

SCHEDULE 1

Article 4

Spatial development strategy

PART 1

Modification of the application of Part 8 of the 1999 Act

- 1.—(1) Part 8 of the 1999 Act is modified in accordance with the following provisions.
- (2) Part 8 of the 1999 Act shall have effect as if—
- (a) sections 344 (amendments of the Town and Country Planning Act 1990), 345 (Town and Country Planning Act 1990: costs of appeals) and 349 (abolition of joint planning committee for Greater London) were omitted;
 - (b) for every reference to—
 - (i) “Greater London” there were a reference to “Greater Manchester”;
 - (ii) “the Mayor” there were a reference to “the GMCA”;
 - (iii) “he” there were a reference to “the GMCA”, save for section 337(6) (publication);
 - (iv) “under section 343” there were substituted “relating to the GMCA under section 343”.
- (3) Section 334 of the 1999 Act (the spatial development strategy) shall have effect as if—
- (a) in subsection (3) for “his” there were substituted “its”;
 - (b) for subsection (4) there were substituted—

“(4) The spatial development strategy must include statements dealing with the general spatial development aspects of such of the GMCA’s other policies or proposals as involve considerations of spatial development.”.
- (4) Section 335 of the 1999 Act (public participation) shall have effect as if—
- (a) in subsection (2)(a) for “his” there were substituted “its”;
 - (b) subsection (3)(aa) were omitted;
 - (c) in subsection (3)(b), for “London borough council” there were substituted “constituent council”;
 - (d) in subsection (4), for the words after “include” to the end of the subsection there were substituted—

“—

 - (a) voluntary bodies some or all of whose activities benefit the whole or part of Greater Manchester;
 - (b) bodies which represent the interests of different racial, ethnic or national groups in Greater Manchester;
 - (c) bodies which represent the interests of different religious groups in Greater Manchester; and
 - (d) bodies which represent the interests of different persons carrying on business in Greater Manchester.”;
 - (e) for subsection (8) there were substituted—

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“(8) In this section “the prescribed period” means such period as may be prescribed by, or determined in accordance with, regulations relating to the GMCA made under section 343 below.”.

(5) Section 336 of the 1999 Act (withdrawal) shall have effect as if in subsection (3)—

- (a) paragraph (a) were omitted; and
- (b) paragraph (b) were omitted.

(6) Section 338 of the 1999 Act (examination in public) shall have effect as if for “Authority” there were substituted “the Mayor of Greater Manchester”.

(7) Section 339 (review of matters affecting the strategy) of the 1999 Act shall have effect as if in subsection (2) for “his” there were substituted “its”.

(8) Section 342 of the 1999 Act (matters to which the Mayor is to have regard) shall have effect as if—

(a) for subsection (1) there were substituted—

“(1) In exercising its functions under the preceding provisions of this Part, the GMCA shall have regard to—

- (a) the National Planning Policy Framework;
- (b) any strategy relating to the health, well being, environment or economy of Greater Manchester published by the Association of Greater Manchester Authorities;
- (c) the effect that the proposed spatial development strategy or revision would have on—
 - (i) the health of persons in Greater Manchester;
 - (ii) health inequalities between persons living in Greater Manchester;
 - (iii) the achievement of sustainable development in the United Kingdom;
 - (iv) climate change and the consequences of climate change;
 - (v) the need to ensure that the strategy is consistent with national policies and the EU obligations of the United Kingdom; and
- (d) such other matters as the Secretary of State may prescribe.”.

(b) subsection (2) were omitted.

(9) Section 347 of the 1999 Act (functional bodies to have regard to the strategy), shall have effect as if there were substituted—

“Constituent councils to have regard to the strategy

347. In exercising any function, each of the constituent councils and the GMCA shall have regard to the spatial development strategy, but this is without prejudice to section 24 of the Planning and Compulsory Purchase Act 2004 as modified by Part 2 of Schedule 1 to the Greater Manchester Combined Authority (Functions and Amendment) Order 2016 (which requires certain documents of a constituent council to be in general conformity with the strategy).”.

(10) Section 348 of the 1999 Act (Mayor’s functions as to planning around Greater London) shall have effect as if—

- (a) in subsections (1), (2) and (3) for “his” there were substituted “its”;
- (b) in subsection (3), for “London borough councils” there were substituted “constituent councils”; and
- (c) in subsection (4), for “Authority” there were substituted “GMCA”.

- (11) Section 350 of the 1999 Act (interpretation of Part VIII) shall have effect as if—
- (a) the following definitions were inserted, in the appropriate places—
 - “the Association of Greater Manchester Authorities” means the joint committee of the constituent councils established under section 101(5)(a) of the Local Government Act 1972;
 - “constituent councils” means the metropolitan district councils for the local government areas of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford, and Wigan;
 - “the GMCA” means the Greater Manchester Combined Authority;
 - “Greater Manchester” means the area of the GMCA;
 - “Mayor of Greater Manchester” is the person elected to the position established by article 3 of the Greater Manchester Combined Authority (Election of Mayor with Police and Crime Commissioner Functions) Order 2016(1); and
 - (b) subsection (2) were omitted.

PART 2

Modification of the application of the 2004 Act

2.—(1) Sections 19, 24, 37, 38 and 113 of the 2004 Act are modified in accordance with the following provisions.

(2) Section 19 of the 2004 Act (preparation of local development documents), shall have effect as if for subsection (2)(c) there were substituted—

“(c) the spatial development strategy if the authority is a constituent council of the GMCA or if any of the authority’s area adjoins Greater Manchester;”.

(3) In section 24 of the 2004 Act (conformity with regional strategy) shall have effect as if—

(a) for subsection (1)(b) there were substituted—

“(b) the spatial development strategy if the authority is a constituent council of the GMCA.”;

(b) after subsection (4) there were inserted—

“(4A) A local planning authority which is a constituent council of the GMCA—

(a) must request the opinion in writing of the GMCA as to the general conformity of a development plan document with the spatial development strategy;

(b) may request the opinion in writing of the GMCA as to the general conformity of any other local development document with the spatial development strategy.”;

(c) after subsection (5) there were inserted—

“(5A) The GMCA may give an opinion as to the general conformity of a local development document with the spatial development strategy irrespective of whether a request is made under subsection (4A).”;

(d) in subsection (7) for “Mayor” there were substituted “Mayor of Greater Manchester”.

(4) Section 37 of the 2004 Act (interpretation) shall have effect as if after subsection (6A)(2), there were inserted—

“(6B) In relation to the GMCA, in this section—

(1) [S.I. 2016/448](#).

(2) Section 37(6A) was inserted by section 85 of, and paragraph 17 of Schedule 5 to, the 2009 Act.

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“constituent council” means one of the metropolitan district councils for the local government areas of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford and Wigan;

“GMCA” is the Greater Manchester Combined Authority established by the Greater Manchester Combined Authority Order 2011;

“Greater Manchester” is the area of the GMCA as specified in article 3 of the Greater Manchester Combined Authority Order 2011;

“Mayor of Greater Manchester” is the person elected to the position established by article 3 of the Greater Manchester Combined Authority (Election of Mayor with Police and Crime Commissioner Functions) Order 2016; and

“spatial development strategy”, in relation to the GMCA, means a strategy established by the GMCA in exercise of powers under article 3 of the Greater Manchester Combined Authority (Functions and Amendment) Order 2016.”.

(5) Section 38 of the 2004 Act (development plan) shall have effect as if—

(a) after subsection (2) there were inserted—

“(2A) For the purposes of any area in Greater Manchester the development plan is—

- (a) the spatial development strategy;
- (b) the development plan documents (taken as a whole) which have been adopted or approved in relation to that area; and
- (c) the neighbourhood development plans which have been made in relation to that area.”;

(b) after subsection (10) there were inserted—

“(11) In this section—

“GMCA” is the Greater Manchester Combined Authority established by the Greater Manchester Combined Authority Order 2011;

“Greater Manchester” is the area of the GMCA as specified in article 3 of the Greater Manchester Combined Authority Order 2011; and

“spatial development strategy”, in relation to the GMCA, means a strategy established by the GMCA in exercise of powers under article 3 of the Greater Manchester Combined Authority (Functions and Amendment) Order 2016.”.

(6) Section 113 of the 2004 Act (validity of strategies, plans and documents) shall have effect as if—

- (a) in subsection (1), after “the Mayor of London’s”, there were inserted “or the GMCA’s”;
- (b) in subsection (11)(e), after “the Mayor of London”, there were inserted “or the GMCA”;
- (c) after subsection (12), there were inserted—

“(13) In this section “GMCA” is the Greater Manchester Combined Authority established by the Greater Manchester Combined Authority Order 2011.”.

SCHEDULE 2

Article 8

Modification of the application of Chapters 1 and 2 of Part 1 of the 2008 Act

1.—(1) Chapters 1 and 2 of Part 1 of the 2008 Act are modified in accordance with the following provisions.

(2) Sections 5 (powers to provide housing or other land), 6 (powers for regeneration, development or effective use of land), 7 (powers in relation to infrastructure), 8 (powers to deal with land etc.), 9 (acquisition of land), 10 (restrictions on disposal of land), 11 (main powers in relation to acquired land) of, and Schedules 2 to 4 to, the 2008 Act, as applied by article 8, shall have effect as if for every reference to—

- (a) “the HCA” there were substituted a reference to “the Greater Manchester Combined Authority”;
- (b) “Part 1” of that Act there were substituted a reference to “Part 3 of the Greater Manchester Combined Authority (Functions and Amendment) Order 2016”; and
- (c) “the HCA’s land” or land acquired or held by the HCA there were substituted a reference to “the Greater Manchester Combined Authority’s land” or land acquired or held by the Greater Manchester Combined Authority.

(3) Sections 5, 6, 8, 9 and 10 of the 2008 Act shall have effect as if for every reference to “land” there were substituted a reference to “land in the area of the Greater Manchester Combined Authority”.

(4) Section 57(1) of the 2008 Act shall have effect as if the following definition were inserted at the appropriate place—

““Greater Manchester Combined Authority” means the body corporate established by the Greater Manchester Combined Authority Order 2011;”

(5) Part 1 of Schedule 2 to the 2008 Act (compulsory acquisition of land) shall have effect as if for every reference to “section 9” of that Act there were substituted a reference to “article 5” of this Order;

(6) Schedule 3 to the 2008 Act (main powers in relation to land acquired by the HCA) shall have effect as if for references to land which has been vested in or acquired by the HCA there were substituted references to land which has been vested in or acquired by the Greater Manchester Combined Authority.

(7) Schedule 4 to the 2008 Act (powers in relation to, and for, statutory undertakers) shall have effect as if for every reference to the HCA under Part 1 of that Act there were substituted a reference to the functions conferred on the Greater Manchester Combined Authority under article 5.