversee an examination of the Plan to assess whether it has been prepared in accordance with legal requirements and whether it is sound.

4. During the examination process, the Inspector may identify matters that require changes to the submitted Local Plan. These may include Main Modifications necessary to make the Plan sound and legally compliant, together with additional modifications and consequential changes.

5. To ensure the examination process can proceed efficiently and without unnecessary delay, Cabinet approval is sought to authorise the Executive Director of Place, in consultation with the Leader of the Council and the Director of Law and Democratic Services, to agree any proposed modifications to the

Plan and associated examination documents where necessary to secure a sound and legally compliant Plan.

Recommendation(s)

6. It is recommended that Cabinet:

   a. Note that Full Council has approved the submission of the Bury Local Plan to the Secretary of State.

   b. Delegate authority to the Executive Director of Place, in consultation with the Leader of the Council and the Director of Law and Democratic Services, to agree proposed Main Modifications to the Publication Local Plan arising from the independent examination, where such modifications are considered necessary to address matters of soundness and/or legal compliance.

   c. Delegate authority to the Executive Director of Place to propose and agree any additional minor, typographical, factual, grammatical, formatting or consequential modifications to the Publication Local Plan which do not materially affect the policies of the Plan.

   d. Note that any proposed Main Modifications agreed by officers would require approval from Cabinet prior to being subject to further consultation and that any decision to adopt the Local Plan will remain a matter for Full Council in accordance with the Council's Constitution and the relevant statutory requirements.

Reasons for recommendation(s)

7. The examination process is iterative and may require changes to the submitted Local Plan to address matters identified by the appointed Inspector. Delegated authority will enable the Council to respond efficiently to matters arising during the examination and to agree the detailed wording of proposed Main Modifications within the timescales set by the Inspector.

8. It should be noted that any proposed Main Modifications agreed by officers would still need to be approved by Cabinet prior to being subject to further consultation as and when these are finalised by the Inspector.

9. In addition, any decision to adopt the Local Plan will remain a matter for Full Council in accordance with the Council's Constitution and the relevant statutory requirements.

Alternative options considered and rejected

10. To do nothing – In these circumstances, all proposed modifications and examination responses would need to be considered by Cabinet on a case-by-case basis. This option has been rejected as it would lead to delays in responding to requests from the Inspector and would be likely to adversely affect the progress of the examination.

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Background

11. The Government requires local planning authorities to prepare Local Plans that provide a long-term framework for managing growth and development and addressing economic, social and environmental priorities. The legislative requirements for preparing Bury's Local Plan are contained within the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012.

12. The Town and Country Planning (Local Planning) (England) Regulations 2026 came into force on 25 March 2026 and replaced the Town and Country Planning (Local Planning) (England) Regulations 2012, introducing the new local plan-making system. However, transitional arrangements allow local planning authorities that are sufficiently advanced in preparing a plan under the former system to continue doing so under the 2012 Regulations.

13. Such plans can continue through examination and adoption under the legacy system, provided they are submitted for examination by 31 December 2026. After that date, authorities will need to progress plan preparation under the new 2026 Regulations. The transitional arrangements therefore provide a final opportunity for plans that have already reached an advanced stage of preparation to complete the existing plan-making process rather than having to move into the new Gateway-based system.

14. The Bury Local Plan is progressing under the legacy system and sets out a framework to guide future growth and development across the Borough between 2022 and 2043. Once adopted, it will form a key part of Bury's statutory development plan alongside the adopted Places for Everyone Joint Development Plan, Greater Manchester Joint Minerals Plan and Greater Manchester Joint Waste Plan.

15. Consultation on the draft Local Plan was undertaken under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 between March and May 2025. Following consideration of all representations received and amendments to the Plan, it then progressed to Publication stage under Regulation 19.

16. Representations were invited on the Regulation 19 version of the Local Plan and its supporting evidence over an eight-week period, ending on 11 September 2026.

17. On 11 November 2026, Full Council approved submission of the Bury Local Plan to the Secretary of State for independent examination and this will be submitted in advance of the 31 December 2026 deadline for submitting Plans under the legacy system.

Examination process

18. Following submission to the Secretary of State, the Local Plan will be examined by an independent Planning Inspector(s) appointed by the Secretary of State. The purpose of the examination is to determine whether the Plan has been prepared in accordance with the relevant legal and procedural requirements and whether it is sound, having regard to the National Planning Policy Framework.

19. The examination will consider the representations received in response to Regulation 19 consultation on the Publication Local Plan, together with the Council’s evidence base and other supporting documentation.

20. The Inspector will issue guidance on the examination process, including whether hearing sessions are required and the matters and issues to be considered. The Council will need to respond to the Inspector’s questions and may be required to provide additional information, evidence or clarification. Where appropriate, the Council may also agree Statements of Common Ground or other documents with participants to assist the examination.

21. The Inspector will identify the matters and issues to be examined and may hold public hearing sessions to consider these in detail, with the Council, representors and other participants invited to contribute as appropriate.

22. During the examination, the Inspector may identify matters requiring clarification or further evidence and, where necessary, invite the Council to propose modifications to address any concerns. Any proposed modifications would need to be considered in accordance with the applicable examination procedures, including consultation where required. The Inspector will ultimately determine whether the Plan can be found sound, subject to any necessary modifications.

23. Following the examination, the Inspector will issue a report setting out their conclusions and recommendations. If the Plan is found sound (or could be found sound subject to modification) and the Council resolves to adopt it, the Local Plan will become part of the statutory development plan for the borough, providing part of the policy framework for determining planning applications and guiding future development.

Need for delegated authority

24. The examination process is iterative and often requires responses to be prepared and submitted within what are often tight timescales set by the Inspector.

25. Providing delegated authority to the Executive Director of Place will allow the Council to:

    - engage effectively with the Inspector throughout the examination process;
    - respond promptly to requests for information and evidence;
    - agree modifications where necessary to address soundness or legal compliance concerns; and
    - avoid delays that may otherwise arise through repeated committee reporting.

26. The proposed delegation represents an administrative mechanism for managing the examination process and does not remove the Inspector's independent responsibility for determining whether the Plan is sound and legally compliant.

Links with the Corporate Priorities:

27. The Bury Local Plan forms part of the Borough's statutory development plan and provides the policy framework for future development and investment. The Plan supports the delivery of the Council's wider strategic objectives relating to housing, economic growth, transport, health, environmental protection, town centres, infrastructure and place-making. The Local Plan's strategic objectives closely align with the priorities of the Let's Do It strategy.

Equality Impact and Considerations:

28. An Equality Impact Assessment has been carried out which concludes that this Cabinet decision is to agree to an administrative mechanism for managing the Local Plan examination process and will not impact on employees, the community/residents or other third parties.

Environmental Impact and Considerations:

29. This Cabinet decision is to agree to an administrative mechanism for managing the Local Plan examination process and will not result in any environmental impacts.

Assessment and Mitigation of Risk:

Risk / opportunity	**Mitigation**
The Inspector identifies soundness or legal compliance concerns that require amendments to the Plan.	Delegated authority enables modifications to be prepared and agreed in a timely manner.
Delays in responding to examination matters could prolong the examination timetable.	Delegated authority allows responses and modifications to be progressed without unnecessary procedural delay.
Failure to address issues identified by the Inspector could affect adoption of the Local Plan.	Continued engagement with the Inspector and implementation of appropriate modifications where necessary.

Procurement Implications:

No Procurement Implications

Legal Implications:

30. The examination of the Local Plan is undertaken in accordance with the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012. The appointed Inspector will determine whether the Plan is legally compliant and sound. The delegation proposed within this report does not fetter the Inspector's role but enables the Council to respond appropriately to matters arising throughout the examination process.

Financial Implications:

31. There are no direct financial implications resulting from the recommendations in this report.

Appendices:

None

Background papers:

Publication Bury Local Plan and Policies Map.

Supporting evidence for the Bury Local Plan.

Local Plan (Publication) Cabinet Report 30/06/26.

Planning and Compulsory Purchase Act 2004

Town and Country Planning (Local Planning) (England) Regulations 2012.

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

Term	Meaning
Adoption	The formal process by which a Local Plan is approved by the Council and becomes part of the statutory development plan for the area.
Development Plan	The set of adopted planning documents used to determine planning applications. In Bury, this includes the Local Plan, Places for Everyone, the Greater Manchester Joint Minerals Plan and the Greater Manchester Joint Waste Plan.

Examination	The process through which a Planning Inspector appointed by the Secretary of State assesses whether a Local Plan has been prepared in accordance with legal requirements and is sound.
Local Plan	A statutory planning document prepared by a local planning authority which sets out the vision, strategic objectives, policies and site allocations to guide development within its area.
Publication Local Plan	The version of the Local Plan published under Regulation 19 for representations before submission for independent examination.
Soundness	The test applied during examination to determine whether a Local Plan is positively prepared, justified, effective and consistent with national policy.