

TRAFFORD COUNCIL

Report to: Planning and Development Management Committee
Date: 19 January 2023
Report for: Information
Report of: Head of Planning and Development

Report Title

Civic Quarter Area Action Plan – Approval and Adoption

Summary

The Civic Quarter Area Action Plan (CQAAP) is a development plan document that will form the basis for planning decisions in the Civic Quarter. The document aims to deliver a substantially regenerated neighbourhood in this part of north Trafford. Under production since 2019, its preparation has followed all necessary statutory stages and has allowed for several rounds of public consultation. The CQAAP was Submitted to the Secretary of State for independent examination in November 2021. The examination process concluded with the issuing of the Inspector's Report in December 2022.

The purpose of this report is to: outline the findings and recommendations of the independent Inspector appointed to examine the CQAAP; and to advise Members of the Planning and Development Management Committee of the following officer recommendations:

- To the meeting of the Executive on 23rd January 2023: to approve the final content of the CQAAP in line with the Inspector's recommendations; and
- To the meeting of Full Council on 25th January 2023: to formally adopt the CQAAP in line with the Executive's approval.

Recommendation(s)

The Planning and Development Management Committee is asked:-

- To note the report and its contents; and
- To note that the CQAAP will constitute part of the statutory development plan on its adoption and will be the starting point for decision-taking for planning applications in the Civic Quarter.

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Appendices:

Appendix A: Civic Quarter Area Action Plan Regulation 19 Version (January 2021)

Appendix B: The Inspector's Report:

Appendix Ba: The Inspector's Report on the Examination of the Civic Quarter Area Action Plan (dated 6th December 2022)

Appendix Bb: Final Schedule of Main Modifications

Appendix C: Civic Quarter Area Action Plan (January 2023 – text only version)

Appendix D: Civic Quarter Area Action Plan Executive Summary

1.0 Background

- 1.1 Members of the Planning and Development Management Committee will be familiar with many of the issues surrounding the Civic Quarter Area Action Plan (CQAAP) from the previous report to Committee (on 11th November 2021) and also from reports to other Council committees (to the Executive and to Full Council).
- 1.2 Since 2019 the Council has been preparing the CQAAP to guide development and positive change in this key growth location. Initially intended as a Supplementary Planning Document, it became clear that this area of significant transformational change demanded more than planning guidance to bring it forward successfully. Rather, a new statutory policy framework would be required which would be capable of going further than the existing Trafford Core Strategy. The CQAAP builds on the Civic Quarter's unique sporting and built heritage, centred on Lancashire Cricket Club and Trafford Town Hall, and it seeks to deliver up to 4,000 new homes and 50,000 square metres of commercial floorspace on brownfield sites. Alongside this there is a focus on significant new public realm, high quality design, and sustainable patterns of movement, and with this supported by new infrastructure and services to secure sustainable growth. In essence, the CQAAP seeks to facilitate the area's revitalisation over the next 15 plus years (to 2037 and beyond) to create Trafford's newest, greenest and most vibrant neighbourhood.
- 1.3 On its adoption the CQAAP will form part of the statutory development plan for Trafford and will comprise the starting point for planning application decision-taking in the Civic Quarter. It will sit alongside the Trafford Core Strategy and the saved policies of the Revised Trafford Unitary Development Plan (RTUDP). In time, the Core Strategy and the RTUDP will be replaced by the emerging new Trafford Local Plan. Places for Everyone, on its adoption, will also form part of the statutory development plan.

2.0 The Examination

- 2.1 On 26th November 2021 the Publication draft of the CQAAP was submitted to the Secretary of State (for Levelling Up, Housing and Communities) for independent examination. This draft of the CQAAP, also known as the Regulation 19 version, is contained at Appendix A.
- 2.2 An Inspector (Mr Mike Fox) was appointed to examine the soundness of the CQAAP and to consider its compliance with legal and procedural requirements. Between 5th and 9th April 2022 a series of hearing sessions were held in order to

enable the CQAAP to be examined in public. The process, which took place at Trafford Town Hall, was conducted by Mr Fox.

2.3 The soundness test is set out in paragraph 35 of the National Planning Policy Framework (NPPF). It has four components; development plans must be:

- Positively prepared;
- Justified by evidence;
- Effective; and
- Consistent with national policy.

2.4 As part of the examination process, the need for a series of Main Modifications to be made to the CQAAP was discussed with the Inspector and other participants in order to resolve soundness concerns. The use of Main Modifications is a standard part of plan-making. Sixty Main Modifications were identified. In summary, these chiefly related to the main policies of the CQAAP and provided revised text relative to the previous drafting and with some changes to the policies' reasoned justification and their supporting evidence/images. Other Main Modifications were associated with the introduction of a further strategic objective, and a new mechanism by which progress on achieving the objectives of the CQAAP would be monitored. The Main Modifications were approved by the Executive Member for Economy and Regeneration on 4th July 2022.

2.5 On 14th July 2022 the Council commenced a 7 week period of consultation on these Main Modifications. As well as the Main Modifications, the consultation material also included: some changes to the accompanying parameter plans and a new policies map; an updated assessment of the impacts of the CQAAP on a series of social, economic, environmental, health and equality objectives; an updated Habitats Regulations Screening Assessment; and a schedule of minor modifications. Unlike the Main Modifications, the minor modifications do not materially affect the strategic content of the CQAAP.

2.6 By the time of the close of this consultation (on 2nd September 2022) nineteen representations had been received. These were reviewed and considered by officers and then forwarded to the Inspector for consideration. Since that date it has been at the Inspector's discretion to determine what additional actions may be necessary to address any outstanding issues pertaining to the CQAAP. This could have included the need for further consultation and/or additional hearing sessions in advance of being able to provide final recommendations in an Inspector's Report.

3.0 The Inspector's Report

3.1 The examination of a development plan document concludes with the issuing of the Inspector's Report. This sets out the Inspector's final recommendations regarding the soundness and compliance of a development plan. An Inspector's Report is binding on the relevant local planning authority which means that the development plan cannot be adopted except in accordance with the Inspector's recommendations.

3.2 The Inspector's Report regarding the CQAAP was received on 6th December 2022. There had been no need for any additional actions prior to its release to resolve outstanding issues. The Inspector's Report has been published by the Council, in accordance with statutory requirements. This includes on the Council's

dedicated CQAAP webpage and with hard copies of the report available at the Town Hall.

- 3.3 The Inspector's Report is contained at Appendix Ba. Also contained in Appendix Bb is an updated Schedule of Main Modifications that is to be read alongside the Inspector's Report.
- 3.4 In summary, the overall conclusion of the Inspector (as set out in paragraphs 221 and 222 of the report) is that the Regulation 19 version of the CQAAP (see Appendix A) contained a number of deficiencies in respect of soundness which would lead to a recommendation of non-adoption in that form. However, the Main Modifications that have been consulted upon (in July to September 2022) - and when allowing for four further adjustments to these Main Modifications - have been regarded by the Inspector as sufficient to make the CQAAP sound and capable of adoption.
- 3.5 The four adjustments to the Main Modifications proposed by the Inspector are contained within the updated Main Modifications schedule in Appendix Bb. They are intended to address matters raised by respondents as part of the Main Modification consultation referred to at paragraph 2.6 above. They can be summarised as:
- A change to Main Modification 19: The introduction of further text to Policy CQ2 (Housing) to highlight that proposals for new student housing will need to comply with best practice, as adopted by the University of Manchester and other leading universities;
 - A change to Main Modification 24: The introduction of further text to Policy CQ3 (Mixed Use Communities) to confirm that the mix of uses encouraged within the Civic Quarter includes development that would support the growth of Lancashire Cricket Club as an international sporting venue and tourist attraction;
 - A change to Main Modification 26: The introduction of further text to Policy CQ3 (Mixed Use Communities) to clarify that the agent of change principle also applies to existing businesses and facilities, which should not have unreasonable expectations placed upon them as a result of residential development after they were established; and
 - A change to Main Modification 59: The introduction of further text to Policy CQ11 (Infrastructure and Obligations) to confirm that, for sites other than White City Retail Park, it will be up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the planning application stage.
- 3.6 The Inspector's Report confirms that he is satisfied these four adjustments to existing Main Modifications would not significantly alter the strategic content of the CQAAP, and thus there is no need for a further round of consultation on these adjustments.
- 3.7 The Report also sets out the Inspector's conclusions on the following matters:
- Public Sector Equality Duty: The Inspector has had due regard to the aims of the Public Sector Equality Duty as contained in Section 149(1) of the Equality Act 2010. This has concluded consideration of accessible and adaptable housing, dwellings for older persons, and specialist forms of housing (such as care/extra care), although with it concluded that the

new Trafford Local Plan will be the more appropriate vehicle for addressing most of these requirements. No concerns have been raised regarding the Public Sector Equality Duty (paragraph 12);

- Duty to Co-operate: The Inspector is satisfied that the Council has engaged constructively, actively and on an on-going basis in the preparation of the CQAAP, and that the Duty to Co-operate as required by Section 20(5)(c) of the Planning and Compulsory Purchase Act 2004 (as amended) has been met (paragraph 17);
- Legal/Procedural Compliance: The Inspector is satisfied that the CQAAP, and the plan preparation process that has been followed, has fulfilled all aspects of legal and procedural compliance (paragraphs 18 to 24). This conclusion accounts for the following matters:
 - The CQAAP has been prepared in accordance with the Council's Local Development Scheme;
 - Consultation on the CQAAP has been carried out in compliance with the Council's Statement of Community Involvement;
 - The Council carried out a sustainability appraisal of the CQAAP and prepared a report of the findings (the Integrated Assessment);
 - A Habitats Regulations Assessment (Screening) Report confirmed why an Appropriate Assessment was not necessary; and
 - The CQAAP complies with all other relevant legal requirements including in the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
- Infrastructure and Obligations: The Inspector is satisfied that the equalisation strategy contained in Policy CQ11 (Infrastructure and Obligations) is a necessary and fair approach to ensure that major development within the Civic Quarter contributes fairly and proportionately to the overall public infrastructure which is required to achieve the transformational change of the area (paragraph 166), and that the financial contributions set out in the policy, plus the provision of 25% (minimum) affordable housing for qualifying development, is justified and effective, especially in terms of viability (paragraph 207);
- The Policies Map and Parameter Plans: The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. However, a policies map is not defined in legislation as a development plan document and this means that an Inspector has no powers to advise on it. Nonetheless, if the geographical illustration of a policy is flawed, the policy will be unsound. In the case of the CQAAP, the policies map is accompanied by three supporting parameter plans. Some changes to the policies map and the parameter plans were put forward during the Main Modifications consultation. The Inspector is satisfied with the content of the map and plans, subject to these changes being made, which would support a sound plan overall (paragraph 8); and
- Monitoring: The Inspector is satisfied with the arrangements for monitoring the effectiveness of the CQAAP, especially through the use of a schedule of Key Performance Indicators to include specific and measurable targets (paragraph 219).

3.8 Whilst the Main Modifications consultation package also included a schedule of minor modifications, these modifications did not form part of the examination

process given their lesser significance in relation to the strategic content of the CQAAP. Thus, they are not referred to in the Inspector's Report.

- 3.9 Overall, the Inspector has found the CQAAP sound and in compliance with paragraph 35 of the NPPF, *subject to the updated list of Main Modifications contained at Appendix Bb of this report*. This means that it has been positively prepared, is justified by evidence, is effective, and is consistent with national policy.

4.0 The Final Document

- 4.1 Following the receipt of the Inspector's Report, officers have prepared a new amalgamated version of the CQAAP; it is contained at Appendix C. This is based on the Regulation 19 version of the CQAAP but it incorporates all Main Modifications included in Appendix Bb of this report (as recommended by the Inspector). It also includes those minor modifications which are associated with changes to text within the CQAAP; and the updated policies map and parameter plans. This version of the CQAAP has also addressed remaining, very minor typographical errors/inconsistencies.
- 4.2 The updated policies map and parameter plans, together with a boundary plan of the Civic Quarter on an Ordnance Survey base, are the only graphics/illustrations contained within the version of the CQAAP at Appendix C. This is in contrast to the Regulation 19 version of the CQAAP which is supported by a broad selection of maps, plans, masterplans, archive imagery, aerial imagery, photographs, text boxes, drawn illustrations and precedent images (see Appendix A). In addition, the Regulation 19 version of the CQAAP was intended as a user-friendly and eye-catching development plan document incorporating colour and which had been formatted to include different fonts, different font sizes, and a variety of symbols and icons. Subject to the outcome of a decision to adopt the CQAAP (and any legal challenge), an equivalent final version of the CQAAP will be produced using the same or similar software as used previously. This version will also address those additional minor modifications which relate to visual changes. However, the composite version of the CQAAP at Appendix C has been prepared in the interim to provide the final word-based content in order to assist decisions surrounding the approval and adoption of the CQAAP, and it is intended to comprise the first-stage working copy of the document until such time as a final, embellished version is published. Its contents have been pared back to give focus to all CQAAP text which is crucial to the successful application of the document, as well as those plans which form part of the CQAAP's policies.
- 4.3 However, for the avoidance of doubt, in the Executive approving the final content of the CQAAP ahead of its adoption, this would be based on the Regulation 19 version of the CQAAP (at Appendix A) but modified to include: the final schedule of Main Modifications (at Appendix Bb); the changes to the policies map and parameter plans; and the full schedule of minor modifications.
- 4.4 In addition, an Executive Summary of the CQAAP has recently been produced. This summarises the vision and content of the CQAAP, and it also provides an overview of the preparation process that it followed. Contained at Appendix D, this Executive Summary does not form part of the CQAAP but the intention is that it would be published alongside an adopted CQAAP. The chief purpose of the Executive Summary is to assist a layperson in understanding the role and scope of the CQAAP.

5.0 Decisions to Approve and Adopt the CQAAP

- 5.1 The preparation of the CQAAP has been a lengthy and rigorous process which has followed the necessary statutory stages for development plan preparation. This has included three rounds of public consultation and a week of public hearing sessions. It has involved significant input from officers, Members and the consultant team who have engaged with local residents, businesses and key stakeholders with the purpose of preparing an effective, deliverable and community-based development plan to secure and manage change across the Civic Quarter.
- 5.2 The Council submitted what it considered to be a sound plan to the Secretary of State in November 2021 but has since worked with the Inspector and other participants in the examination process to agree a series of Main Modifications (and with these Main Modifications having been agreed by the Executive Member). Four of these Main Modifications have since been adjusted by the Inspector in order to make the CQAAP sound and capable of adoption. Officers are in agreement with the Inspector that these adjustments do not materially affect the strategic vision and content of the CQAAP. Accordingly, officers are wholly satisfied with the outcome of the examination process and the findings of the Inspector's Report; this has culminated in the production of a document which provides the necessary robust policy framework to ensure that a sustainable, balanced and regenerated Civic Quarter is delivered.
- 5.3 The position of officers, therefore, is that the content of the CQAAP - when allowing for all Main Modifications and the additional changes – is fully supported. This is reflected in the officer recommendations: to the Executive to agree the final content of the CQAAP; and to Full Council to formally adopt the CQAAP.

6.0 Next Steps

- 6.1 Following on from content approval by the Executive, the decision to adopt the CQAAP is a matter that must be made by Full Council (as required by Regulation 4(1) and (3) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, and Section 23(5) of the Planning and Compulsory Purchase Act 2004 (as amended)). This is confirmed by Article 4.02 (m) of Trafford Council's Constitution (August 2022).
- 6.2 Subject to the outcome of the Full Council meeting, the CQAAP would be adopted as of 25th January 2023. An adoption statement advising of the CQAAP's adoption would be published. Once adopted, the CQAAP would become part of the statutory development plan and would be used to determine planning applications in the Civic Quarter, alongside other elements of the statutory development plan (the Core Strategy, for instance). Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.3 However, the adoption of the CQAAP would be subject to legal challenge. Any person aggrieved by the CQAAP's adoption would have the opportunity to make an application to the High Court under Section 113 of the Planning and Compulsory Purchase Act 2004 (as amended). Any such application, which must be made within six weeks of the date of adoption, would be on the grounds that the CQAAP was not within the appropriate power and/or a procedural requirement

had not been complied with. On expiration of the challenge period (by 9th March 2023), and assuming no application for challenge, the CQAAP would carry full weight in decision-taking. At this point, the finalised, embellished version of the CQAAP could be prepared.

- 6.4 It should be noted that the Council has taken all possible steps to minimise the risk of legal challenge, and the Inspector has concluded that the Council has complied with all legal and procedural requirements.
- 6.5 In the event of an application being made to the High Court, officers would advise the Planning and Development Management Committee of the position and of its implications.
- 6.6 When determining planning applications, only limited weight has been afforded to the CQAAP over time. This weight increased following the close of the Main Modifications consultation. Since the receipt of the Inspector's Report, the CQAAP has been capable of attracting greater weight in decision-taking. Full weight will occur following adoption (subject to the position in respect of legal challenge). With this in mind, and depending on the outcome of the meetings of 23rd January 2023 and 25th January 2023, Members should be aware that officer reports will place the policies and proposals of the CQAAP at the forefront of the assessment process for applications within the Civic Quarter.

7.0 Conclusions

- 7.1 On 23rd January 2023 the Executive is being asked to agree the final contents of the CQAAP in accordance with the Inspector's Report. This would then enable the CQAAP to continue to the meeting of Full Council on 25th January 2023 for adoption.
- 7.2 The officer recommendations which support this course of action are in acknowledgement of the Council's long-held ambitions for securing the successful regeneration of the Civic Quarter, and with the CQAAP identified as a major tool for achieving this aim in setting a framework for positive change through to 2037 and beyond. Furthermore, investment and development in the CQAAP area could act as a stimulus for more widespread growth across north Trafford.
- 7.3 The Inspector's Report has found that the CQAAP is sound and is worthy of adoption subject to the agreed Main Modifications (plus four adjustments). This represents a very significant and positive milestone in the evolution of the CQAAP. The document will be the statutory starting point in the determination of planning applications. Following its adoption - pending the conclusion of the legal challenge period – the CQAAP will be afforded full weight as an up-to-date development plan.

8. Recommendation

- 8.1 The Planning and Development Management Committee is asked:
- To note the report and its contents; and
 - To note that the CQAAP will constitute part of the statutory development plan on its adoption and will be the starting point for decision-taking for planning applications in the Civic Quarter.