

Report to:	EXECUTIVE CABINET
Date:	28 September 2022
Executive Member:	Councillor Gerald P Cooney, Executive Leader
Reporting Officer:	Julian Jackson Director of Place
Subject:	PLACES FOR EVERYONE – AUTHORITY FOR EXAMINATION IN PUBLIC
Report Summary:	This report seeks approval to authorise to agree such modifications to the Submitted Places for Everyone, as may be appropriate, to make the Plan sound (and capable of subsequent adoption) that arise through the independent examination (Examination in Public).
Recommendations:	<p>That Executive Cabinet:</p> <ul style="list-style-type: none"> (i) Authorise the Director of Place, in consultation with the Executive Leader, to prepare and agree proposed main modifications to Places for Everyone, as may be necessary to make the plan sound; (ii) Authorise the Director of Place to prepare and agree to minor modifications to Places for Everyone, as may be necessary; and (iii) Authorise the Director of Place to prepare and agree Statements of Common Ground in discharging the general planning duties of the Council, as required. (iv) Note the intentions regarding communication during the course of the Examination as set out in paragraph 4 onward, with both the Leader of the Council and the wider Cabinet.
Corporate Plan:	Places for Everyone’s vision is to support the achievement of the vision set out in the Greater Manchester Strategy and deliver sustainable inclusive growth across the nine boroughs. In doing so it seeks to make this one of the best places in the world to grow up, get on and grow old, strategically complementing and assisting in the delivery of the Council’s Corporate Plan themes of starting well, living well and ageing well.
Policy Implications:	<p>Places for Everyone is a joint Development Plan Document for nine boroughs, which has been prepared in accordance with the legislative requirements set out in the Planning and Compulsory Purchase Act (2004) and the Town and Country Planning (Local Planning) (England) Regulations 2012. Upon adoption, Places for Everyone will provide a policy framework to guide investment and development decisions and be material in the determination of planning applications alongside providing the context for the Boroughs Local Plan, which will need to be brought forward in general conformity with it.</p> <p>Places for Everyone is a statutory plan, which seeks to contribute to the achievement of sustainable development, delivering economic, social and environmental benefits together in a mutually reinforcing way. It is informed by an Integrated Assessment, which includes Impact Assessments for both Equalities and Health and a Habitats Regulations Assessment, undertaken in accordance with the</p>

Conservation of Habitats and Species Regulations 2017 (as amended).

Financial Implications:
**(Authorised by the statutory
Section 151 Officer & Chief
Finance Officer)**

The purpose of this report is to gain approval to delegate approval to authorise and agree modifications to the submitted Places for Everyone strategic plan that may occur during the independent examination in Public, the timescale of which is set out in section 5.2.

At this stage any additional budget implications that may arise on the Council via the independent examination cannot be quantified.

However, it should be noted that the Council does not have a dedicated budget to finance such expenditure e.g. independent external advice that may be required. Therefore any related expenditure will need to be financed via the existing revenue budget of the Council should the need arise.

Legal Implications:
**(Authorised by the Borough
Solicitor)**

This report sets out the progress of Places for Everyone through the statutory process of examination as set out in the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 supported by the Procedure Guidance for Local Plan Examinations February 2022.

The **Matters, Issues and Questions (MIQs)** part of the process is due to commence shortly. In this part of the process it is usual for the Inspector to produce a list of matters, issues and questions for discussion at the hearing sessions. These will then be kept under review by the Inspector to ensure that any new evidence or information that emerges is taken into account.

- **Matters** are the broad topics to be considered in the examination: for example, housing need and supply, settlement strategy, flood risk;
- **Issues** are the critical issues, identified by the Inspector, on which the soundness (and legal compliance) of the plan will depend; and
- **Questions** are set by the Inspector in order to elicit information relevant to the issues.

Any proposed modifications are limited to ensuring that the plan legally compliant and sound and must continue to reflect the evidence available and maintaining the general direction or strategy of the plan.

The process expects responses to Matters issues and questions to be provided within a very short timescale hence the recommendation for the delegations. However, Members will remain sighted on the process and officers will also continue to work closely with colleagues in Greater Manchester.

Risk Management:

There are no reasonable alternatives. Following the normal approvals process to agree main and minor modifications will significantly extend the Examination period, frustrating the governments appointed independent inspectors, participants and communities of the borough. The Planning Inspectorate commits to ensuring that plans are taken through the examination as quickly and efficiently as possible and it is incumbent upon the Council to

ensure it does the same.

Delays in agreeing modifications would also likely lead to a significant increase in costs to both this and the eight other Councils, for the inspectors, expert witnesses and QC representation time. For these reasons it is therefore considered the proposed recommendations reduce risk to the Council.

Access to Information:

Places for Everyone has been previously issued for several periods of public consultation and has been accessible via a range of consultation methods.

The plan is now the subject of independent examination in public, conducted by government appointed inspectors. The Places for Everyone examination website provides all relevant background information:

<https://www.hwa.uk.com/projects/gmca/>

Background Information:

The background papers relating to this report can be inspected by contacting Graham Holland, Planning Policy Team Manager



e-mail: graham.holland@tameside.gov.uk



telephone: 07970456260

1. INTRODUCTION AND BACKGROUND

- 1.1 Places for Everyone is a strategic spatial plan, covering the period up to 2037, that has been prepared jointly by nine GM authorities Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan. As a long-term plan, it creates the foundations for the scale of growth and ambition envisaged and will be part of the Council's Development Plan. As such, it tackles some of the core strategic issues that would otherwise need to be addressed in the Tameside Local Plan.
- 1.2 It does however remain a high-level strategic plan and Local Plans and Supplementary Planning Documents will continue to be important to take forward the priorities of Places for Everyone and interpret these at a more detailed local level.
- 1.3 As previously reported to Members, alongside thematic policy content, Places for Everyone contains three strategic allocations in Tameside, alongside 12 proposed additions to the Green Belt. Development of the Plan has been informed by five previous periods of public consultation (November 2014, November 2015, October 2016, January 2019 and August 2021). There were around 15,500 representations submitted to the last of these consultations, known as the Publication or regulation 19 consultation. On Tameside's allocations, 67 representations were submitted on Ashton Moss West, 121 on Godley green and 97 on the South of Hyde.
- 1.4 Places for Everyone was subsequently submitted on 14 February 2022 to the Secretary of State for Levelling Up Housing and Communities, following the approval of Full Council on 20 July 2021. Alongside the plan itself, all supporting background documents, evidence and representations received during the final stage of public consultation have been submitted too.
- 1.5 Now the plan has been submitted, appointed Inspectors take control of the examination process from start to finish.
- 1.6 At the time of writing this report 5 of the 9 PfE authorities have/are taking a similar report through to delegate in some fashion (Trafford, Bury, Tameside, Bolton, Rochdale). Oldham consider they already have sufficient authority and have the fall back of Cabinet to approve consultation on the proposed schedule of mods at the end of hearing sessions. We are yet to hear from Wigan, Manchester and Salford.

2. INDEPENDENT EXAMINATION

- 2.1 The Independent Examination into the Plan is therefore ongoing and being conducted by three planning inspectors, appointed by the Secretary of State. They are assessing Places for Everyone, as submitted, to see if it meets the requirements of the relevant legislation and to see if it is 'sound' and capable of adoption. The examination will concentrate on matters that affect the plan's soundness and legal compliance and will not delve into other matters.
- 2.2 As detailed to Members previously, the term 'sound' is used to describe a plan that has been prepared in accordance with what Government expects of local planning authorities. As set out in paragraph 35 of the National Planning Policy Framework, plans are sound if they are:
- **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as

evidenced by the statement of common ground; and

- **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the Framework and other statements of national planning policy, where relevant.

2.3 There are a number of stages to the Examination in Public, the first of which as detailed below has already been completed. The process can be summarised briefly as follows:

- **Preliminary Questions (PQs)** – March through to June the inspectors issued preliminary questions to the nine Local Authorities, to which a coordinated response requiring district input has been provided. Responses are available to view on the Examination web page.
- **Matters, Issues and Questions (MIQs)** – Following on from PQs, the inspectors have now issued their matters, issues and questions. 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 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.
- **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 or written statements. The Inspectors will determine who is appropriate to participate in each examination hearing session.

3. MODIFICATIONS

3.1 Legislation allows for three possible outcomes to an examination either that the plan is sound as submitted, is unsound as submitted but can be made sound through main modifications, or that it is unsound and this issue cannot be rectified through modification.

3.2 Modifying plans at Examination is standard practice and happens to varying degrees during all Examinations in Public. It also helps to ensure that plans at the end of the examination process are sound and capable for adoption.

3.3 Modifications can be divided into two categories:

- **Main Modifications** – required to resolve any soundness, legal compliance issues and erroneous errors within the specific body of policies themselves. This relates to text within the specific policy boxes as indicated within the plan.
- **Minor Modifications** – required to correct erroneous errors that sit outside of the direct policy content of the plan, such as text within the reasoned justifications associated with policy content.

3.4 Modifications primarily arise through debate and discussion during the Examination in Public, particularly during hearings and the questions asked by the Inspectors. Any proposed modifications are limited to making the plan legally compliant and sound and must continue to reflect the evidence available. They are not intended as an available route of changing the thrust, general direction or strategy of the plan.

3.5 Consequently during the Examination in Public (particularly during the hearing sessions) there will be a need to respond to questions and/or proposed main and minor modifications from the Inspectors promptly, normally within 24-48 hours. The hearing sessions are a particularly intensive process. Therefore, it is neither possible nor practicable to take each main and minor matter through the normal approvals process for agreement. Instead, a

much more practicable process is required and it should be noted that at the conclusion of hearing sessions, modifications will be subject to a period of consultation, subject to Member approval as needed and detailed further below.

- 3.6 In addition, Statements of Common Ground are also likely to be required as part of the Examination in Public process and are standard practice in all Examination in Public. 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.
- 3.7 At the completion of the hearings it is normal for the Local Planning Authority to continue to work with the Inspector to prepare the proposed main modifications. It is then a requirement that the proposed modifications to the Plan are subject to a final round of consultation of a minimum period of 6 weeks. The consultation will relate only to the proposed modifications themselves and any resulting changes to the policy map.
- 3.8 Members will at that time be sighted and approval sought regarding the main modifications consultation as appropriate. The consultation would not cover any other aspect of the plan.
- 3.9 Following the consultation, the Inspectors will consider all representations made, before finalising their examination report. The examination itself does not actually conclude until the inspectors issue their final report, including recommendations on which modifications should be taken forward to make the plan sound and capable of adoption.
- 3.10 While the Inspectors final report is not binding, the Council cannot adopt an unsound plan.
- 3.11 The ultimate decision to adopt Places for Everyone will be taken by each of nine boroughs Full Councils.

4. COMMUNICATION

- 4.1 With regards the examination hearings, due to the strategic nature of this plan, regular updates will be provided to Leader in particular to ensure awareness of potential modifications and any other relevant matters through regular briefing sessions. Given the nature of the hearing sessions and the need for speed and efficiency, it is likely that these will occur on a frequent basis.
- 4.2 In addition, the Place Directorate weekly newsletter will be used as appropriate mechanism throughout the hearing sessions to ensure the wider Executive Cabinet are kept informed of broad progress of the hearing sessions.
- 4.3 Lastly, GMCA are within the early stages of developing a wider communication strategy to share updates across the collective boroughs regarding the hearing sessions and this will evolve as the hearing sessions approach.

5. NEXT STEPS

- 5.1 As set out above, the Examination in Public into the Plan is currently underway with preliminary questions having already been issued and responded on.
- 5.2 There is no detailed timetable yet as to all remaining elements of the Examination in Public, however the Inspectors have indicated that Hearing sessions will start on Tuesday 11

October and be likely run until Spring 2023. Indicative timescales for other elements leading up to the hearings as issued by the inspectors and on the examination website are as follows:

Stage	Indicative Timescale
Publish Matters, Issues and Questions relating to legal, procedural and other general matters; amount of development needed; spatial strategy; site selection methodology; and strategic Green Belt issues	Early July
Publish Matters, Issues and Questions relating to thematic policies; allocations; and site specific Green Belt issues (deletions and additions)	Mid July
Deadline for written statements in response to Matters, Issues and Questions relating to legal, procedural and other general matters; amount of development needed; spatial strategy; site selection methodology; and strategic Green Belt issues	Early September
Deadline for written statements in response to Matters, Issues and Questions relating to thematic policies	Late September
Deadline for written statements in response to Matters, Issues and Questions relating to allocations, Green Belt deletions and Green Belt additions	Early October
Hearings start. A provisional programme for the hearing sessions will be published in due course. They are likely to continue until Spring 2023 in groups of 2 or 3 weeks (with gaps of 1 or 2 weeks, with a longer break over Christmas and new year)	Tue 11 October

6. RECOMMENDATIONS

6.1 As set out at the front of the report.