



Subject:
**Withdrawal of Core Strategy
Development Plan Document**

Status: For Publication

Report to:
Overview and Scrutiny Committee
Cabinet

Date:
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Cabinet Member: Councillor Martin Burke, Cabinet Member for Internal and Environmental
Services

**Comments from
Statutory Officers:**

Section 151 Officer ☐
Monitoring Officer ☐

Key Decision: Yes

Forward Plan ☒ X

General Exception ☐

Special Urgency ☐

1. PURPOSE OF REPORT

- 1.1 This Report seeks approval for the withdrawal of the Core Strategy which the Council submitted to the Secretary of State and the preparation of a revised one for submission in due course as a matter of urgency. The Report also seeks approval for delegated powers to update the Local Development Scheme.

2. RECOMMENDATIONS

- 2.1 The Overview and Scrutiny Committee considers the proposal and comments accordingly.
- 2.2 Cabinet agrees to the withdrawal of the current draft Core Strategy;
- 2.3 Cabinet agrees an initial timetable for the drawing up of a replacement draft Core Strategy, along with updated supporting documents, for consultation; and
- 2.4 Cabinet authorises the Service Director of Planning and Regulation Services, in consultation with the lead member for Environment, to produce and publish a revised Local Development Scheme to reflect this change along with other changes relating to programme for preparing Local Development Framework documents.

3. BACKGROUND

- 3.1 In March 2011 the Council submitted its draft Core Strategy (CS) to Government. An independent Inspector was appointed by the Secretary of State to consider all the representations received on the CS and hold an Examination in Public (EiP) to consider whether or not the plan was 'sound' and therefore capable of adoption. The Inspector's findings and decision on soundness would be binding on the Council.
- 3.2 Following his initial review of the CS and its supporting documents the Inspector contacted the Council to express some concerns regarding the proposal to release land from the Green Belt in South Heywood for employment and housing development along with the construction of a new link road to Junction 19 of the M62. To address these concerns the Inspector asked the Council in April 2011 to provide a response pointing out the key evidence in support of this proposal. The Council provided a detailed response to these concerns setting out the key existing and emerging evidence in support of the South Heywood proposal.
- 3.3 Despite the Council's response the Inspector remained unconvinced that there was sufficient evidence to show that the 'exceptional circumstances' required to release land from the Green Belt had been demonstrated. The Inspector therefore took the unusual measure of convening a public Exploratory Meeting (EM) to discuss his concerns and to decide how to proceed. In addition to the concerns regarding the South Heywood proposal he also raised concerns on several other elements of the Core Strategy including
- the Council's intention not to include detailed green belt policies for controlling development in the green belt as currently in the Unitary Development Plan;
 - the Rochdale town centre link road (on the basis there was insufficient justification and evidence of deliverability);
 - the lack of an Infrastructure Delivery Plan in support of the CS; and
 - the presentation of the monitoring arrangements for the CS
- 3.4 At the Exploratory meeting he noted the hard work that had gone into preparing the plan and responding to his concerns but maintained his original concerns about the South Heywood package of proposals, stating that there is a strong risk to the Council that, on the basis of all the evidence submitted, the proposals would be found unsound. There was limited scope at the meeting to discuss the merits or otherwise of the Council's evidence. His conclusion was that the Council had three options:
- to continue with the examination which involves a high risk of being found unsound, or
 - to temporarily suspend the examination to enable further work on the CS, or
 - to withdraw the CS.
- 3.5 Following the Exploratory Meeting it was decided that the best course of action was to suspend the EiP to enable further work to be undertaken in reviewing the evidence. This was confirmed with the Inspector along with a timetable setting out the additional work to be undertaken. Although this approach was agreed by the Inspector it was clear from his correspondence that he remained unconvinced that this further work would satisfy his concerns and would potentially constitute new evidence which would require separate consultation. Despite this it was still considered the most appropriate option as it gave an opportunity to undertake a more detailed review of the evidence whilst giving more time to consider possible alternatives to continuing with the EiP.
- 3.6 Officers completed most of the agreed additional work. However, taking account of the previous views of the Inspector, it was decided that it would be helpful to gain an

independent view of the work done to date to assess whether the additional work was likely to be sufficient to satisfy the Inspectors concerns. Accordingly Counsel's opinion was obtained, and this concluded that the Council would be unlikely to be able to satisfy this Inspector that its position was justified and the CS was sound. The advice was that the Inspector's stance was unlikely to change and that his requirement to rigorously demonstrate development need in a conventional (numerical) sense and not to consider the cumulative benefits of the South Heywood package pointed to a serious risk that the proposal, and therefore the plan, would be not be approved. In light of this advice we considered that:

- the Council's case would need to rely on new evidence, rather than an update or interpretation of current published evidence;
- any 'modification' would be so fundamental as to conflict with the current framework of the Core Strategy; and
- a criteria based approach for the release of protected open land (including Green Belt) would be preferable so that release would be triggered by evidence of need and viability.

These modifications and new approach, cumulatively, mean that the present CS could not be proceeded with until further consultation and publicity was undertaken. This would take time which could be better spent undertaking a new Core Strategy.

- 3.7 This leads us to the conclusion that the best course of action is to withdraw the Core Strategy completely and to draw up a new one as a matter of urgency. To continue with the EiP with the current Core Strategy would run the serious risk of the plan being found 'unsound' and would therefore result in a significant waste of money, time and resources.
- 3.8 It should be noted that there was general support for much of the CS, including the overall spatial strategy of directing most development to the south of the borough where there is greater accessibility and more opportunities for development and regeneration exist. Therefore drawing up a revised CS will not involve a complete re-write but will allow us to take account of more up to date evidence and guidance as well as recent changes of circumstances locally e.g. loss of regeneration funding.

4. NEXT STEPS

- 4.1 If the withdrawal of the Core Strategy is approved, it will be possible to progress quickly to produce a revised CS. The table below gives a timetable for the production of a revised document.

Stage	Work required and timescale
Approval from Cabinet	The earliest Cabinet would be June 2012 given the additional work required
Consultation	Following approval the revised Publication Draft would be sent out for formal consultation for 6 weeks. It is likely that more formal supporting documentation / evidence would need to be provided but as much of this as possible could be done in the lead up to Cabinet. Therefore consultation could still take place July 2012 – August 2012
Submission of document to Government	This would include revising / creating all the relevant submission documents including a summary of responses and a schedule of any proposed changes. For the current CS the gap

	between the end of consultation and submission was around 3 months but this could probably be reduced for a revised CS. October 2012
Examination in Public	The gap between submission and EIP for the current CS was long because of the Inspector's questions on South Heywood and holidays/Easter/extended Bank Holiday. The usual gap from submission to EIP is at least 10-12 weeks. This means February 2013 – March 2013 is a likely date
Adoption	Timescale following EIP would be same therefore adoption would be around June 2013

- 4.2 This timetable for a revised draft Core Strategy needs to be set out in an update of the Council's Local Development Scheme (LDS). The LDS sets out the documents to be produced as part of the Council's Local Development Framework. It is necessary to update the Local Development Scheme to reflect this new timetable for the CS and the implications of this change on the production of the subsequent Allocations Plan Development Plan Document. Revising the LDS will also give the up to date position on a number of other LDF documents including the Greater Manchester Waste Plan and Minerals Plan.
- 4.3 In order to undertake this update, this report seeks approval to authorise the Service Director of Planning and Regulation Services, in consultation with the lead member for Environment, to produce and publish a revised Local Development Scheme.

5. ALTERNATIVES CONSIDERED

- 5.1 A number of alternatives were carefully considered. One option would have been to continue with the Core Strategy Examination in Public (EiP) with the hope of addressing the Inspector's concerns through a review of the evidence and the presentation of that evidence at the EiP. However, the Inspector had made it clear that it would be challenging for the Council to address his concerns through a review of the evidence base and this view was supported in independent advice requested by Council officers. A second alternative would have been to withdraw the Core Strategy and progress towards a Local Plan which would include land use allocations. However, the risk here is that allocations would have to be considered in the absence of an approved spatial strategy. This would make such an approach more risky and therefore could prove costly and time consuming if the overall strategy, scale and broad location of development was not considered sound. The production of a revised Core Strategy is therefore considered most appropriate since it maximises the value of the work done to date, can be undertaken in a relatively short space of time and represents less of a risk than the other two alternatives.
- 5.2 In terms of the Local Development Scheme (LDS), not having an up to date LDS is both against national planning guidance and is misleading in terms of the documents being produced and the timetable for their publication.

6. CONSULTATION PROPOSED/UNDERTAKEN

- 6.1 The current draft Core Strategy has already been through three phases of consultation. Each of these consultation periods lasted six weeks and enabled the views of residents, stakeholders and statutory bodies to be considered at key stages of the CS's production. The revised CS will also need to be consulted on and this will again be for six weeks subject to the approval of a revised CS by Cabinet in the

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summer. All the consultation undertaken and proposed is in line with the national statutory requirements and the Council's Statement of Community Involvement which sets out how the Council will consult on planning documents.

7. FINANCIAL IMPLICATIONS

- 7.1 Withdrawing the CS at this stage avoids the risk of wasting a substantial amount of money on the hearing sessions for the EiP when there is a likelihood that it will be found unsound. The Core Strategy will still be completed within the original allocated budget. Most of the expenditure to date is not wasted as the research and consultation work will still be used for the revised Core Strategy.

8. LEGAL IMPLICATIONS

- 8.1 The views of Legal Services were sought on the procedural implications of withdrawing the Core Strategy and they have confirmed that this is the most appropriate course of action.

9. PERSONNEL IMPLICATIONS

- 9.1 The production of a revised CS will require significant staff time from the Strategic Planning Service team. This will need to be undertaken in parallel with preliminary work on the Site Allocations Plan and other committed projects and will require input from other Council services and key stakeholders when required.

10. RISK ASSESSMENT IMPLICATIONS

- 10.1 There are no specific risk issues for members to consider arising from this report.

11. EQUALITIES IMPACTS

- 11.1 There are no workforce equality issues arising from this report.
- 11.2 There are no significant equality/community issues arising from this report.

Background Papers	
Document	Place of Inspection

Or there are no background papers (delete where applicable)

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