

## TRAFFORD COUNCIL

**Report to:** Council  
**Date:** 24 March 2021  
**Report for:** Decision  
**Report of:** Executive Member for Housing and Regeneration and the Corporate Director of Place

### Report Title

Civic Quarter Area Action Plan – Submission and Examination stage

### Summary

The Council completed consultation on the Publication draft of the Civic Quarter Area Action Plan, 'CQ AAP' (Regulation 19) between 20 January 2021 and 5 March 2021. Following two earlier rounds of consultation on the Council's proposals for the Civic Quarter, this recent consultation has been focussed on the 'soundness' of the CQ AAP and its legal/procedural compliance. Changes to the content of the CQ AAP (to its policies and proposals, and undertaken independently by the Council) are not anticipated after the Publication stage.

Following a detailed review of the representations received, the CQ AAP will be submitted to the Secretary of State for independent Examination. This will be known as the Submission version of the CQ AAP. The Submission version will comprise the Publication draft of the CQ AAP together with a schedule of changes based on the representations received on soundness and on legal/procedural compliance. Copies of the representations themselves will also be provided. There may be other new evidence to support the Submission version, including an updated consultation statement and updated integrated assessment. A Service Level Agreement will also need to be completed, in conjunction with the Planning Inspectorate, in the interests of ensuring an efficient Examination. All will be considered by the independent Inspector appointed to Examine the CQ AAP, and modifications to the CQ AAP could arise as part of the Examination process. Adoption of the CQ AAP will occur following, and dependent on, the outcome of the Examination.

In the interests of timescale flexibility and when having regard to the number and nature of the representations received at Regulation 19 stage and the limited geographical reach of the CQ AAP, Council is respectfully requested to give delegated authority to:

1. The Planning and Development Management Committee for the approval and formal submission of the CQ AAP;
2. The Corporate Director of Place for any additional work required ahead of and during the Examination process; and
3. The Corporate Director of Place, in consultation with the Chairman of the Planning and Development Management Committee, for minor wording changes to the CQ AAP at the Examination.

This report also provide some commentary on the Duty to Cooperate.

### Recommendation(s)

1. That delegated authority is given to the Planning and Development Management Committee to approve and to formally submit the CQ AAP (together with associated submission documents) to the Secretary of State pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012;
2. That delegated authority is given to the Corporate Director of Place for any additional work required ahead of and during the Examination process (including the completion of a Service Level Agreement); and
3. That delegated authority is given to the Corporate Director of Place, in consultation with the Chairman of the Planning and Development Management Committee, for minor wording changes to be agreed as necessary at the Examination.

Contact person for access to background papers and further information:

Name: Bethany Brown (Major Planning Projects Officer)  
 Extension: 4781

Background Papers: None

Appendices:

- Appendix 1: Civic Quarter Area Action Plan Publication Draft (Regulation 19 version)
- Appendix 2: Civic Quarter Area Action Plan Updated Integrated Assessment

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|---|--|
| Relationship to Corporate Priorities            | The CQ AAP will support the delivery of the Council’s Corporate Plan (2019), including the priorities of Building Quality, Affordable and Social Housing, Health and Wellbeing, and Successful and Thriving Places. The final AAP will be an adopted Development Plan Document which will sit alongside the adopted Core Strategy and in due course the new Trafford Local Plan. Furthermore, it is anticipated that the CQ AAP will support the Trafford’s wider economic recovery from the impacts of the COVID-19 pandemic by encouraging further growth and investment in a sustainable and accessible location. |
| Relationship to GM Policy or Strategy Framework | At GM level the CQ AAP will support the growth ambitions articulated within the emerging ‘Places for Everyone’ document (formerly the Greater Manchester Spatial Framework and now only being progressed by nine GM districts) and wider GM strategies. Specific proposals will be developed in the context of the GM 2040 Transport Strategy, GM Congestion Plan, and the Made to Move walking and cycling plan to identify improvements for tackling traffic congestion, promote sustainable modes of travel and better integrate transport and new developments.  |
| Financial                                       | The costs associated with the production of the  |

|   |   |
|---|---|
|   | CQ AAP, including consultations, are being funded by the joint venture established between the Council and Bruntwood for the acquisition and development of the K-Site, or Lumina Village. The costs are funded equally by both partners, with Bruntwood borrowing for their half using an approved corporate facility provided by the Council. |
| Legal Implications                                  | The Council will need to undertake all the statutory steps as set out in the report leading to the adoption of the CQ AAP. Legal Services are supporting the production of the CQ AAP, and are also advising in relation to the use of Compulsory Purchase Order (CPO) powers to facilitate its delivery.                                       |
| Equality/Diversity Implications                     | An Equalities Impact Assessment has been carried out at stages of the CQ AAP's production. This has concluded that there would be a neutral impact on protected groups.   |
| Sustainability Implications                         | The CQ AAP contains policies and proposals that align with wider corporate sustainability objectives.   |
| Carbon Reduction                                    | The CQ AAP contains policies and proposals that align with wider corporate carbon reduction objectives.   |
| Staffing/E-Government/Asset Management Implications | Existing resources have been identified to support the delivery of the CQ AAP and related activity across all affected services and partners.   |
| Risk Management Implications                        | The delivery of the CQ AAP is supported by a risk plan setting out the key risks to delivery and proposed mitigation measures.  |
| Health and Safety Implications                      | None as a consequence of this report  |

## 1.0 Background

- 1.1 The Council is preparing the Civic Quarter Area Action Plan (CQ AAP) to guide development and positive change in this key growth location. The AAP area comprises approximately 55 hectares at the heart of Trafford including the Trafford Town Hall, the international sporting venue of Lancashire Cricket Club and the former B&Q site. The Council has identified the Civic Quarter as pivotal in the regeneration of the surrounding area, in particular Stretford and Old Trafford.
- 1.2 The CQ AAP is intended to provide clarity and increased certainty about how opportunities for growth and investment can be realised. It establishes a vision, masterplan and strategy for the area's revitalisation over the next 15 (plus) years, to 2037, to create Trafford's newest, greenest and most vibrant neighbourhood for local residents, businesses and visitors.
- 1.3 Once adopted the CQ AAP will form part of the Statutory Development Plan alongside the Trafford Core Strategy (adopted in January 2012) and the remaining 'saved' policies of the Revised Trafford Unitary Development Plan (adopted in June 2006). These existing Development Plan documents are

becoming increasingly out of date and will – in time – be superseded by the emerging Trafford Local Plan. Once adopted the new Greater Manchester ‘Places for Everyone’ document (formerly the Greater Manchester Spatial Framework and now a plan for nine GM districts) will also form part of the Trafford Development Plan.

## **2.0 Civic Quarter Area Action Plan, Publication Draft (Regulation 19)**

2.1 The Council recently published the final draft of its CQ AAP (known as the Publication or Regulation 19 version). It underwent a period of statutory consultation between 20 January and 5 March 2021. The document that was consulted upon is appended to this report, along with the accompanying CQ AAP Integrated Assessment. Both documents were approved for consultation by the Council’s Executive at its meeting of 14 December 2020.

2.2 There had been two earlier rounds of consultation on the proposals for the Civic Quarter: in February to April 2020 at Regulation 18 stage; and in October to December 2018 when the Council’s proposals for the Civic Quarter were being progressed via a Supplementary Planning Document rather than a higher-status Area Action Plan (which is a formal Development Plan Document). The responses received at both stages were carefully reviewed and reflected on, and changes to the content of the CQ AAP were made as a result (where feasible and attainable). When having regard to the function and purpose of earlier consultation, the Publication/Regulation 19 stage of the CQ AAP comprises the version of the document that the Council intends to adopt.

2.3 As at previous stages, the recent consultation exercise sought to engage with local residents, local businesses, landowners, key stakeholders, interest groups and statutory and non-statutory consultees. The process was advertised through a letter drop to some 1,700 addresses in the area, contact with landowners, stakeholders and consultees, a dedicated Council webpage, press releases and via the Council’s social media links. Respondents were invited to email or write in with any comments on the CQ AAP, or to complete a bespoke questionnaire, accessed on the Council’s website. The implications of the COVID-19 pandemic prevented any face-to-face engagement, which had been a feature of previous rounds of consultation (a public exhibition, drop in sessions and presentations).

2.4 Consultation by the time of the Regulation 19 stage of a Development Plan Document is more focussed on procedural matters. It was explained in the consultation material that representations were invited chiefly on the ‘soundness’ of the CQ AAP and also on its accordance with legal and procedural requirements. The soundness tests - as set out in the National Planning Policy Framework – are that the document is: positively prepared, justified, effective, and consistent with national policy. It is only representations relating to the tests of soundness and on legal/procedural compliance that will be taken into account by the independent Inspector at the CQ AAP’s subsequent Examination. Respondents were asked to identify whether they wished to participate in the Examination process.

2.5 At the time of the consultation’s closure on Friday 5 March 2021, the following had been received:

| <b>Type of Consultation Response</b> | <b>Number of Responses</b> |
|--------------------------------------|----------------------------|
|--------------------------------------|----------------------------|

|                        |           |
|------------------------|-----------|
| Email response         | 29        |
| Postal response        | 0         |
| Questionnaire response | 5         |
| <b>TOTAL</b>           | <b>34</b> |

### 3.0 Next Steps

- 3.1 In proceeding with consultation on the Publication/Regulation 19 version of the CQ AAP, the document is at a stage where material changes to its content – to its policies and proposals – are not anticipated. Following the consultation process, there is no evidence at this stage that the process of securing the CQ AAP’s adoption should be slowed down to allow for such changes to content or to factor in further stages of consultation (i.e. to revisit Regulation 18 or Regulation 19 processes). In going forward, officers are as confident at this stage as they can be that the CQ AAP will be found sound at the Examination. However, ultimately it will be a matter for the Inspector, and changes to the CQ AAP could arise during, or subsequent to, the Examination.
- 3.2 The representations referred to in paragraph 2.5 above will be reviewed and a schedule of potential changes, when having regard to the representations received on soundness and on legal/procedural compliance, will be produced. The CQ AAP will then be submitted to the Secretary of State for independent Examination. This will be known as the Submission version of the CQ AAP. The Submission version will comprise the Publication/Regulation 19 draft of the CQ AAP together with the schedule of changes. Copies of the representations themselves will also be provided. All will be considered by the independent Inspector appointed to Examine the CQ AAP. Adoption of the CQ AAP will occur following, and dependent on, the outcome of the Examination.
- 3.3 All of the remaining stages in the production and adoption of the CQ AAP are set out below and with indicative timescales identified:

| <b>Stage of adoption process</b>                               | <b>Indicative Timescale</b> |
|--|-----------------------------|
| Consideration of consultation responses and review of document | Spring 2021                 |
| Submission of the CQ AAP to the Secretary of State             | Summer 2021                 |
| Examination by an independent Inspector                        | December 2021*              |
| Adoption of CQ AAP by Council                                  | June/July 2022*             |

[\*Note: these dates depend on the capacity of the Planning Inspectorate to timetable an Examination in Public in a timely manner which is outside of the Council’s control].

### 4.0 Purpose of this Report

- 4.1 The main purpose of this report is to seek authorisation from Council to delegate its authority for a number of actions associated with the continued production of the CQ AAP up to and including the Examination process. A delegation of authority to different areas is sought - to the Planning and

Development Management Committee, to the Corporate Director of Place, and to the Corporate Director of Place in consultation with the Chairman of the Planning and Development Management Committee - dependent on, and proportionate to, the implications of the action. There are a number of factors which support the request for delegation as a whole, as explained below.

- 4.2 As previously advised, the Submission version of the CQ AAP will comprise the Publication/Regulation 19 draft of the CQ AAP plus a schedule of potential changes relating to those representations received on its soundness and legal/procedural compliance. The Publication draft of the CQ AAP was approved for public consultation by the Council's Executive in December 2020.
- 4.3 The number of representations received to the Publication/Regulation 19 draft was relatively limited, as outlined in paragraph 2.5. There was a lower number of respondents than when compared with the CQ AAP consultation exercise at Regulation 18 stage (in early 2020). Those representations that were received will be submitted to the Secretary of State and will be summarised and incorporated into the schedule of changes.
- 4.4 The CQ AAP, whilst a formal Development Plan Document which will form part of the Statutory Development Plan for Trafford, relates to a particular and relatively localised geographical area. The CQ AAP does not contain strategic policies that affect the whole of the Borough (unlike, for example, the emerging new Trafford Local Plan).
- 4.5 An indicative timetable for the remaining stages in the preparation of the CQ AAP is provided above. Whilst some contingency has been allowed for and whilst some slippage may occur due to factors outside of the Council's control, efforts will be made to maintain this programme. This is in the interests of maximising the effectiveness of the CQ AAP and using it as an opportunity, as soon as practicable, to secure positive regeneration and renewal. Enabling the Planning and Development Management Committee to approve and to formally submit the CQ AAP will enable greater flexibility in the timetable in view of the fact that meetings occur more frequently. A June 2021 committee date is presently targeted. Clearly, the CQ AAP is a topic that is relevant to the remit of the Planning and Development Management Committee.
- 4.6 A similar justification applies in respect of the undertaking of any additional work which may be required between now and the Examination. This could include the updating of the CQ AAP consultation statement and integrated assessment, or the refining the Council's position it adopts on individual sites within the CQ AAP area in response to representations received. In addition, a Service Level Agreement will need to be completed. This will, in effect, function as a contract between the Council and the Planning Inspectorate and will define the level of service that each party will expect and provide during the Submission, Examination and Reporting stages. Delegation of this duty is sought to the Corporate Director of Place. It is also recognised that matters may arise during the Examination itself, including discussions surrounding minor wording changes to the CQ AAP, which will be dependent on a speedy decision-making process in order that the Examination timetable is maintained. Delegation of this duty is again sought to the Corporate Director of Place but also in consultation with the Chairman of the Planning and Development Management Committee.

4.6 Approval of the final version of the CQ AAP, ahead of its formal adoption, would remain a decision for Council unless a further resolution was sought and made to delegate this process to the Planning and Development Management Committee.

## **5.0 Duty to Cooperate**

5.1 The Planning and Compulsory Purchase Act 2004 places a legal duty on public bodies to engage constructively, actively and on an ongoing basis with each other to maximise the effectiveness of Development Plan preparation relating to strategic cross-boundary matters. Its aim is to encourage positive partnership and collaboration when making decisions on those development needs that are not confined to local authority boundaries.

5.2 Whilst still envisaged to be a matter that will be debated as part of the Examination process, it is placed on record that legal advice already received on the Council's part has concluded that the Duty to Cooperate in the case of the CQ AAP would, in all likelihood, be discharged.

## **6.0 Recommendation**

6.1 For the reasons specified above, it is recommended that Council:

Gives delegated authority to:

1. The Planning and Development Management Committee to approve and to formally submit the CQ AAP (together with associated submission documents) to the Secretary of State pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012;
2. The Corporate Director of Place for any additional work required ahead of and during the Examination process (including the completion of a Service Level Agreement); and
3. The Corporate Director of Place, in consultation with the Chairman of the Planning and Development Management Committee, for minor wording changes to be agreed as necessary at the Examination.

Finance Officer Clearance:..PC...

Legal Officer Clearance:...TR...

**DIRECTOR'S SIGNATURE**



To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.