

SCHEDULE 1

Spatial development strategy

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).”; and

(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)(1), there were inserted—

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

“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

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“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.”.