

TRAFFORD COUNCIL

Report to: Executive
Date: 25th July 2022
Report for: Decision
Report of: Executive Member for Economy and Regeneration

Report Title

Places for Everyone Joint Local Plan 2021: Delegated Approvals for Examination in Public

Summary

This report seeks approval to delegate authority to agree such modifications to the submitted Places for Everyone Plan Joint Local Plan (2021) as may be appropriate to make the Plan ‘sound’ (and capable of subsequent adoption) that arise throughout the statutory Independent Examination (Examination in Public).

Recommendation(s)

It is recommended that the Executive:

- (i) Delegates authority to the Corporate Director of Place, in consultation with the Executive Member for Economy and Regeneration and the Director of Legal & Governance and Monitoring Officer, to agree proposed main modifications to the Places for Everyone Joint Local 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);**
- (ii) Delegates authority to the Corporate Director of Place to make any minor modifications to the Places for Everyone Joint Local Plan (2021), as may be necessary.**
- (iii) Delegates authority to the Corporate Director of Place, in consultation with the Director of Legal & Governance and Monitoring Officer, to prepare and agree Statements of Common Ground for the Places for Everyone Joint Local Plan (2021) as required.**

Contact person for access to background papers and further information:

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Background Papers: None

Implications:

Relationship to Policy Framework/Corporate Priorities	The Places for everyone Joint Local Plan (PfEP) will provide the overall strategic planning context for the Trafford Local Plan which will contribute to all of the Council's Corporate Priorities, in particular addressing our climate crisis.
Relationship to GM Policy or Strategy Framework	The PfEP is being produced in partnership with the GMCA and nine GM LA's (excluding Stockport) and will be one the key strategic policy documents produced at the GM level.
Financial	The PfEP is being produced Jointly with nine GM LA's (excluding Stockport) and the GMCA which contributes to the costs of its preparation and ultimate adoption. For Trafford, the estimated costs of consultation, further evidence work required and the Examination in Public to secure adoption of the PfEP is expected to be covered from Reserves that have been specifically earmarked.
Legal Implications	The PfEP will form part of the Trafford Development Plan. There is a statutory requirement for the Council to keep its Development Plan documents up to date. Applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Plan has been submitted for Independent Examination in accordance with Regulation 22 and 24 of The Town and Country Planning (Local Planning) (England) Regulations 2012.
Equality/Diversity Implications	None arising directly out of this report, however the implications of the PfEP have been assessed as part of its preparation through an Equality Impact Assessment.

Sustainability Implications	The PfEP is supported by a Sustainability Appraisal (SA), which assessed the plan against a number of economic, social and environmental indicators to ensure that future development will be sustainable.
Carbon Reduction	The PfEP underpins Greater Manchester's ambition to be a carbon neutral city region by 2038, as well requiring all new developments to be net zero carbon by 2028. The Trafford allocations could also provide opportunities for decentralised, low carbon heat and energy networks. The PfEP policies link to the Trafford Carbon Neutral Action Plan.
Resource Implications e.g. Staffing / ICT / Assets	The PfEP is in part being produced by staff from within the Council's Growth, Communities & Housing Service. The documents will be available to view electronically via the web. A small part of the allocations are on land or property owned by the Council.
Risk Management Implications	The PfEP is a key strategic planning document that will provide the context for the Trafford Local Plan. If it is not progressed it will impact on the scope and delivery of the Trafford Local Plan.
Health & Wellbeing Implications	The PfEP will include a number of policies which will encourage more people to make healthier choices in life, including promoting cycling and walking. It will therefore contribute towards improving the health and wellbeing of Trafford's residents.
Health and Safety Implications	Not applicable

1.0 Background

- 1.1 The Places for Everyone Joint Local Plan (2021) - hereafter referred to as the PfEP - is a strategic spatial plan that has been prepared jointly by nine GM Authorities (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). It is a long-term plan for jobs, new homes, and sustainable growth and will set the housing and employment land requirements for each Local Authority (LA), and as such tackles core strategic issues which would otherwise have to be addressed in the Trafford Local Plan. The PfEP will cover the period up to 2037 and will provide the overarching strategic context for the detailed policies of the forthcoming Trafford Local Plan.

- 1.2 The PfEP includes two proposed strategic allocations in Trafford, ie. New Carrington and Timperley Wedge. New Carrington is a proposed allocation for 4,300 homes to be delivered in the plan period to 2037, and 5,000 homes in total. New Carrington is also proposed for 350,000 sqm of employment floorspace for industry and warehousing. Timperley Wedge is a proposed allocation for 1,700 homes to be delivered in the plan period to 2037, and 2,500 homes in total. Timperley Wedge is also proposed for 15,000 sqm of office employment land in the Plan period to 2037 and 60,000 sqm in total.
- 1.3 The PfEP was published for statutory consultation from 9 August to 3 October 2021. This 'Publication stage' was a formal consultation on the draft plan pursuant to Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012. It is a statutory stage that provides an opportunity for organisations and individuals to submit their final comments on the content of the plan.
- 1.4 There were 15,589 representations submitted to the Reg 19 consultation overall. On the Trafford allocations, there were 66 representations submitted on New Carrington and 67 representations submitted on Timperley Wedge.
- 1.5 The PfEP was submitted to the Secretary of State for Levelling Up, Housing and Communities on 15 February 2022. The plan has been submitted together with all the supporting documents, background evidence, and representations received during the final stage of public consultation. This is called the 'Submission stage', pursuant to Regulation 22 The Town and Country Planning (Local Planning) (England) Regulations 2012. The submission documents are available online on the [GMCA website](#).

2.0 Independent Examination (Examination in Public)

- 2.1 The PfE Independent Examination (referred to as the Examination in Public - EiP) will be conducted by independent planning inspectors, appointed by the Secretary of State. They will assess the Plan to see if it meets the requirements of the relevant legislation and to see if it is 'sound'.
- 2.2 Soundness is tested by examining whether PfE has been positively prepared, justified, effective and is consistent with national policy. There are a number of stages to the EiP 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 are.
 - **Preliminary Questions (PQs)** – In April, May and June 2022 the inspectors issued 94 preliminary questions (PQs) with a further six questions of clarification to the nine GM Local Authorities only, to which the GMCA coordinated the responses. The PQs and responses are available to view on the [EiP webpage](#).
 - **Matters, Issues and Questions (MIQs)** – Following on from the Preliminary Questions above, the inspectors will issue their 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 a policy is sound or a main modification is needed. The invitation to submit written responses to these goes to the nine Local Authorities via the GMCA and also to those who responded to the Regulation 19 consultation in summer 2021.

- **Written Statements** - the inspectors may invite further written statements from the nine Local Authorities and/or those who responded to the Regulation 19 consultation in summer 2021 to address specific questions which arise following receipt of the MIQ responses or as a result of discussions during the hearings.
- **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 MMIQs or written statements. It is for the Inspectors to determine who participates in each examination hearing session.

3.0 Modifications to the Plan

3.1 Modifying plans at Examination is standard practice and happens to varying degrees during all EiPs.

3.2 Modifications are divided into two categories:

- (i) Main Modifications – required to resolve any soundness or legal compliance issues which have been identified by the inspectors
- (ii) Minor Modifications – required to correct erroneous 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 legally compliant and sound. They are not intended as a way of changing the thrust, general direction or overarching strategy of the Plan.

3.4 Consequently, during the EiP (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 PfEP.

4.0 Consultation on Proposed Modifications, Inspectors Report and Adoption

4.1 At the completion of the EiP, 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 Habitat Regulation Assessment. The consultation period will last for at least six weeks and relates 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.

4.2 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.

4.3 It should be noted that the ultimate decision to adopt PfEP will be taken by each of the Full Councils of the nine GM local authorities.

5.0 Statements of Common Ground

5.1 Statements of Common Ground are also likely to be required as part of the EiP process and are standard practice in all EiPs. They are agreements between the Council and other representors; generally landowners / developers, other LAs and 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 independent examination process by addressing outstanding concerns received through representations, resulting in a more efficient and expedient examination.

5.2 In this regard, it should be noted that two Statements of Common Ground were required by the Inspectors as part of the response to the [Preliminary Question IN2](#) for the proposed allocations for New Carrington and Timperley Wedge.

5.3 These were required to be prepared and submitted to the Inspectors in accordance with the examination timetable, during the pre-election period; hence it was not possible to take them through the normal approvals process.

5.4 Notwithstanding this, the statements only set out a series of facts pertaining to each proposed 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
- The names of those who made representations on them at the Regulation 19 consultation stage
- Any main modifications proposed by the GM authorities to the proposed allocations to make them sound; and
- Any areas of significant disagreement.

5.5 Consequently, these Statements of Common Ground set out the existing position between the Council and representors that are already a matter of public record. They act (principally) as a means of the inspectors being able to

easily ascertain in one place the current position between the Council and representors, facilitating an expedient the examination process.

- 5.6 Furthermore, it should be noted that as a Joint Local Plan, all GM authorities will need to agree Statements of Common Ground pertinent to specific interests within their respective boroughs, and for ease and expediency will be agreeing such matters on behalf of all nine GM authorities.

6.0 Communication and Engagement with Members during Independent Examination

- 6.1 During and at the completion of each stage of the EiP, there will be internal collaborative reviews to maintain focus, develop and refine responses, modifications and/or Statements of Common Ground. This will include reviews by the Executive Member for Economy and Regeneration as necessary.
- 6.2 With regards the hearings, appropriate regular updates will be provided to the Executive Member for Economy and Regeneration, and/or the Executive (as necessary), to ensure members are kept informed of progress, proposed modifications and any other relevant matters. All Members will be updated periodically throughout the EiP process.

7.0 Next steps and timescales

- 7.1 As set out in section 2 of this report, the EiP into the Plan is currently underway with the preliminary questions already issued by the Inspectors and responded to by Officers across the nine Local Planning Authorities.
- 7.2 There is no detailed timetable yet as to the timing of the remaining elements of the EiP, however indicative timescales are as follows:

Stage	Indicative Timescale
Initial Assessment – Preliminary Questions and Responses	April, May and June 2022
Matters, Issues and Questions - Issued	Summer 2022
Written Statements on MIQs - Submission	Autumn 2022
Hearing Sessions	October 2022 – Spring 2023
Post Examination Consultation	Summer 2023
Inspectors Report	Autumn 2023
Adoption	Winter 2023

Other options

There are no reasonable alternatives. Following the normal approvals process to agree main modifications will significantly extend the examination period, frustrating the inspectors, participants and local communities in Trafford and across GM. It would also result in a significant increase in costs to the Council (and others) for the inspectors, expert witness and QC representation time. For the reasons set out above, this is therefore not a reasonable alternative.

PfEP will ensure that new development in GM and Trafford can come forward in a sustainable manner giving developers, investors, communities and the Council certainty in decisions on planning matters.

Reasons for Recommendations

PfEP needs to progress through Examination as smoothly as possible. If it is necessary to amend policies 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.

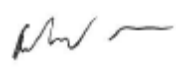
Key Decision (as defined in the Constitution): Yes

If Key Decision, has 28-day notice been given? Yes

Finance Officer Clearance PC

Legal Officer Clearance TR

[CORPORATE] DIRECTOR’S SIGNATURE



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