



# **Consultation Statement**

**Supplementary Planning  
Document SPD1:**

**Planning Obligations**

**February 2012**

**LOCAL DEVELOPMENT FRAMEWORK**

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PUNJABI

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SOMALI

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## **1 Introduction**

- 1.1 In preparing Supplementary Planning Documents, the Council is required to follow the procedures laid down in the Town and Country Planning (Local Development) (England) Regulations 2004, as amended, and in its adopted Statement of Community Involvement.
- 1.2 In September 2009, views were invited on the Supplementary Planning Document – Scope and Issues Document. The document detailed the structure and content of a series of Supplementary Planning Documents (SPDs) that the Council intended to produce to support the delivery of the Trafford Core Strategy. They set out the requirement for Section 106 agreements for affordable housing, informal children’s playing space/outdoor sports facilities, Red Rose Forest and highway and public transport scheme provision.
- 1.3 As part of the preparation of the Trafford Core Strategy (Adopted January 2012) the existing s106 arrangements were reviewed, and it was considered that a single Supplementary Planning Document (SPD) provided more certainty and clarity to developers, planners, stakeholders and local residents regarding the basis on which planning obligations will be sought than a series of separate SPDs. The combined SPD constitutes a more efficient, effective and transparent process than the current arrangements and will ensure the Council maximises the value of the contributions for local communities.
- 1.4 This Consultation Statement contains a summary of which bodies and persons were invited to make representations and how they were invited to make representations at both the Scoping and Issues stage (September 2009) and the more recent consultation in February 2011 when the SPDs were amalgamated into one Planning Obligations SPD.

## **2 Statement of Community Involvement Review**

- 2.1 The Council adopted its Statement of Community Involvement Review in February 2010. This sets out the process by which the Council will consult appropriate bodies in the course of drafting all documents that are part of the Local Development Framework.

## **3 Public Consultation**

- 3.1 Consultation on the Scoping and Issues SPDs took place between 7<sup>th</sup> October 2009 and 9<sup>th</sup> November 2009. The proposed SPDs consisted of the following:

- Planning Obligations SPD
  - Affordable Housing SPD
  - Open Space and Recreation SPD
  - Green Infrastructure SPD
  - Social Infrastructure SPD
  - Developer Contributions to Highway and Public Transport Schemes SPD
  - Consideration of climate change factors in the design and construction of developments and the public realm SPD
- 3.2 A Stakeholder workshop had previously been held on 15th May 2008 specifically for the Affordable Housing SPD.
- 3.3 A list of the people who attended the workshop is contained in Appendix 4.
- 3.4 Consultation on the combined Supplementary Planning Document SPD1 – Planning Obligations took place between Monday 7th March 2011 and Monday 18th April 2011.
- 3.5 The Specific Consultees that were formally invited to comment on both consultations by letter are listed in Appendix 1.
- 3.6 The General and Other Consultees that were formally invited to comment on both consultations are listed in Appendices 2 and 3 respectively.
- 3.7 A public notice was displayed in the 7<sup>th</sup> March 2011 issue of Manchester Evening News (Appendix 10).

#### **4 Inspecting the Scoping and Issues and Draft Planning Obligations consultation papers**

- 4.1 The Supplementary Planning Documents Scope and Issues and combined SPD1 Planning Obligations consultation papers were made available for inspection at the following locations:
- On the Council's website: <http://www.trafford.gov.uk>
  - Trafford libraries;
  - Access Trafford offices
- 4.2 Individual copies of the documents were made available on request.

#### **5 Representations on the Scoping and Issues SPD and the SPD1 Planning Obligations consultation papers**

- 5.1 The deadline for comments made on the SPDs Scope and Issues paper (October 2009) was Monday 9<sup>th</sup> November 2009 and for the combined SPD1 Planning Obligations the deadline for comments was Monday 18<sup>th</sup> April 2011.

Written Correspondence was sent to:

Strategic Planning & Developments  
Waterside House  
Sale Waterside  
Sale  
Greater Manchester  
M33 7ZF

Representations by e-mail were sent to:

[Strategic.planning@trafford.gov.uk](mailto:Strategic.planning@trafford.gov.uk)

- 5.2 Consultation responses and the identity of those making them are matters of public record and open to public scrutiny and copies can be obtained at the address above.
- 5.3 Requests to be notified of the next stage of consultation were recorded along with any representations made.

## **6 Consultation Responses and Main Issues**

- 6.1 A total of 19 individual responses were received to the Scoping and Issues SPD consultation. A summary of these responses is available at Appendices 7 and 8 of this report. In total, 15 separate organisations made representations during the consultation period on the combined SPD1 Planning Obligations. A copy of the report showing all the comments made and the Council response to these is attached as Appendix 9.
- 6.2 Many respondents, particularly commercial ones, were concerned that the SPD would result in a very high level of financial contributions which would render some development unviable. They were also concerned that some of the individual elements, particularly the public transport, climate change and education contributions, were not fully justified by evidence and therefore did not meet the statutory tests in the Community Infrastructure Levy Regulations 2010 – mainly that contributions must be necessary, directly related to the development and reasonable. There were also a number of comments about specific or technical elements of the SPD, many of which have been incorporated into the final SPD.

## 7 Main Changes to the SPD

- 7.1 Changes to the SPD have been made in response to many of the representations made and also to reflect changes to Policies in the Core Strategy that have been made through the Examination process, which form the policy justification for the SPD. The main changes are summarised as follows:
- 7.2 **Affordable housing:** The SPD has been revised in line with Policy L2 of the Trafford Core Strategy and assumes normal market conditions as defined within the Trafford Viability Study. However, any variance from normal market conditions will be considered when determining the appropriate level of contributions which would be triggered by qualifying applications for development. As such a 40% affordable housing target will normally be applied within “hot” market locations such as Altrincham. Within “moderate” market locations such as Sale, Stretford and Urmston, a 20% affordable housing target will normally be applied. Within “cold” market locations such as Old Trafford and Partington, no more than a 5% affordable housing target will be applied under normal market conditions. Policy L2 recognises that under poor market conditions a 5% contribution could inhibit development in cold market locations and therefore applications for development in such locations (under poor market conditions) will not trigger a requirement to make a contribution to affordable housing. The market conditions will be agreed with developers as part of the planning application process.
- 7.3 **Climate change:** In line with changes to Core Strategy Policy L5, the requirement for a financial contribution towards mitigating climate change has been removed, although there may still be an obligation for development to link with existing decentralised energy infrastructure or support flood defence infrastructure, where appropriate.
- 7.4 **Management fee:** In response to representations concerned with the scale and nature of the additional cost, and to bring the SPD more closely into line with the CIL Regulations 2010, the management fee has been changed so that up to 5% of the s106 monies collected will be used for the management and monitoring of planning obligations, to allow the Council to administer the scheme and manage and monitor developer contributions. This means it is no longer an additional charge that is placed on development but it does mean that there will be a minor reduction in the overall sums available for investment.
- 7.5 **Development Viability:** In line with the updated Trafford Economic Viability Study and changes made to Core Strategy Policy L8, the SPD is flexible to enable prioritisation of specific contributions on a site-by-site basis where market conditions dictate that viability cannot be achieved when the full requirements of Policy are sought. If a developer considers that the Council is placing unreasonable obligations upon a proposal site, then an assessment of development viability can be conducted, as now.

## **8. Next Steps**

- 8.1 All consultation responses for the Scoping and Issues SPD and Planning Obligations consultations have been fully considered and taken into account in finalising the SPD1 Planning Obligations.

## Appendix 1 - Specific Consultees

Organisation
Cheshire East Council
4NW
Agden Parish Meeting
Ashley Parish Council
British Telecom
Carrington Parish Council
Cheshire West and Chester Council
Cheshire East
City of Salford
Department for Transport (Rail Group)
Dunham Massey Parish Council
English Heritage
Environment Agency
Greater Manchester Police Authority
Highways Agency
Little Bollington Parish Meeting
Lymm Parish Council
Manchester City Council
Mobile Operators Association
Natural England
North West Development Agency
North West Strategic Health Authority
NorwebEnergi
Nuclear Electric Ltd
Partington Town Council
PowergenPlc
Ringway Parish Council
Rixton with Glazebrook Parish Council
Rostherne Parish Council
SP Energy Networks
The Coal Authority
United Utilities
Warburton Parish Council
Warrington Borough Council

## Appendix 2 – General Consultees

Organisation
Altrincham Chamber of Commerce, Trade, Industry
Better Transport Partnership
Brighter Futures Partnership
Church Commissioners for England
Clean and Green Partnership
Community Cohesion Community Forum
Culture Partnership
Disability Rights Commission
Ethnic Minority Outreach Project
Everyone & Everywhere Matters Partnership
Friends of the Earth
GM Chamber of Commerce
Greater Manchester Pay and Employment Rights Advice Service
Healthy Living Partnership
Life Begins at 50 & Over Partnership
Manchester Friends of the Earth
Positive Partington Partnership
Quality Homes For All Partnership
Safer Trafford Partnership
Sale Moor Community Partnership
Trafford Access Group
Trafford Disability Advisory Group
Trafford Economic Alliance Partnership
Voice of BME Trafford

## Appendix 3 – Other Consultation Bodies

Organisation
50+ Voice Network
A 'Ahmed
A 'Purdey
A.D 'Clowed
Advisory Council for Education of Romany & Traveller
Alan 'Shillaker
Alister 'Rowe
Altrincham & Bowdon Civic Society
Altrincham Association Football Club Ltd
Altrincham Town Centre Partnership
Alyn Nicholls & Associates
Arawak Walton Housing Association
Arcon Housing Association
Arcus Consulting
Asda Stores Ltd (Client)
Ashiana Housing Association
Ashton-on-Mersey Golf Club
Atisreal Ltd
Audrey 'Carter
B 'Shannon
Barratt Manchester
Barton Willmore
Bellway Homes Ltd
Bolton Council
Bowdon Conservation Group
Bridget 'Garner
Bridgewater Meeting Room Trust
British Wind Energy Association
Bruntwood
B-Serv Ltd
C 'Wright
Caldecotte Consultants
Campaign for Real Ale
Carrington Business Park
CB Richard Ellis
CB Richard Ellis Ltd
Cheshire Wildlife Trust

Chris Thomas Ltd
Christine 'Mitchell
City Residential
Colliers CRE
Council for the Protection of Rural England
Cunnane Town Planning LLP
Cyclist Touring Club
D 'Stevenson
Dalton Warner Davis LLP
David L Walker - Chartered Surveyors
David Mclean Homes Limited
David Wilson Homes (North West)
De Pol Associates
Decathlon UK Ltd
Denton Wilde SAPTE
Development Planning Partnership
DPDS Consulting Group
Drivers Jonas
DTZ
Dunlop Haywards Lorenz
E 'Thompson
E 'Turner
Emery Planning
Equity Housing Group
Eric 'Clarke
Erinacous Planning
Forestry Commission
Frank Marshall & Co.
Friends of Old Trafford
Fusion Online Limited
G E Middleton & Co Ltd
G.J. 'Phelan
Gee Squared
General Aviation Awareness Council
George Wimpey Manchester Ltd
Gerald Eve
Gerald Knight Associates
GGP - Old Trafford
GL Hearn
GM Ecology Unit
GM Fire and Rescue Service
GM Geological Unit (Urban Vision Partnership Ltd)
GM Police
GMPTE

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GONW
Gough Planning Services
Graham Hitchen Associates
Great Places Housing Group
Greater Manchester Cycling Campaign
Greater Manchester Police - Altrincham Area
GVA Grimley
Hallam Land Management Ltd
Harvest Housing Association
Health and Safety Executive
Heather 'Fogg
Herb 'Booth
Higham& Co
Home Builders Federation
How Commercial Planning Advisers
I 'Nicholas
I 'Quigley
Indigo Planning Ltd
Irwell Valley Housing Association
J 'Crews
J 'Townsend
J10 Planning
Jack 'Etchells
JASP Planning Consultancy Ltd
Jim 'Stuart
John Rose Associates
John 'Waghorne
Jones Lang Lasalle
Judie 'Collins
K 'Dunbar
Keep Chorlton Interesting
Kelloggs
King Sturge& Co.
King Sturge LLP
Knight Frank
Lafarge Aggregates
Lambert Smith Hampton
Lancashire County Cricket Club
Lancashire County Gardens Trust
Lichfield Planning
Louise 'Alexander
Louise 'Green
M 'Walsh
Manchester Airport

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Manchester United Football Club
McInerney Homes North West
Mersey Basin Campaign & Action Irwell
Michael J 'Crawley
Mike 'Alexander
Miller Homes
MP Altrincham & Sale West
MP Stretford & Urmston
MP Wythenshawe & Sale East
N 'Boran
N 'Rashid
National Grid (NW Area)
National Grid Property Ltd
National Trust
Network Rail
NFU
NJL Consulting
NJL Consulting
Old Trafford and Gorse Hill Partnership Board
Old Trafford Liaison Group
P Fahey & Sons
P 'West
Passenger Focus
Paul Butler Associates
Peacock & Smith
Peel Holdings
Peel Land and Property Limited
Persimmon Homes (North West)
Peter Cunliffe Chartered Surveyors
Peter 'Green
R 'Irvine
R 'Townsend
Ramblers Association (Manchester & High Peak)
Rapleys LLP
Red Rose Forest
Redrow Homes (NW) Ltd
Rita
Road Haulage Association Ltd
Rochdale MBC, Strategic Planning Service
Royal Mail Property Group
RSPB (NW Region)
S 'Doggrell
S 'Taylor
Sale Civic Society

Sale Town Centre Partnership
Salford & Trafford Health Authority
Salford City Council
Savills
Shell Chemicals UK Ltd
Shell International Ltd
Shell UK Pipelines
Smiths Gore
South Trafford College
Sport England North West
Stella 'Millnar
Stephen 'Farndon
Stephen 'Trenchard
Steven Abbott Associates
Stewart Ross Associates
Strategic Planning Advice Ltd
Stretford Town Centre Partnership
Sue 'Nichols
Susan 'Jankin
Sustrans
T.E 'Stevenson
Targetfollow
Taylor Wimpey UK Limited
The Cedar Rest Home Ltd
The Co-operative Group Ltd
The Co-operative Property Division
The Emerson Group
The Planning Bureau Limited
The Theatres Trust
Thomas 'Hague
Timperley Civic Society
TMBC Overview and Scrutiny Committee
Trafford Healthcare NHS Trust
Trafford Housing Trust
Trafford Leisure Trust
Trafford MBC
Traveller Law Reform Project
Tribal MJP
Tung Sing Housing Association
Turley Associates
United Utilities
Urban Splash Ltd
Urmston Town Centre Partnership
V.J. 'Less

Victor 'Partridge
Viridor Waste Management
Voice of BME
Wainhomes NW Ltd
Walton & Co
Wigan MBC
Woodland Trust

**Appendix 4 – A list of attendees for the stakeholder workshop  
for affordable housing held on 15th May 2008**

<b>Group 1</b>	<b>Group 2</b>	<b>Group 3</b>
Matt Doherty - Salford Council	David Chilton - English Partnerships	Gina Bourne - Home Builders Federation
Garnet Fazackerley - Adactus	Wendy Perkins - Great Places	Patrick Kernan- Harvest Housing
Kanes, Karen - Partington Town Council	Mick Butroyd - Stockport Council	Sparkes, Dave - Macclesfield Council
Neil Hammond - Trafford Housing Trust	Neil Tatton - Pioneer	Alex Fury – Morris Homes
Louise Blair – Drivers Jonas	Mike Nicholson – Taylor Wimpey	Karen Cozens – Dunham Massey Parish Council
Euan Kellie – Turley Associates	Wally Manns – Warrington Council	Catherine Walsh – Housing Corporation
Dennis Smith - Trafford Council	Dave Pearson – Trafford Council	Alison Kite – Trafford Council
Louise Cumberland – Trafford Council	Simon Castle - Trafford Council	Lesley Franklin – Trafford Council
David Wroe – Haslam Homes	Richard Morris – Trafford Council	Chris Butt – Planning Bureau

**Appendix 5 – Consultation letters to Specific, General & Other  
consultation bodies for Scoping and Issues papers**

**Trafford Core Strategy: Supplementary Planning Documents – Scope and Issues consultation.**

I am writing to inform you about further consultation that is being undertaken on the Trafford Core Strategy.

Your views are invited on the *Supplementary Planning Documents – Scope and Issues* document. The document details the proposed structure and content of a series of Supplementary Planning Documents (SPDs) that the Council is intending to produce to support the delivery of the Trafford Core Strategy. We want your views on the issues identified and the proposed scope and content of the documents, ahead of the production of draft SPD alongside the Publication version of the Trafford Core Strategy.

The Scope and Issues document together with information relating to the Trafford Core Strategy can be viewed through the Local Development Framework page on the Trafford website ([www.trafford.gov.uk](http://www.trafford.gov.uk)).

If you wish to make comments I would be grateful if you could do so by no later than 5.00 pm on **Monday 09 November 2009** via:

On-line at: [www.trafford.gov.uk](http://www.trafford.gov.uk)  
Email to: [strategic.planning@trafford.gov.uk](mailto:strategic.planning@trafford.gov.uk)  
Post to: c/o Strategic Planning & Developments,  
1<sup>st</sup> Floor Waterside House,  
Sale Waterside,  
Sale M33 7ZF

If you do require hard copies of any of the documents, or have any further queries about the consultation, please do not hesitate to contact the LDF team on 0161 912 4475.

Yours sincerely



Dennis Smith  
Head of Strategic Planning & Housing Strategy

**Appendix 6 – Consultation letters to Specific, General & Other  
consultation bodies for Planning Obligations SPD**

Dear Sir/Madam

**Planning Obligations, Parking Standards and Design and Designing House Extensions and Alterations Supplementary Planning Documents Consultation**

I am writing to notify you about a consultation which is taking place on Trafford's draft Planning Obligations, Parking Standards and Design and Designing House Extensions and Alterations Supplementary Planning Documents.

The purpose of these SPDs is to partly update and replace the current suite of supplementary planning documents in line with the new policies set out in the Trafford Core Strategy and to set out further contributions which have not previously been required.

A copy of all the SPDs, together with copies of the technical notes and other supporting information are available to view on the Trafford website at [www.trafford.gov.uk](http://www.trafford.gov.uk) and at all Trafford libraries and at Access Trafford offices.

If you wish to make comments on this documents please do so in writing no later than 5.00pm on 18<sup>th</sup> April 2011 via:

On-line at: [www.trafford.gov.uk](http://www.trafford.gov.uk)  
Email to: [strategic.planning@trafford.gov.uk](mailto:strategic.planning@trafford.gov.uk)  
Post to: c/o Strategic Planning & Developments,  
1<sup>st</sup> Floor Waterside House,  
Sale Waterside,  
Sale M33 7ZF

If you require hard copies of any of the documents, or have any further queries about the SPDs, please do not hesitate to contact the LDF team on 0161 912 4475.

Yours sincerely



Dennis Smith  
Head of Strategic Planning & Housing Strategy

**Appendix 7 – Affordable Housing SPD Feedback from Stakeholder  
Workshop Groups - 15 May 2008**

<p>Affordable Housing Need, Targets and Tenure Mix</p>	<ul style="list-style-type: none"> <li>• Flexibility and clarity needs to be clearly articulated in the SPD</li> <li>• Other added benefits being brought to the area by other developments</li> <li>• Identifying existing communities/needs</li> <li>• Social mobility in relation to peoples need</li> <li>• It should depend on particular location of development</li> <li>• Specify %</li> </ul>
<p>Property Type, Tenure Mixes</p>	<ul style="list-style-type: none"> <li>• HNA – surplus of 1 bed properties</li> <li>• Address different needs e.g. BME</li> <li>• Sustainability – different range of property types</li> <li>• 1st time buyers/shared ownership (is shared ownership aimed at families or first time buyers?)</li> <li>• Local need and a need to accommodate a more diverse section of community e.g. not just 1 bed apartments</li> <li>• Demonstrate that properties can be adapted to respond to peoples needs</li> <li>• Look at the area and decide if there is an imbalance of certain tenure /housing need</li> <li>• 50/50 split of units needed</li> <li>• Should be flexibility (quality or quantity or both)</li> <li>• Balance (something with more need or subsidy)</li> <li>• Reduce pressure on Housing waiting list</li> </ul>
<p>Viability</p>	<ul style="list-style-type: none"> <li>• Economic Assessment</li> <li>• Three Dragons – can be manipulated</li> <li>• Developers more favourable now of Affordable Housing</li> <li>• Land owners more resisting</li> <li>• RSLs - better working with developers</li> </ul>
<p>What Other Methods Could We Use?</p>	<ul style="list-style-type: none"> <li>• Open book approach</li> <li>• Land price issue – high expectations from owners</li> </ul>
<p>Define Affordable Housing?</p>	<ul style="list-style-type: none"> <li>• Income based – more descriptive – clarity for income required</li> <li>• Assessed annually</li> <li>• Different products tailored to different areas</li> <li>• Key workers – migration out of borough because of wait and unable to afford leaving an aging population, increasing the demand for extra care</li> <li>• Commuting problems</li> </ul>
<p>Commuted Sums</p>	<ul style="list-style-type: none"> <li>• In lieu of affordable housing</li> <li>• Problem with calculation of commuted sums</li> </ul>

	<p>if developer chooses route of restricted area</p> <ul style="list-style-type: none"> <li>• Better return on capital invested</li> <li>• Percentage returns higher</li> <li>• Cross subsidy</li> </ul>
Regeneration Benefits	<ul style="list-style-type: none"> <li>• Encourage private developers to improve affordable stock</li> <li>• Encourage Housing Mix</li> <li>• Tight margin of profit in those areas would not encourage developers</li> </ul>
Should Housing Corporation standards be adopted?	<ul style="list-style-type: none"> <li>• Good standard to start with but need to be flexible Costly so may have to have fewer units</li> <li>• Biggest uncertainty regarding costs of sustainable technologies whether viable etc.</li> <li>• Macclesfield have success of using housing Corporation standard.</li> </ul>
Should named RSL influence the standards needed for particular schemes?	<ul style="list-style-type: none"> <li>• More affordable units funded through S106 than by housing grants</li> <li>• Local RSLs have local knowledge plus know management issues</li> <li>• Need to engage early can influence design and have certainty that will take over properties</li> <li>• Need to be flexible</li> </ul>
Is a rural exception policy applicable for Trafford?	<ul style="list-style-type: none"> <li>• Housing for young people needed otherwise they will move out</li> <li>• Housing should be just rented to limit stair casing</li> <li>• Macclesfield have used S106 funding as grant to RSL to buy rural housing</li> </ul>
Exceptions -What sort of information should be submitted to judge exemption for different forms of accommodation e.g. extra care housing?	<ul style="list-style-type: none"> <li>• Extra care housing</li> <li>• Category 2</li> <li>• Need range of tenure for older people this will free up family accommodation</li> <li>• Renovating historic buildings expensive making affordable units unviable</li> <li>• Concern over definition of key worker</li> </ul>

## **Affordable Housing SPD Stakeholder Workshop Preferences and Solutions Questionnaire – 15 May 2008**

### **Q1 – Should different parts of the borough be targeted for particular demand e.g. 100% affordable or lower than 40% affordable? Yes/No**

- Yes – But this will be area specific and must be linked to HSS Need/Strategies
- Yes – Areas where there are clear regeneration benefits should perhaps have a lower requirement for affordable housing.
- Yes – Not possible to state until SHMA has been undertaken which incorporates sub-area analysis
- Yes – The percentage should vary depending upon the level of need within the area that is being considered
- Yes – Given the disparity of values within Trafford the high value areas should command a higher % of affordable units
- Yes – But only if local housing market/needs can robustly justify different approach e.g. Partington/Old Trafford
- Yes – The North (Old Trafford)
- Yes – All development sites must be assessed on its own individual needs and characteristics backed up by robust data
- Yes – Higher percentages could be provided where need is greatest
- Yes
- No
- No
- No – Need SPD to be fairly specific to ensure delivery of affordable housing
- No – Demand must follow need (not market)
- No – A target should be set for the overall affordable housing requirements, the actual amount may differ from that (usually lower) dependant on a number of criteria
- No – 100% affordable would act as a disincentive to landowners/developers. Only consider 100% on publicly owned land.

### **Q2 – Should particular tenure mixes be sought in some areas? Yes/No If yes which areas and what mixes?**

- Yes – Need more involvement ‘outright sale’ in Old Trafford and Manchester discounted affordable in South Trafford, Altrincham, Hale and Bowdon
- Yes – Mono tenure areas will need alternative tenures which can be introduced through S106
- Yes – Demand again will dictate and need is providing diversity of tenure/mix/size etc plus sustainability of the area overall
- Yes – Consider having different tenure mixes where we want to change the existing tenure profile
- Yes
- Yes – Will be dependent upon findings of a SHMA
- Yes – as above – it should be based upon need as evidenced in the Housing Market Assessment
- Yes – Shared equity should be pursued in lower value areas
- Yes – Partington and other areas of high social rented accommodation – look at shared ownership at 100% level
- Yes – An assessment should be made of existing tenure, house prices etc in an area. The tenure should help create more mixed/balanced sustainable

<p>communities</p> <ul style="list-style-type: none"> <li>• Yes – Tenure mix should promote mixed communities where possible, unless there is a clear need for a specific tenure</li> <li>• Yes – Use HNS/SHMA</li> <li>• Yes – Example: Lower levels of tenures in areas where high levels (e.g. Ex LA Estates and their environs) already exist.</li> <li>• No</li> <li>• No</li> <li>• No</li> </ul>
<p><b>Q3 – Should the split between rented and shared ownership be a 50 50 split. Yes/No? If no should some areas be different, which areas and what splits?</b></p> <ul style="list-style-type: none"> <li>• Yes</li> <li>• Yes</li> <li>• Yes – Where possible, but recognise that rented units require greater subsidy, so at times s/o units will be preferred for viability</li> <li>• Yes – As a starting point yes as this reflects the need. However need scope for this to be altered</li> <li>• See Question 2</li> <li>• No – Demand/Housing Need strategies and market demand should be used to assist in defying split</li> <li>• No – Tenure split should be based on findings of an SHMA (example 6.3 in particular). Splits should be based upon findings of a SHMA which incorporates sub-area analysis</li> <li>• No – The split should depend on a number of factors including HMA need, scheme viability and nature</li> <li>• No – The split should reflect the balance of tenures within that particular area</li> <li>• No – The split should be based on need in specific areas but with a bias towards developing shared ownership</li> <li>• No – 80 -20 – rural areas</li> <li>• No – It would be too crude to apply this model across all sites as response for question 1 – detailed assessments and negotiations are critical.</li> <li>• No – Ratio should ideally arise from identified needs</li> <li>• No</li> <li>• A flexible approach could be required to respond to specific needs</li> </ul>
<p><b>Q4 – Do you have a preferred method to calculate and appraise viability? Yes/No? If yes what should this be?</b></p> <ul style="list-style-type: none"> <li>• Yes – Positive net present value and payback within 30 years</li> <li>• Yes - Housing Corporation toolkit</li> <li>• Current viability tools (i.e. Econ Assessment Tool) are easy to complete but data can be altered to suit outcome required!!</li> <li>• Yes – Open book policy – where developers profit margin is clearly shown</li> <li>• Yes Open book – though confidentiality issues (commercial issues/FOIA) should be a consideration when progressing this method</li> <li>• Open book approach examined by chartered surveyor at council. If there continues to be dispute an independent part should be appointed</li> <li>• Straightforward residual valuation with land value as an output based on specified minimum return on GDV e.g. 15% or alternative based on local experience</li> <li>• No – A transparent and ‘watertight’ system is required. Given the openness of many current tools (EAT, 3 Dragons etc) perhaps an independent</li> </ul>

consultant should be employed at the developers cost

- No
- No
- No
- No – Although it must be fair and equitable whilst being met at minimal cost to all parties. This could otherwise be an opportunity for consultants to abuse
- No – Whatever method is used there will always be an element of negotiation in the process
- No – But policy should be informed by assessment of economic viability and available subsidy (public or developer contributions) Para 29 PPS3

**Q5 - Do you have a preferred methods to calculate commuted sums? Yes/No? If yes what is it and should a Trafford average be calculated or a different rate for different areas e.g. Regeneration areas?**

- Yes – Guided by Housing Corporation average grant rates.
- Yes – Please see the Stockport SPG on Affordable Housing
- Yes – Rate should be the same as if the AH were to be provided on-site i.e. the Housing Corporation Model (1) No are commuted (2) With AH Sum = 1 - 2
- Yes – Same rate – should be equivalent cost to the developer as if on site
- Yes - Calculate cross-subsidy required to meet target provision on-site. On costs for other sites = disincentive
- Yes – 30% of developed OMU \*Totalled up\*
- Use subsidy figures which could be required to provide units on site as basis for calculation
- In line with PPS5, commuted sums should be equivalent in value to the provision had it been made on site. They should only be required when off-site provision can be robustly justified.
- If this is calculated on overall scheme costs/values, then a different rate for different areas is appropriate.
- No
- No
- No – Some guidelines are important but again a case by case scenario is required
- No – A different rate for different areas

**Q6 – Definition of Affordable Housing – At present use 3 x average earnings. Are there other criteria that should be brought in or should developers negotiate with RSL over value of individual schemes?**

- Negotiate each scheme as demand and mixed tenure is important
- Housing Corporation target rents should play a part alongside average earnings/mortgage costs
- Agree that average income x 3 is reasonable method. Should consider if average income data collected from local residents or those employed in area as this will provide different results.
- For intermediate housing 3 x average earnings should form the basis of negotiations. For rented schemes, S106 agreements should stipulate rent levels required, allowing developers to negotiate subsequently with RSLs
- Flexible approach encouraged, depending upon local circumstances – local RSLs may well have an input.
- RSLs would prefer to negotiate, although 3 x earnings is the starting point.
- As long as income data is up to date then the present system is considered accurate

- It may be necessary in areas with more expensive land costs
- 3 x household and 3.5 x individual income – should though be room to negotiate
- Unless there are regular published sources of household income, 3 x average incomes is clear and unambiguous indicator to use this as basis for negotiations
- Variable for the different tenures
- Developers to utilise existing relationships etc to drive forward a deliverable product with RSLs
- Local disparities should be a consideration, lower income households could be further polarized.

**Q7 – Should Housing Corporation Development standards be adopted?**

**Yes/No?**

- Yes
- Yes
- Yes – Include code for sustainable homes Level 3 as minimum
- Yes
- Yes
- Yes
- Yes
- Yes
- Yes
- Yes – but flexible
- Yes
- Yes
- No – Only in instances where Housing corporation funding is also involved.
- No – Good starting point but need flexibility
- No only where Housing Corporation funding is used
- No – not possible on all developments. Increasing quality demand may see developers walk away

**Should it be a development requirement to have schemes linked to an RSL and to what extent should the RSL influence design, tenure mix and location of units? Yes/No**

- Yes - Given much more robust than developer specification
- Yes – Currently don't think that LA's have the powers to require RSL involvement but it can be a preference.
- Yes – But influence could need to be substantiated by planning process particularly re-location and design. Also RSL ability to manage completed scheme.
- Yes – This seems to be the only way to drive standards up and make affordable homes liveable for the long term.
- Yes – current system of relationships between developers and RSLs as sufficient
- Yes – It is also important to consider other appropriate national standards/guidance (e.g. Lifetime Homes)
- Yes – This is essential to achieve sustainable developments. RSLs can address housing need and tenure issues and long term management
- No – Government policy encourages a 'mixed economy' of providers, both registered and un-registered. Management can be controlled adequately through the provisions of a S106 agreement, irrespective of the status of the

<p>body managing the affordable housing.</p> <ul style="list-style-type: none"> <li>• No – Encourage engagement with RSLs but it should not be a requirement</li> <li>• No – RSLs should be involved at an early stage but scheme design and mix should ultimately rest with the developer.</li> <li>• Negotiation</li> <li>• No – Important for RSL to be involved at an early stage however cannot specify RSL have to be used – developers have own affordable housing schemes</li> <li>• No</li> </ul>
<p><b>Q8 – Should the SPD set out criteria for site size, density and suitability? Yes/No</b></p> <ul style="list-style-type: none"> <li>• Yes – as a guide in relation to the average</li> <li>• Yes</li> <li>• Yes</li> <li>• Yes</li> <li>• Yes – But subject to building constraints</li> <li>• Yes</li> <li>• Yes</li> <li>• Depends upon overall need/supply ratio – if needs aren't being met all sites within national threshold should be targeted.</li> <li>• No – Should be a matter for determination as part of every individual planning application, based on specifics of scheme design.</li> <li>• No – Flexibility required depending on individual circumstances</li> <li>• No</li> <li>• No – Prefer a simpler system</li> <li>• No – This is a more of a wider issue not specific to affordable housing</li> <li>• No</li> </ul>
<p><b>Q9 – Is a rural exceptions policy applicable to Trafford? Yes/No</b></p> <ul style="list-style-type: none"> <li>• Yes</li> <li>• Yes</li> <li>• Yes</li> <li>• No</li> <li>• No comment</li> <li>• Is the rural area sufficiently large that households in need can not resolve their situation by moving a short distance to the urban area?</li> <li>• No strong feeling but GB boundary is tight and strict control is needed</li> <li>• No</li> <li>• No</li> <li>• No – Not convinced that rural settlements are sufficiently remote or large enough to suggest their housing needs cannot be met by borough wide approach</li> <li>• No – There is a need for affordable rented accommodation in Dunham Massey and Warburton linked to the wages paid to agricultural workers and the retail trade</li> <li>• No – not necessary</li> <li>• Don't know enough about the area – but Government seems to favour a positive approach to rural exceptions schemes and Housing Corporation is currently looking to meet enhanced rural completions targets, so there is a bidding opportunity to consider.</li> </ul>
<p><b>Q10 – What sort of information should be submitted to judge exceptions for</b></p>

**different forms of accommodation?**

- Business care and evidence of demand
- Local housing mix – ie if area of high social housing maybe need for low cost homes and thus alter tenure types available
- Do not understand the question!
- Extra Care and Category II Sheltered Schemes for the elderly should be exempt i.e. they meet particular identified needs for the local elderly population
- A supporting statement (similar to a planning application design statement) detailing exceptions and reasons why e.g. HNA
- Independent appraisal by 3<sup>rd</sup> party
- Information which explains how the developer has responded to need outside the criteria/need in the SPD
- Local need
- Depends what the exceptions are
- Self assessment pro forma (see report – Macclesfield Cabinet 20.05 08)
- Properly researched evidence of need for the specialist accommodation on offer and supporting statements from Housing/Social Care/PCT providers
- Where a development will be meeting a particular need (e.g. Extra Care)

**Q11 – Do you think the workshop has been useful? Yes/No What improvements would you suggest?**

- Yes – A bit more time availability
- Yes – Closer adherence to Para 29 PPS in development of LDDs
- Yes – Workshops too close together. Could have been better in separate areas
- Yes – further detailed consultation would ensure a good result
- Yes – Possibly ask delegates to bring examples of best practice for relevant workshops
- Yes

**Q12 – Have you been satisfied with the quality of the venue and presentation?**

- Yes - both
- Yes – both
- Yes - both
- Yes – both
- Yes - both
- Yes – both – very interesting and informative
- Yes - Presentation

- No - Venue
- No - Venue – You have been hamstrung by room size, shape and furniture – Waterside Arts Centre next time?
- Yes both

**Appendix 8 – A summary of the responses received to the  
Scope and Issues consultation of the SPDs prepared to  
support the Core Strategy, carried out in 2009**

## Planning Obligations SPD

PersonID	CommentsID	SummaryOfRep	CouncilResponse
1018	107	In relation to when obligations will be sought. It is considered that the scope should consider if a different formula should be applied when homes are being built for predominantly affordable housing by a social housing provider. Often schemes that are being built for rent do not return a profit over a long period of time and section 106 contributions add to the problems of getting a scheme agreed especially at a time when the current grant regime is under great scrutiny and likely to be reduced in the future.	The SPD now proposes that affordable housing by Registered Social Landlords is exempt from any planning obligations.
1026	188	<p>The problem with the SPD Scopes and Issues report is that it duplicates much of what is already contained within the Draft Core Strategy in so far as Planning Obligations are covered by Policy L8; Climate Change by Policy L5; Design by Policy L7; Open Space, Recreation and Green Infrastructure by Policies R2, R3 and R5; and Affordable Housing by Policy L2.</p> <p>The need for SPD's on these matters at this time must therefore be questioned when the Core Strategy which already has references to the majority of the topics set out in the report has yet to be tested at Examination and the Government has indicated that the Community Infrastructure Levy will be introduced in April 2010 superceding much of the content of the Planning Obligation and other SPD's contained in the Scope and Issues Report. Where is the supporting Local Infrastructure Plan?</p>	Comments noted. Planning Obligations SPD has been drafted to complement and support all of these Core Strategy policies.
1026	194	<ul style="list-style-type: none"> <li>- Will be superceded by CIL</li> <li>- To succeed it will have to relate to an up to date, costed and programmed infrastructure plan</li> <li>- Flexibility must be built in</li> <li>- Clarity and transparency will be fundamental as will the ability to pool contributions</li> <li>- If a site is not viable then either the development will not proceed and/or it will not be possible to obtain any planning obligations</li> <li>- It will not be acceptable for the Council to 'establish an acceptable level of developer profit'.</li> <li>- Any mechanism for 'overage clauses' will need to be carefully thought through and should also include the ability for 'clawback' of contributions when these are not spent within the agreed timescales.</li> </ul>	Revised SPD is considered to be flexible and based on robust evidence about infrastructure, etc. It deals clearly and fairly with pooling contributions, viability, overage, etc.

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1035	110	<p>An SPD is an appropriate document in which to expand on the Planning Obligations policy in the Core Strategy which should provide more detailed definitions of the matters for which obligations will be sought and set out the requirement for development to deal with its impact on infrastructure, services, resources and amenities.</p> <p>It is noted that the document will contain specific contributions for community facilities (page 4 item 5) but request that a definition of this term is included for clarity. This term is used in many planning policy documents and its definition is usually not clear. For clarity and greater certainty of intended outcomes and so that guidelines are clear and consistent we recommend a description for this term as: community facilities provide for the health, welfare, social, educational, spiritual, leisure and cultural needs of the community.</p> <p>It is important that cultural facilities are identified as we are concerned and wish to be assured that buildings for theatre and the performance arts will benefit appropriately under the terms of the S106 agreements. Section 106 has significantly benefited the provision of cultural facilities and should continue to be used in this way.</p> <p>There are many important examples of theatre buildings that have been protected or directly benefited from developer contributions that secured replacement/substitution. These include the Aylesbury Theatre - a new 300 seat theatre provided by the sale of residential properties on another site, and the Mayflower Theatre in Southampton which has substantial signage and landscape enhancements provided by S106 from adjoining development.</p>	Comments noted.
1035	114	<p>It is recommended that the Social Infrastructure and Developer Contributions to Highway and Public Transport Schemes be merged with the Planning Obligations SPD as we do not see any advantage of having separate documents.</p>	Agree. This has now been carried out.
1037	147	<p>We would want to see obligations that broadly secure conservation and enhancement of the natural environment (including towns and cities); and public access and enjoyment of it. This includes conservation and enhancement of landscapes and townscapes, biodiversity and geodiversity, access and recreation to green spaces, green infrastructure, cleaning maintenance and security of public open spaces, sustainable design and construction; and sustainable transport.</p>	Comments noted. Planning Obligations SPD covers these areas.

1045	243	<p>At the outset it is important to note that the Councils overall approach to securing planning obligations is required to adhere to principles set out within Circular 05/05. This establishes the principle that contributions are 'intended to make acceptable development which would otherwise be unacceptable in planning terms.'</p> <p>However the report is unclear on the overall approach to be taken to the planning obligations process. Within the Planning Obligations SPD section of the report, reference is made to the use of standard formulae to calculate the level of contribution required from developers towards affordable housing, open space and recreation, green infrastructure, highway and public transport schemes, community facilities, public art, public realm and climate change.</p> <p>In contrast in the following sections of the report, it is implied that a more bespoke approach will be taken whereby the level of contribution is calculated on a case-by-case basis having regard to individual circumstances such as the developments location. For example the section on the Open Space and Recreation SPD confirms that the role of the SPD will be to identify areas of deficiency in facilities to enable those areas where contributions will be sought to be established. This appears to be at odds with the standardised approach that the earlier section of the report would seem to advocate. The proposed approach requires further clarification at this stage. This should be provided through the draft SPD.</p> <p>Notwithstanding this uncertainty, our client is supportive of the latter approach whereby contributions are calculated on a bespoke basis, avoiding the use of formulae generically applied across the Borough. It is considered that the use of standard formulae which does not take full account of individual circumstances, including the need for a contribution to make good the development, is not consistent with the principles set out in Circular 05/05. Whilst the aim of the SPDs to provide certainty regarding planning obligations expectations is supported, it is recommended that the SPDs are sufficiently flexible to enable individual circumstances to be taken into account in accordance with Circular 05/05.</p>	<p>Comments noted. The planning obligations SPD is focused on mitigating the impact of development.</p>
1045	245	<p>The section of the report on the Planning Obligations SPD states that this SPD will define geographical variations in relation to economic viability. Whilst viability will vary across the Borough according to prevailing market conditions, viability is affected by a number of variables beyond geographic location , including site conditions for example. The SPD should therefore be clear that geographical location is only one consideration and whilst forming a potential starting point in considering viability, should be considered alongside other factors.</p>	<p>Comments noted. Variations in geographical viability have been determined by looking at a variety of factors. The SPD allows for viability to be considered in negotiations on the level of contributions required for individual proposals, which will look at a variety of factors.</p>

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1045	247	<p>The proposed content of the planning Obligations SPD states that this SPD will establish a mechanism for imposing overage clauses. Whilst overage may be used to secure uplift in planning contributions, this should only be used in exceptional circumstances. It is expected that these instances would be limited to those where the developer has realised a significantly greater profit from the development to that originally anticipated, and where a reduced or no contribution was originally considered to be required due to viability issues.</p>	<p>Comments noted. The Planning Obligations provides guidance on a fair and transparent approach to overage.</p>
1045	249	<p>The report is unclear whether and how the Council intend to impose the proposed Community Infrastructure Levy (CIL) charge upon developers, and how this may operate alongside the continued requirement for other contributions. The CIL will change the way in which financial sums, required to address the impacts of the Development Plan, are calculated and spent. It will be important to ensure that where CIL is charged, the requirement for additional planning obligations is reconsidered and duplication of costs to the developer is avoided. It is recommended that further clarification as to whether and how the SPDs will be reviewed once the CIL comes into effect is provided within the Draft Planning Obligations SPD to provide developers with a clearer understanding of the Councils future approach.</p>	<p>Comments noted. The Council has commenced the preparation of a CIL for Trafford. As part of this, the relationship between CIL and planning obligations will be carefully considered. It is anticipated that the Planning Obligations SPD will be largely replaced by CIL and it will be substantially revised when CIL comes into force so that it complements and does not repeat what is in the Trafford CIL.</p>
1047	150	<p>The Planning Obligations SPD will provide guidance on the use of standard formulae for calculating developer contributions towards the provision of facilities covered in some of the other SPDs. These include affordable housing, recreational and health facilities, green infrastructure, highway improvements and public transport.</p> <p>The issue needs to be considered in the context of the Governments intention to implement provisions within the 2008 Planning Act to introduce the Community Infrastructure Levy (CIL) in April 2010. Whilst CIL will not be mandatory, the recent DCLG consultation on detailed proposals and draft regulations (July 2009) indicates that the scope of section 106 would be scaled back. Its use would be limited to mitigating the direct impacts of development and the provision of affordable housing. This would appear to preclude a general tariff-based contribution as a means of securing infrastructure to meet wider needs.</p> <p>The CIL proposals emphasise the need to consider impacts on the viability of development when setting charges. It is noted that financial viability is one of the topic areas proposed for inclusion within the SPD. SPDs are not subject to independent examination (whereas CIL would be). It is therefore essential that any tariff-based contributions are transparent and subject to detailed consultation with the development industry.</p> <p>Clearly it will be for the Council to decide whether to implement CIL or to continue with a</p>	<p>Comments noted.</p>

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		sections 106 based approach. However in view of the impending introduction of CIL it is suggested that it might be useful to seek further advice from GONW to avoid any potentially abortive work being carried out on some of these SPDs.	
1051	165	Whilst section 5 sets out particular situations where contributions will potentially be sought it is noted that under iv) on page 3 that there may be other circumstances in which contributions will be required, i.e. Section 5 is not all-embracing. It is considered that this overall approach is sensible and pragmatic, accordingly it is supported.	Support noted.
1072	124	<p>The opportunity for respondents to fully engage with the questions posed in the consultation document is constrained by uncertainties on a number of fronts.</p> <p>The Local Development Scheme (LDS) approved in March 2009 specified that 'a future review of the LDS will need to include' SPDs relating to</p> <ol style="list-style-type: none"> <li>1. Accessible, Integrated Sustainable Transport</li> <li>2. Car and Other Vehicle Parking Standards</li> <li>3. Community Infrastructure Levy</li> <li>4. Planning Obligations</li> <li>5. Renewable Energy/Sustainability</li> </ol> <p>The current consultation document provides scoping details for SPDs 2 and 4 but not 1,3 or 5. What is the status of SPDs 1,3 and 5 as featured in the March 2009 LDS? There is concern that a Planning Obligations SPD - described as an 'overarching' SPD in the consultation document, cannot be comprehensive and 'overarching' if there are further SPDs which will be prepared in addition to those listed in the consultation document.</p>	<p>At the time that the LDS was approved (March 2009), the Council was required to identify within its LDS any potential future Local Development Documents that the Council may wish to produce over the coming years, including SPDs. It must be noted, however that this position has now changed and current guidance is such that LPAs are no longer required to signal the production of SPDs within their LDS. Therefore future versions of the LDS will not include SPDs, and SPDs that have not previously been identified with an LDS may come forward.</p> <p>It is confirmed that SPDs 1 and 5, as set out in the March 2009 LDS, have been subsumed into the relevant SPDs within the Scope and Issues report. In terms of SPD3, the Council has yet to make a final decision in relation to the Community Infrastructure Levy (CIL), however as indicated in draft Policy L8 of the Core Strategy Further Consultation on the Preferred Option (June 2009), the Council will give consideration to the possibility of the CIL replacing some obligations in due course. At such time, consideration will be given as to what additional guidance will be</p>

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			required and this would be subject to appropriate public consultation.
1072	127	Based on the LDS, it would appear that Trafford BC will seek to pursue developer contributions under the new powers afforded by imminent legislation (and associated regulations) on Community Infrastructure Levy (CIL). The CIL is designed to fund infrastructure similar to many of the "matters" described in section 5 of the proposed overarching "Planning Obligations SPD", the implication is that the Planning Obligations SPD under preparation is intended to be integrated with CIL, is this so, or will the Planning Obligations SPD be produced independently of CIL?	In terms of SPD3, the Council has yet to make a final decision in relation to the Community Infrastructure Levy (CIL), however as indicated in draft Policy L8 of the Core Strategy Further Consultation on the Preferred Option (June 2009), the Council will give consideration to the possibility of the CIL replacing some obligations in due course. At such time, consideration will be given as to what additional guidance will be required and this would be subject to appropriate public consultation.
1072	129	The relationship between the "Planning Obligations SPD" and the others which involve contributions is very unclear. That for open space and recreation for example includes methods to determine contributions and a spreadsheet calculator for financial contributions, as do other SPDs. There is a risk of great confusion and overlap between the different SPDs. We suggest that all the issues relating to calculating contributions should be covered by the "overarching" "Planning Obligations SPD".	The proposed revised Planning Obligations SPD sets out a clear framework which covers all these elements.
1072	131	Public Realm and Public Art are the only two "matters" (listed in section 5 of the scope) to be treated exclusively within the "Planning Obligations" SPD and not covered by a separate SPD. It is questioned what distinguishes these matters from the others, upon which the consultation document provides scoping for "individual" SPDs.	Public realm contributions are incorporated in the Highways contribution of the proposed revised SPD. Public art is part of the negotiated element.
1072	132	Climate Change is a matter upon which the "Planning Obligations SPD" will provide guidance on contributions. It is explicitly considered in the "Consideration of Climate Change in the Design and Construction of Developments and the Public Realm" SPD. However the scoping for several of the SPDs (such as "Developer Contributions to Highway and Public Transport Schemes" and "Green Infrastructure") excludes any mention of climate change despite the emphasis in national planning policy statements on the contribution of public transport and green infrastructure in addressing the climate change agenda.	Sustainability linked to mitigating climate changes is integrated across the proposed revised SPD.

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1073	232	<p>The intentions of the proposed Planning Obligations SPD are acknowledged as it will be important to secure contributions and infrastructure via the planning process. This SPD is even more prevalent when taking into account the large scale development aspirations emerging through the Core Strategy, which should provide significant contributions. However section 106 agreements do not extend to Government departments and as such the Agency cannot be party to such agreements.</p> <p>(Reference to DfT Circular 02/2007 regarding highways agreements between developers and highway authorities made under Section 278 of the Highways Act 1980.)</p> <p>The Agency will work with developers throughout the pre application phases of emerging development schemes to ensure appropriate mitigation and infrastructure can be secured, and welcome the intention for a SPD within Trafford which should clearly set out what level of contributions and associated infrastructure are to be sought. In addition, the aspiration to cover 'highways infrastructure public transport' schemes within this SPD, as public transport schemes and infrastructure will be needed to ensure emerging development sites within Trafford come forward as sustainably as possible. It is appreciated that this SPD is only at the scoping stage at present, and the Agency will provide more detailed comments and analysis upon publication of the draft SPD.</p>	Comments / support noted.
1093	151	<p>RSS has no specific policy on this but may have some relevance, for example Policy DP4 - Making the Best Use of Existing Resources and Infrastructure, L1 Health, Sport, Recreation, Cultural and Education Services Provision, L5 Affordable Housing and EM1 Integrated Enhancement and Protection of the Regions Environmental Assets.</p>	Comments noted.
1150	104	<p>Objective (i) sounds as if it would allow a developer to "buy off" the planning process by offering enough of a "sweetener" to achieve a scheme which might not be good for its planned location.</p> <p>Objective (iv) sounds as if it is opening the door to not applying planning rules fully or consistently.</p>	Comments noted. The Planning Obligations SPD seeks to mitigate the impact of each development as much as possible in order to make the development acceptable in planning terms.
1152	113	<p>Support is given to the aim of the Planning Obligations SPD which states: "The intention is to provide a fair, transparent and predictable basis for negotiating planning obligations." It is important to bear this aim in mind when the Council are preparing the various planning obligation SPDs in order to provide developers with clarity as to when a contribution is likely to be sought, and how much that contribution is likely to be.</p>	Support noted.

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		<p>In line with Circular 05/2005 the SPDs should be mindful of the five key tests; all of which must be met in order for a planning obligation to be sought. In short a Planning Obligation must be:</p> <ul style="list-style-type: none"> <li>- Relevant to planning;</li> <li>- Necessary to make the proposed development acceptable in planning terms;</li> <li>- Directly related to the proposed development;</li> </ul> <p>Fairly and reasonable related in scale and kind to the proposed development; and</p> <ul style="list-style-type: none"> <li>- Reasonable in all other aspects.</li> </ul> <p>When the draft SPDs are published for consultation it would be helpful to understand the Councils approach to CIL in respect of the implementation of the SPDs i.e. will it be a temporary measure until CIL is implemented, or will it be used for a longer term should CIL not be embraced by the Council.</p>	
1152	114	<p>In respect of viability, it is important that the SPDs reflect Circular 05/2005 which recognises that in certain cases it may not be feasible for a proposed development to meet all the requirements set out in local, regional and national planning policy, and still be economically viable. Furthermore the requirements of the SPDs must be applied on a site by site basis as there may be abnormal costs associated with certain sites. For example a heavily contaminated brownfield site may incur significant remediation costs in order to allow a development to come forward. Similarly, in terms of developer contributions towards highway and public transport needs, it is essential that such contributions are determined on an individual site basis, utilising information contained with Transport Assessments.</p> <p>The policy wording on which requirements are sought must not be overly rigid or prescriptive; it must be sufficiently flexible to allow developers to negotiate with the LPA over contributions on a site by site basis.</p>	<p>Comments noted. Arrangements to deal with development viability are clearly set out in the proposed revised SPD.</p>
1152	118	<p>In terms of affordable housing, PPS3 requires Local Planning Authorities (LPA) to use information from an up to date Housing Market Assessment (HMA) to set both the amount and size of the affordable housing requirement. On this basis the LPA must use a HMA as the evidence base for any affordable housing requirement. In any event the LPA must remain flexible in their approach to affordable housing requirements not only in respect of amount and size but in terms of viability in accordance with Circular 05/2005.</p> <p>It is important that this representation is reflected in the draft SPDs when they are published for public consultation in 2010, in order to ensure the documents are capable of meeting their aim</p>	<p>The affordable housing contribution is based on an up to date viability study.</p>

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		of providing developers with a transparent and predictable process for calculating planning obligations.	
1182	102	Agree with the initial statement to promote 'sustainable development providing social, economic and environmental benefits'. However it is considered that there should be an additional key principle 'Guidance for evaluating the impact of a development with regard to sustainability'.	Comments noted. The integrated nature of the proposed revised SPD enables full regard to sustainability. The SPD is based on Core Strategy policies which have been adequately assessed in sustainability terms.
1183	102	The aim of the Planning Obligations SPD is supported, which intends to provide 'a fair, transparent and predictable basis for negotiating planning obligations'. This should be considered by the Council when preparing the Planning Obligations SPDs to provide developers with clarity as to the requirements that are likely to be necessary to make a development acceptable which would otherwise be unacceptable in planning terms. However it must be recognised that there may be instances where it is possible to make development proposals acceptable, which otherwise might be unacceptable, through the use of planning conditions. As prescribed in Circular 05/2005 paragraph B2, only where it is not possible to use planning conditions should planning obligations be imposed.	Comments noted. The proposed revised SPD reflects the guidance in Circular 05/05.
1183	103	In terms of the requirements of the Planning Obligations SPDs, these should be applied with a degree of flexibility and determined on a site by site basis. For example there could already be extra costs associated with bringing a site forward such as costly remediation works which when coupled with demanding Planning Obligations could hinder a schemes viability and prevent the site from coming forward for development. The SPDs should therefore have consideration towards Circular 05/2005 which recognises that in certain cases it might not be feasible for a proposed development to meet all the requirements set out in local, regional and national planning policy, and still be economically viable. It is therefore recommended that Planning Obligation requirements are not onerous and are considered on a site by site basis taking into account specific site circumstances. Establishing the development threshold principles should also allow for flexibility. For example, Planning Policy Statement 3 (PPS3) (2006) states that Local Authorities should consider information from an up to date Housing Market Assessment when determining both the size and amount of affordable housing requirements.	The proposed revised SPD is flexible in terms of development viability.

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1183	104	<p>There should be some flexibility as to how developers should meet these Planning Obligation requirements. For example in the case of affordable housing, applicants, landowners and developers should be able to make a contribution, either on site or in other ways to meeting the requirement. Paragraph 29 of PPS3 demonstrates that where it can be robustly justified, off site provision or a financial contribution in lieu of on site provision (of broadly equivalent value) may be acceptable as long as the agreed approach contributes to the creation of mixed communities in the local area. This flexibility in meeting the requirements should not just apply to affordable housing and should be considered during the preparation of all SPDs requiring developer contributions, providing an option for meeting the requirement either off site or in the form of a financial contribution.</p>	<p>The proposed revised SPD is considered to be flexible in terms of contributing to affordable housing.</p>
1183	105	<p>It is recommended that when the draft SPDs are issued for consultation further details are also provided on the Councils approach to the Community Infrastructure Levy (CIL). It will be important to understand whether these planning obligations are to act as an interim measure until CIL is implemented, or are the Council opting out of embracing CIL and therefore the SPDs will have a longer life span?</p>	<p>Policy L8 of the Core Strategy has been through Examination and has been accepted by the Inspector as an appropriate mechanism for collecting Planning obligations. This policy details the use of a Trafford Developer Contribution (TDC). Therefore it is entirely appropriate to produce this SPD to support the implementation of the Core Strategy policies.                  It should be noted however that Policy L8 also assumes the introduction of CIL in Trafford and the Council has started preparing a CIL.</p>

Affordable Housing

PersonID	CommentsID	SummaryOfRep	CouncilResponse
1018	108	Under the Affordable Housing SPD, forms of affordable housing, this only mentions 2 areas when in reality there are now a number of products available including rent to home buy and near market rent.	The proposed revised SPD includes a range of affordable housing types.
1018	112	In relation to when obligations will be sought. It is considered that the scope should consider if a different formula should be applied when homes are being built for predominantly affordable housing by a social housing provider. Often schemes that are being built for rent do not return a profit over a long period of time and section 106 contributions add to the problems of getting a scheme agreed especially at a time when the current grant regime is under great scrutiny and likely to be reduced in the future.	Affordable housing by RSLs is exempt from contributions.
1026	193	The problem with the SPD Scopes and Issues report is that it duplicates much of what is already contained within the Draft Core Strategy in so far as Planning Obligations are covered by Policy L8; Climate Change by Policy L5; Design by Policy L7; Open Space, Recreation and Green Infrastructure by Policies R2, R3 and R5; and Affordable Housing by Policy L2.  The need for SPD's on these matters at this time must therefore be questioned when the Core Strategy which already has references to the majority of the topics set out in the report has yet to be tested at Examination and the Government has indicated that the Community Infrastructure Levy will be introduced in April 2010 superceding much of the content of the Planning Obligation and other SPD's contained in the Scope and Issues Report. Where is the supporting Local Infrastrucure Plan?	This has been resolved by producing a single planning obligations SPD.
1026	195	<ul style="list-style-type: none"> <li>- Any SPD should include an agreed and transparent test for viability</li> <li>- There will need to be regular published reviews of 'the needs across the Borough'.</li> <li>- Clarity and transparency will be paramount particularly in relation to any off site or pooled provision</li> <li>- CIL may impact upon the Councils proposals</li> <li>- How do the Council propose to secure long term mixed sustainable communities?</li> </ul>	The Planning Obligations SPD provides a fair, flexible and transparant system for dealing with developer contributions.
1045	246	The section of the report on the Planning Obligations SPD states that this SPD will define geographical variations in relation to economic viability. Whilst viability will vary across the Borough according to prevailing market conditions, viability is affected by a	The SPD allows for a full assessment of viability in relation to each individual proposal.

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		number of variables beyond geographic location , including site conditions for example. The SPD should therefore be clear that geographical location is only one consideration and whilst forming a potential starting point in considering viability, should be considered alongside other factors.	
1045	248	The proposed content of the planning Obligations SPD states that this SPD will establish a mechanism for imposing overage clauses. Whilst overage may be used to secure uplift in planning contributions, this should only be used in exceptional circumstances. It is expected that these instances would be limited to those where the developer has realised a significantly greater profit from the development to that originally anticipated, and where a reduced or no contribution was originally considered to be required due to viability issues.	The Planning Obligations SPD allows for a transparent approach to dealing with overage.
1073	233	The Agency are keen to see sustainable sites being developed; that provide good access to key services and places of employment and leisure, as well as being accessible by public transport, cycling and walking routes. By developing these sites, this should reduce the need to make trips via private car. In addition, and in line with Government policy, the Agency would prefer new housing to be proposed on brownfield/previously developed sites rather than on greenfield sites. In order to establish suitable sites the Agency is happy to input into the emerging SPD to ensure that the sites proposed are ones that minimise the impact at the SRN. The Agency has previously commented on the Trafford SHLAA, and as such would expect the Affordable Housing SPD to be consistent with the SHLAA.	Comments noted.
1093	150	Policy L4 Regional Housing Provision sets out the range of actions local authorities need to take with regard to housing provision. L5 Affordable Housing sets out a range of potential delivery mechanisms for securing affordable housing.	Comments noted.
1111	102	Given the ageing population in the Borough and the efforts being made to promote health and well being in order that more are able to stay in their own homes. It is expected that there would be a "lifetime homes" option to be promoted to prospective developers. There is a great shortage of care home facilities in the borough and the next 25-30 years will see longevity increase even more. Lifetime homes standards (Rowntree) need not be much more expensive if designs are well thought out and developments are not using "off the shelf" designs so widespread in many projects. Features built in at the construction stage are much cheaper than the disruptive work of adaptation in later years. What is the Council doing in actively seeking developers, or are developers just standing in line just waiting to build in the borough? The answer to that question will undoubtedly influence any decision on a lifetime homes strategy	Comments noted. These kind of adaptations are beyond the scope of the Planning Obligations SPD. However, the principle of this approach is contained within Core Strategy policy L7.

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		for homes, whether social or private.	
1150	105	Content section 10: Regarding "Registered Social Landlords", there needs to be proper safeguards in place to properly protect tenants and the public money put into social housing schemes.	Comments noted.
1152	115	<p>In respect of viability, it is important that the SPDs reflect Circular 05/2005 which recognises that in certain cases it may not be feasible for a proposed development to meet all the requirements set out in local, regional and national planning policy, and still be economically viable. Furthermore the requirements of the SPDs must be applied on a site by site basis as there may be abnormal costs associated with certain sites. For example a heavily contaminated brownfield site may incur significant remediation costs in order to allow a development to come forward. Similarly, in terms of developer contributions towards highway and public transport needs, it is essential that such contributions are determined on an individual site basis, utilising information contained with Transport Assessments.</p> <p>The policy wording on which requirements are sought must not be overly rigid or prescriptive; it must be sufficiently flexible to allow developers to negotiate with the LPA over contributions on a site by site basis.</p>	The Planning Obligations SPD allows for a full consideration of the viability of individual proposals.
1152	117	<p>In terms of affordable housing, PPS3 requires Local Planning Authorities (LPA) to use information from an up to date Housing Market Assessment (HMA) to set both the amount and size of the affordable housing requirement. On this basis the LPA must use a HMA as the evidence base for any affordable housing requirement. In any event the LPA must remain flexible in their approach to affordable housing requirements not only in respect of amount and size but in terms of viability in accordance with Circular 05/2005.</p> <p>It is important that this representation is reflected in the draft SPDs when they are published for public consultation in 2010, in order to ensure the documents are capable of meeting their aim of providing developers with a transparent and predictable process for calculating planning obligations.</p>	The Planning Obligations SPD is based on up to date evidence.
1182	103	The reference to the Code for Sustainable Homes is welcome here. Obviously there is also reference to 'geographical variations' and 'siting' which ought to provide a way to provide policies so as to reduce reliance on the private car.	Comments noted.
1184	101	Given that Trafford MBC have committed to ambitious housing growth targets as part of the AGMA New Growth Point, it is felt that it may be appropriate to consider an	Comments noted. The Planning Obligations SPD, in combination with Core Strategy policies L1, L2 and L7 in

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	<p>alternative approach to the affordable housing guidance. I would suggest developing an alternative SPD, 'Enabling Housing Growth'. This could incorporate the proposed content of the Affordable Housing SPD, and also cover other areas such as housing design standards, quality neighbourhoods, and what a developer must provide as part of their planning application. However, it may also be possible to develop some of the proposed content of the Affordable Housing SPD if this is considered more appropriate.</p>	<p>particular, will enable the approach towards housing growth recommended by the HCA.</p>
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**Developer Contributions to Highways and Public Transport SPD**

PersonID	CommentsID	SummaryOfRep	CouncilResponse
1026	199	- These potentially could involve significant funds but there is no local infrastructure plan - How sustainable is the building of major new roads? - Schemes should be realistic and costed not 'indicative'.	More detailed costings are provided in the Council's Local Infrastructure Plan
1035	113	It is recommended that the Social Infrastructure and Developer Contributions to Highway and Public Transport Schemes be merged with the Planning Obligations SPD as we do not see any advantage of having separate documents.	A combined Planning Obligations SPD has now been produced.
1041	138	GMPTE has a particular interest in the 'Developer Contributions to Highway and Public Transport Schemes SPD' and would welcome early involvement in its preparation so as to ensure that new development is going to be adequately served by public transport. GMPTE was actively involved in the preparation of its predecessor, SPD1 Developer Contributions to Highway and Public Transport Schemes which was adopted in March 2007 and would wish to see a similar approach adopted to the production of the revised SPD.	Comment noted.
1072	126	It is noted that renewable energy is mentioned within the proposed "Consideration of Climate Change factors in the Design and Construction of Developments and the Public Realm SPD", and that sustainability and accessibility are mentioned as explicit aims within the "Developer Contributions to Highway and Public Transport Schemes SPD." Have the SPDs on "Accessible Integrated Sustainable Transport" and "Renewable Energy/Sustainability" been amalgamated within the SPDs proposed in the consultation document?	SPDs 1 and 5, as set out in the March 2009 LDS, have been subsumed into the relevant SPDs within the Scope and Issues report.
1072	133	Climate Change is a matter upon which the "Planning Obligations SPD" will provide guidance on contributions. It is explicitly considered in the "Consideration of Climate Change in the Design and Construction of Developments and the Public Realm" SPD. However the scoping for several of the SPDs (such as "Developer Contributions to Highway and Public Transport Schemes" and "Green Infrastructure") excludes any mention of climate change despite the emphasis in national planning policy statements on the contribution of public transport and green infrastructure in addressing the climate change agenda.	A combined Planning Obligations SPD has now been produced.
1073	237	The Agency have previously commented on the need for a robust transport evidence base and local infrastructure plan, which support the development aspirations identified within the Core Strategy. As such it is recognised that this SPD, coupled with the Planning Obligations SPD, will help to secure transport improvements which will ensure these developments can come forward. As a consequence, the Agency will typically seek to support any public	A combined Planning Obligations SPD has now been produced based on up to date evidence which supports the highways and public transport contributions.

		<p>transport infrastructure proposals which will look to reduce the number of trips made by car, and therefore minimise the impact on the SRN.</p> <p>Moreover, the transport evidence proposed as part of the LDF needs to support the emerging DPD to ensure the proposed transport schemes are suitable, sustainable and can contribute to modal shift. This transport evidence base will also have to take into account the phasing of the development, to ensure that the schemes that are identified are in place before development comes online. Any transport evidence needs to support all relevant SPDs mentioned in this review to ensure a consistent rather than piecemeal approach to development-related transport infrastructure is developed.</p> <p>The proposed SPD should accord to the guidance and principles set out in DfT circular 02/2007 - Planning and the Strategic Road Network.</p>	
1073	241	<p>The Agency is encouraged by the scope and range of the proposed SPDs, and support the aims of the SPDs which look to improve accessibility , deliver public transport, cycling and walking infrastructure and reduce the need to travel by private car. In addition there is a clear potential to work jointly across SPDs , in parallel with the Core Strategy, to ensure a consistent approach is developed, and that public transport, cycling and walking infrastructure will be developed with the emerging development quantum across the borough.</p> <p>Where there are common interests and grounds for joint working, for example the proposed crossing of the Manchester Ship Canal as part of emerging development aspirations at Carrington, it may be worth publishing joint SPDs with other Local Planning Authorities where cross boundary issues are likely to arise. This would be beneficial with regards to pooling of resources and knowledge, as well as presenting a consistent approach to a common issue.</p> <p>The Agency will require a robust transport evidence base to underpin policies and development sites emerging through the Trafford LDF. Where policies and development sites are not justified in transport terms, the Agency reserves the right to formally object to them at the requisite stage of the LDF process, as the Agency will not be able to support development aspirations or spatial policies which would adversely impact upon the operation and safety of the SRN.</p>	Comments noted.

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		<p>The Agency will provide more detailed responses to the SPDs during the consultation periods, and will assess them in conjunction with DfT Circular 02/2007.</p> <p>Where there are common interests and grounds for joint working, for example the proposed crossing of the Manchester Ship Canal as part of emerging</p>	
1093	149	<p>Spatial principle policy DP5 deals with managing travel demand, reducing the need to travel, and increasing accessibility. RT2 supports this by providing more detail on managing travel demand. RT3 and RT9 are also relevant, dealing with public transport, walking and cycling. Consideration should also be given to the current RSS Partial Review which includes a revision of regional parking standards.</p>	Comments noted.
1150	109	<p>Regarding highways, there needs to be a caveat that such contributions are not allowed to subvert the planning process.</p> <p>L4, point 7 (= use of the Borough's waterways for all types of transportation) is excellent, but will need intermediate protection putting on landing places and wharves (and all the accesses thereto) along these water routes, so that they are not destroyed by other developments.</p> <p>L4, point 8 (= maximize the potential of existing light and heavy rails networks) is also excellent and the following measures will help with this:</p> <ul style="list-style-type: none"> <li>- Open a small station in Timperley on the Altrincham-Stockport heavy rail line (Chester-Altrincham-Stockport-Manchester Service)</li> <li>- Ensure that Metrolink has double units every 6 minutes between Altrincham and Piccadilly during the peak hours.</li> <li>- Ensure an attractive and reliable commuter train service between Manchester and Flixton (or Irlam)</li> <li>- Safeguard the old railway line between Skelton junction (Timperley) and Cadishead) (via west Timperley and Partington) for possible re-activation as light or heavy rail</li> <li>- Safeguard the former rail line from Skelton junction via Broadheath, Dunham and Lymm to Warrington (currently the cycle and bridleway) for future shared use with a single line and passing loop light rail line.</li> </ul>	A combined Planning Obligations SPD has now been produced which is based on up to date evidence about infrastructure projects.
1152	116	<p>In respect of viability, it is important that the SPDs reflect Circular 05/2005 which recognises that in certain cases it may not be feasible for a proposed development to meet all the requirements set out in local, regional and national planning policy, and still be economically</p>	A combined Planning Obligations SPD has now been produced which fully takes into account issues of development viability.

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		<p>viable. Furthermore the requirements of the SPDs must be applied on a site by site basis as there may be abnormal costs associated with certain sites. For example a heavily contaminated brownfield site may incur significant remediation costs in order to allow a development to come forward. Similarly, in terms of developer contributions towards highway and public transport needs, it is essential that such contributions are determined on an individual site basis, utilising information contained with Transport Assessments.</p> <p>The policy wording on which requirements are sought must not be overly rigid or prescriptive; it must be sufficiently flexible to allow developers to negotiate with the LPA over contributions on a site by site basis.</p>	
1182	107	<p>Welcome the inclusion of the text 'to ensure that new growth is sustainable and accessible by a choice of modes of transport' and the provision that developments 'will contribute towards the identified funding shortfall in planned public transport'.</p>	Comment noted.

**Climate Change SPD**

PersonID	CommentsID	SummaryOfRep	CouncilResponse
1026	189	<p>The problem with the SPD Scopes and Issues report is that it duplicates much of what is already contained within the Draft Core Strategy in so far as Planning Obligations are covered by Policy L8; Climate Change by Policy L5; Design by Policy L7; Open Space, Recreation and Green Infrastructure by Policies R2, R3 and R5; and Affordable Housing by Policy L2.</p> <p>The need for SPD's on these matters at this time must therefore be questioned when the Core Strategy which already has references to the majority of the topics set out in the report has yet to be tested at Examination and the Government has indicated that the Community Infrastructure Levy will be introduced in April 2010 superceding much of the content of the Planning Obligation and other SPD's contained in the Scope and Issues Report. Where is the supporting Local Infrastrucure Plan?</p>	<p>The SPD will give more detail guidance and Trafford specific targets to be delivered.</p>
1026	200	<ul style="list-style-type: none"> <li>- It is not clear what this SPD is aimed at when there is existing Government policy covering the majority of these matters?</li> <li>- Reference is made to 'renewable energy technologies' but many of these are not yet available or have to be developed for residential application</li> <li>- Much of the SPD as set out is aspirational and not deliverable, for example what are 'local heat islands'?</li> <li>- SUDs are included yet in many instances United Utilities will not formally adopt SUDs?</li> <li>- If an 'Energy/Sustainable Design statement' is to be required then any SPD should include a check list for reference</li> <li>- Any policy/checklist must be up to date and realistic, there is little point in requiring developers to meet unrealistic standards</li> </ul>	<p>The SPD is to be flexible to accommodate changes in national policy and technological advances. The SPD will provide gudiance to developers on both technological solutions to mitigate climate change and good design measures.</p>
1037	150	<p>We would welcome references to 'sustainable' in both the title and supporting text, including sustainable design and construction. We assume that this will also include guidance on micro-renewables and community schemes.</p>	<p>A checklist as part of the sustainable design principles will provide developers with guidance on good design practices. Additional guidance on mitigation measures such as micro-generation will be provided. Policy L5 details the Council's support of community schemes.</p>
1037	152	<p>Biodiversity is a core component of sustainable development, underpinning economic development and prosperity, and has an important role to play in developing locally distinctive</p>	<p>Policy L5 details the Councils support of green roofs &amp; walls and the value they offer to species as</p>

		<p>and sustainable communities. All local authorities and other public authorities in England and Wales now have a duty to have regard to the conservation of biodiversity in exercising their functions. The Duty aims to raise the profile and visibility of biodiversity, to clarify existing commitments with regard to biodiversity and to make it a natural and integral part of policy and decision making. The Duty is set out in Section 40 of the Natural Environment and Communities Act (NERC) 2006 and states that:</p> <p>"Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity".</p> <p>This duty for Local Authorities should be taken into consideration when plan making to ensure that appropriate matters are taken into consideration when determining planning applications. Guidance is available in the Defra publication, Guidance for Local Authorities in Implementing the Biodiversity Duty.</p>	habitats.
1051	169	<p>The production of this SPD is supported. The Trust is aware from previous consultations that a number of local authorities have produced SPDs on this topic and that there is plenty of good practice available - particular attention is drawn to the work previously undertaken by a) The former Congleton Borough Council, and b) Daventry Council.</p> <p>In respect of the Stamford Brook development attention is drawn to the range of sustainable construction techniques employed as part of this major development. In respect of the SUDs aspect it is noted that this is based upon a series of 'swales' and that the former 'culvert' into which this drains has been transformed into an award winning river (Sinderland Brook) restoration project.</p> <p>In terms of evidence base attention is drawn to the NWDA's NW Region Climate Change Action Plan 2006.</p>	Comment noted.
1072	125	<p>It is noted that renewable energy is mentioned within the proposed "Consideration of Climate Change factors in the Design and Construction of Developments and the Public Realm SPD", and that sustainability and accessibility are mentioned as explicit aims within the "Developer Contributions to Highway and Public Transport Schemes SPD." Have the SPDs on "Accessible Integrated Sustainable Transport" and "Renewable Energy/Sustainability" been amalgamated within the SPDs proposed in the consultation document?</p>	SPDs 1 and 5, as set out in the March 2009 LDS, have been subsumed into the relevant SPDs within the Scope and Issues report.
1072	135	<p>The consideration of Climate Change factors in the Design and Construction of developments and the Public Realm SPD is hugely over ambitious because it has chosen to specify the</p>	The SPD is to be flexible to accommodate changes in national policy and technological advances.

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		methods by which mitigation and adaptation will be achieved; it will be very detailed if it fulfils its promise and it will be constantly out of date and frequently inappropriate for different development situations. It is also doubtful whether planning is the right regulatory framework through which to control building and building materials issues - they are covered by building regulations and should not be duplicated. It would be better if this SPD set down outcomes that are to be achieved, for example Code Level X, leaving the developer to devise appropriate means.	The SPD will give more detail guidance and Trafford specific targets to be delivered. The SPD will provide guidance to developers on both technological solutions to mitigate climate change and good design measures.
1072	141	If Public Realm and/or Public Art are to be subject of a separate SPD, then it is considered that these matters are inseparable from one another and should be treated as a single matter.	The scope of the SPD has been refined to climate change - mitigation and adaptation measures.
1073	238	Require consultation on the proposed SPD in case any issues arise that may impact on the SRN.	The scope of the SPD has been refined to climate change - mitigation and adaptation measures.
1093	145	Spatial Principles Policy DP7 promotes environmental quality at the strategic level with a wide range of measures. Within this context, EM1 promotes integrated enhancement and protection of the region's environmental assets, including landscape, nature, historic environment, trees, woodlands and forests. A series of policies then give a steer on environmental design and construction including EM5 Integrated Water Management, EM16 Energy Conservation and Efficiency and EM18 Decentralised Energy Supply. Policy L4 on Housing Provision encourages the use of Code for Sustainable Homes standards.	The scope of the SPD has been refined to climate change - mitigation and adaptation measures.
1093	147	<p>Policy DP9 sets out the regional approach to reducing emissions and adapting to climate change. It sets out a range of reduction and adaptation measures that local authorities and others will need to be taken on board as an urgent regional priority. It also indicates that policy makers should use the North West Integrated Appraisal Toolkit as a basis for assessing and strengthening the climate change elements of their plans and strategies.</p> <p>Policy EM17 sets out regional policy and targets for renewable energy, stressing the importance of sub regional studies in establishing local strategies for dealing with renewable resources and setting targets. A positive approach to renewable energy resources is promoted. The policy also lists criteria which should be taken into account in identifying proposals and schemes for renewable energy. EM18 deals with decentralised energy supply, requiring authorities to set out targets in their Development Plan Documents for decentralised and renewable or low carbon energy sources to be used in new developments. A target is also set within EM18, to be used in advance of targets being set in DPDs.</p> <p>Climate change will lead to coastal changes, so for coastal areas reference should be made to RDF3, which provides a framework for coastal development, and EM6, which deals with</p>	The scope of the SPD has been refined to climate change - mitigation and adaptation measures. The Core Strategy Policy L5 details carbon emission reduction targets for new developments.

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		managing the North Wests coastline.	
1096	158	The principle of providing guidance on design issues in relation to surface water is supported. In particular the reference to the use of the Strategic Flood Risk Assessment is encourage to inform the appropriate use of SUDS.	Support noted.
1150	110	This SPD is particularly clear-cut in its aims and methods, so its text should be safeguarded and maintained into any final document without being fudged.	The SPD is to be flexible to accommodate changes in national policy and technological advances. The SPD will give more detail guidance and Trafford specific targets to be delivered. The SPD will provide gudiance to developers on both technological solutions to mitigate climate change and good design measures.
1182	101	The Council should adopt planning policies with environmental sustainability in mind. Support for the Council producing an SPD to allow for the impact of climate change when considering the design and planning of developments and in matters affecting public realm.  However it is considered that there could be more emphasis on preventative metods aimed at reducing the contribution of the commercial activities and lifestyles of Trafford businesses and residents to carbon emissions.	The SPD is to be flexible to accommodate changes in national policy and technological advances. The SPD will give more detail guidance and Trafford specific targets to be delivered. The SPD will provide gudiance to developers on both technological solutions to mitigate climate change and good design measures.
1182	108	The presence of this SPD is very welcome and it covers a wide range of measures e.g. to promote use of sustainable energy and to limit the use of the private car. There is concern about the mention of carbon offsets which may be open to inaccuracies in emissions calculations. Also mention could be made of domestic insulation (unless it has been included implicitly by reference to the Code for Sustainable Homes).	Comments noted.

**Green Infrastructure SPD**

PersonID	CommentsID	SummaryOfRep	CouncilResponse
1026	192	<p>The problem with the SPD Scopes and Issues report is that it duplicates much of what is already contained within the Draft Core Strategy in so far as Planning Obligations are covered by Policy L8; Climate Change by Policy L5; Design by Policy L7; Open Space, Recreation and Green Infrastructure by Policies R2, R3 and R5; and Affordable Housing by Policy L2.</p> <p>The need for SPD's on these matters at this time must therefore be questioned when the Core Strategy which already has references to the majority of the topics set out in the report has yet to be tested at Examination and the Government has indicated that the Community Infrastructure Levy will be introduced in April 2010 superceding much of the content of the Planning Obligation and other SPD's contained in the Scope and Issues Report. Where is the supporting Local Infrastrucure Plan?</p>	<p>A combined Planning Obligations SPD has now been produced which includes contributions for Green Infrastructure that are based on policies within the Trafford Core Strategy (Adopted January 2012).</p>
1026	197	<p>- Questions arise about the delivery and maintenance of the proposed Green Infrastructure, the calculation of contributions and how links are made to with other strategies</p> <p>- Delivery?</p>	<p>A combined Planning Obligations SPD has now been produced which deals with the delivery and maintenance of Green Infrastructure..</p>
1035	116	<p>It is also suggested that Open Space and Green Infrastructure be merged as these cover similar matters and will overlap.</p>	<p>A combined Planning Obligations SPD has now been produced.</p>
1037	149	<p>Wholly support a Green Infrastructure SPD. The provision of high quality infrastructure should be an integral part of the creation of sustainable communities. Would bring to the attention of the Council the following publication 'North West Green Infrastructure Guide', which includes information to help planners to implement measures to contribute towards this provision.</p> <p>We welcome reference to the Ecological Framework and the Biodiversity Action Plan. Again we would welcome references to the health benefits of green spaces for people.</p>	<p>The supportive comment is noted.</p>
1051	167	<p>It is considered that the Open Space and Recreation SPD and the Green Infrastructure SPD might usefully be combined, or at the very least should be brought forward simultaneously.</p> <p>A key element will be to ensure that open spaces work better by recognising and enhancing their multi-functional benefits. As an example rather than simply having a standard for sports pitch provision it is important that the quality of that provision is not limited to matters such as the standard of the playing surface but also embraces the potential for bio-diversity</p>	<p>A combined Planning Obligations SPD has now been produced.</p>

		<p>enhancement, e.g. not mowing every square inch of the area to a fine sward but allowing unused corners to become wilder pockets of biodiversity value, not simply fencing boundaries but providing mixed native species hedges so that wildlife corridors are established. It is therefore important that the SPD relating to Open Space and Recreation in particular recognises the wider values of open spaces and how these can be maximised.</p> <p>It is also important to note that there are a number of providers of both open spaces and green infrastructure within the Borough, not just Council owned/managed spaces such as parks and sports provisions, e.g. the role of the Bridgewater Canal, private sports pitches and community woodland - ensuring that there is the wherewithal to resource the appropriate management of such assets so that their benefits are maximised can be equally as important, or indeed more beneficial, than investment in new spaces.</p> <p>In relation to Green Infrastructure attention is drawn to the work on a NW Green Infrastructure Guide which is currently at post consultation stage.</p> <p>Two leaflets prepared by the Trust relating to the multifunctional benefits of open spaces were attached with the response.</p>	
1072	134	<p>Climate Change is a matter upon which the "Planning Obligations SPD" will provide guidance on contributions. It is explicitly considered in the "Consideration of Climate Change in the Design and Construction of Developments and the Public Realm" SPD. However the scoping for several of the SPDs (such as "Developer Contributions to Highway and Public Transport Schemes" and "Green Infrastructure") excludes any mention of climate change despite the emphasis in national planning policy statements on the contribution of public transport and green infrastructure in addressing the climate change agenda.</p>	<p>A combined Planning Obligations SPD has now been produced.</p>
1072	140	<p>It is suggested that the SPDs on "Open Space and Recreation" and "Green Infrastructure" could with benefit be combined. Policy R3 - Green Infrastructure of the Core Strategy (Further Consultation version) lists "Open and amenity space, childrens play space, playing fields and urban parks and gardens" as assets within the Borough's Green Infrastructure network.</p>	<p>A combined Planning Obligations SPD has now been produced.</p>
1073	235	<p>Broadly encourage the aspirations to promote green infrastructure through the planning process.</p>	<p>Comment noted.</p>
1096	157	<p>The production of a Green Infrastructure SPD is welcomed. The importance of Green Infrastructure is recognised and supports the development of Green Infrastructure networks. These can help to deliver a range of Environment Agency objectives including Water Framework Directive, as well as wider community benefits.</p>	<p>The supportive comment is noted.</p>

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		Identifying land as GI where there is a high level of flood risk (i.e functional floodplain) will provide opportunities to mitigate against flooding and provision of additional compensatory flood storage. This may reduce flood risk at a strategic level and enable development to take place elsewhere. It is recommended that the findings of the SFRA are used to inform the issue of flood risk and GI.	
1150	107	To integrate this SPD with that for Open Space and Recreation would send the message that all green infrastructure is available for sport/recreation/casual access. There must be rules which enshrine the concept that some green infrastructure must be protected from any public access, for reasons of nature conservation/habitat protection etc.  "Green Infrastructure should include the planting of sturdy "spreading" trees in urban heat island areas.	A combined Planning Obligations SPD has now been produced.
1182	105	This SPD appears to have satisfactorily addressed the desirability of providing areas with high biodiversity, green roofs and tree planting etc as well as identifying gaps in the network of sites.	The supportive comment is noted.

**Open Space and Recreation SPD**

PersonID	CommentsID	SummaryOfRep	CouncilResponse
1026	191	<p>The problem with the SPD Scopes and Issues report is that it duplicates much of what is already contained within the Draft Core Strategy in so far as Planning Obligations are covered by Policy L8; Climate Change by Policy L5; Design by Policy L7; Open Space, Recreation and Green Infrastructure by Policies R2, R3 and R5; and Affordable Housing by Policy L2.</p> <p>The need for SPD's on these matters at this time must therefore be questioned when the Core Strategy which already has references to the majority of the topics set out in the report has yet to be tested at Examination and the Government has indicated that the Community Infrastructure Levy will be introduced in April 2010 superceding much of the content of the Planning Obligation and other SPD's contained in the Scope and Issues Report. Where is the supporting Local Infrastrucure Plan?</p>	The SPDs will give more detailed guidance in how these policies will be implemented
1026	196	<ul style="list-style-type: none"> <li>- This will be impacted by CIL</li> <li>- What about management?</li> <li>- How will access to the open space be maintained?</li> <li>- What is the Council's recreation strategy with regard to 'indoor leisure facilities' and what are these and where are they proposed?</li> <li>- Questions arise over the calculation of contributions and delivery, this will need to be clear and transparent.</li> </ul>	The detail of how obligations towards green infrastructure and recreation are set out in the Planning Obligations SPD.
1035	115	It is also suggested that Open Space and Green Infrastructure be merged as these cover similar matters and will overlap.	The detail of how obligations towards green infrastructure and recreation are set out in the Planning Obligations SPD.
1037	148	We support the objectives listed, however we would also include reference to green infrastructure and a strategic, planned approach to its establishment in the borough. We would also welcome references to conservation and enhancement of biodiversity and geodiversity, and landscape townscape character through the provision of open or green spaces. We would welcome references and links to the health benefits of green spaces to encourage healthy lifestyles for people.	The detail of how obligations towards green infrastructure and recreation are set out in the Planning Obligations SPD.
1045	244	At the outset it is important to note that the Councils overall approach to securing planning obligations is required to adhere to principles set out within Circular 05/05. This establishes the principle that contributions are 'intended to make acceptable	Comments noted

		<p>development which would otherwise be unacceptable in planning terms.'</p> <p>However the report is unclear on the overall approach to be taken to the planning obligations process. Within the Planning Obligations SPD section of the report, reference is made to the use of standard formulae to calculate the level of contribution required from developers towards affordable housing, open space and recreation, green infrastructure, highway and public transport schemes, community facilities, public art, public realm and climate change.</p> <p>In contrast in the following sections of the report, it is implied that a more bespoke approach will be taken whereby the level of contribution is calculated on a case-by-case basis having regard to individual circumstances such as the developments location. For example the section on the Open Space and Recreation SPD confirms that the role of the SPD will be to identify areas of deficiency in facilities to enable those areas where contributions will be sought to be established. This appears to be at odds with the standardised approach that the earlier section of the report would seem to advocate. The proposed approach requires further clarification at this stage. This should be provided through the draft SPD.</p> <p>Notwithstanding this uncertainty, our client is supportive of the latter approach whereby contributions are calculated on a bespoke basis, avoiding the use of formulae generically applied across the Borough. It is considered that the use of standard formulae which does not take full account of individual circumstances, including the need for a contribution to make good the development, is not consistent with the principles set out in Circular 05/05. Whilst the aim of the SPDs to provide certainty regarding planning obligations expectations is supported, it is recommended that the SPDs are sufficiently flexible to enable individual circumstances to be taken into account in accordance with Circular 05/05.</p>	
1051	166	<p>It is considered that the Open Space and Recreation SPD and the Green Infrastructure SPD might usefully be combined, or at the very least should be brought forward simultaneously.</p> <p>A key element will be to ensure that open spaces work better by recognising and enhancing their multi-functional benefits. As an example rather than simply having a standard for sports pitch provision it is important that the quality of that provision is not</p>	<p>Integrations across green infrastructure and recreation elements is considered as part of the Planning Obligations SPD.</p>

		<p>limited to matters such as the standard of the playing surface but also embraces the potential for bio-diversity enhancement, e.g. not mowing every square inch of the area to a fine sward but allowing unused corners to become wilder pockets of biodiversity value, not simply fencing boundaries but providing mixed native species hedges so that wildlife corridors are established. It is therefore important that the SPD relating to Open Space and Recreation in particular recognises the wider values of open spaces and how these can be maximised.</p> <p>It is also important to note that there are a number of providers of both open spaces and green infrastructure within the Borough, not just Council owned/managed spaces such as parks and sports provisions, e.g. the role of the Bridgewater Canal, private sports pitches and community woodland - ensuring that there is the wherewithal to resource the appropriate management of such assets so that their benefits are maximised can be equally as important, or indeed more beneficial, than investment in new spaces.</p> <p>In relation to Green Infrastructure attention is drawn to the work on a NW Green Infrastructure Guide which is currently at post consultation stage.</p> <p>Two leaflets prepared by the Trust relating to the multifunctional benefits of open spaces were attached with the response.</p>	
1072	130	The relationship between the "Planning Obligations SPD" and the others which involve contributions is very unclear. That for open space and recreation for example includes methods to determine contributions and a spreadsheet calculator for financial contributions, as do other SPDs. There is a risk of great confusion and overlap between the different SPDs. We suggest that all the issues relating to calculating contributions should be covered by the "overarching" "Planning Obligations SPD".	An overarching Planning Obligations SPD has now been produced.
1072	139	It is suggested that the SPDs on "Open Space and Recreation" and "Green Infrastructure" could with benefit be combined. Policy R3 - Green Infrastructure of the Core Strategy (Further Consultation version) lists "Open and amenity space, childrens play space, playing fields and urban parks and gardens" as assets within the Borough's Green Infrastructure network.	Integrations across green infrastructure and recreation elements is considered as part of the Planning Obligations SPD.
1073	234	Would like to see new developments located in suitable accessible areas to ensure that the use of the private car is minimised.	The Planning Obligations SPD has a flexible and positive approach to development accessibility.
1093	148	EM1 is a key policy, promoting integrated enhancement and protection of the regions	Comments noted.

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		<p>environmental assets, including landscape, nature and biodiversity, this historic environment, trees, woodlands and forests.</p> <p>Policy EM3 Green Infrastructure should also underpin any consideration of open space and green space provision. Plans and proposals should aim to deliver wider spatial outcomes that incorporate environmental and socio economic benefits. EM3 also details a wide range of actions Local Authorities and their partners should take in relation to conserving, managing and creating green infrastructure.</p>	
1150	106	<p>R5, point 2, (= protect/enhance such areas) and point 3 (= promote the use of sustainable transport modes) can be fully supported.</p> <p>However, you must avoid the problem of car parking provision at the facility generating more road traffic which would mitigate against these protection aims.</p>	The Planning Obligations SPD seeks to mitigate the negative transport impacts of development.
1182	104	Welcome the categories having been designed to link in with the provision of parks and greenspace addressed by the Green Infrastructure SPD.	Support noted.

**Social Infrastructure SPD**

PersonID	CommentsID	SummaryOfRep	CouncilResponse
1026	198	- No local infrastructure plan? - This should be subject to a regular review - Questions arise over the calculation of contributions, pooling and delivery?	The Planning Obligations SPD sets out the detailed approach to these issues and is based on robust, up-to-date evidence.
1035	111	We are pleased to see that cultural facilities have been included in the relevant infrastructure but as this is also dealing with developer contributions we refer you to our comments for the Planning Obligations SPD. We do not support the suggestion that this SPD could be combined with the Green Infrastructure as the topics are dissimilar. Neither need there be a community Infrastructure SPD when all the topics dealing with developer contributions should be amalgamated and perhaps given an 'umbrella' title of Infrastructure Provision or Development.	Comments noted.
1035	112	It is recommended that the Social Infrastructure and Developer Contributions to Highway and Public Transport Schemes be merged with the Planning Obligations SPD as we do not see any advantage of having separate documents.	An overarching Planning Obligations SPD has now been produced.
1051	168	The connections between the health agenda and access to a range of open spaces and the wider countryside (SPDs on Open Spaces and Green Infrastructure) is noted.	Comment noted.
1073	236	Social Infrastructure, located in areas that can be accessed by a variety of non car modes, is important to ensure the development aspirations contained within the Core Strategy are as sustainable as possible. The aspiration to identify deficiencies within the provision of education, health and community facilities as these deficiencies should be correlated with development aspirations (and subsequent planning contributions) to ensure development emerges on a sustainable basis which minimises the need for private car trips.  The Agency is already aware of the strategic sites and locations emerging through the Core Strategy, and as such is aware of their accessibility to key services through independent accessibility mapping analysis. As such the Agency would expect to see detailed analysis of each development site with regard to social infrastructure to ensure the sustainability of these sites is considered when they are being master planned. As a consequence the potential	Comment / support noted.

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		for this SPD to be combined with the Developer Contributions SPD is supported to ensure a consistent approach.	
1150	108	R6, point 3: given that cultural development is an organic thing, how can the official/bureaucratic structure mechanistically promote such development? This does have vaguely Stalinist overtones, so should perhaps be re-examined.	Comments noted.
1182	106	The aim of this SPD could state, in addition, how developments are to limit their environmental impact, linking in with the requirements under the Development Contributions to Highway and Public Transport Schemes SPD.	An overarching Planning Obligations SPD has now been produced.

**SPDs in General**

PersonID	CommentsID	SummaryOfRep	CouncilResponse
1026	187	The Learning from Experience Document published by the Planning Inspectorate in September entitled 'Local Development Frameworks' points out that the core strategy should be a brief document conveying the main elements of the spatial vision and strategy. The Core Strategy should focus relentlessly on critical issues that relate to the way the area is intended to develop and the strategies to address the critical issues identified. Leaving critical questions to be answered in subsequent DPD's or SPD's is likely to lead to a finding of unsoundness.	The Trafford Core Strategy has been found sound and adopted in January 2012. The combined SPD1 Planning Obligations is based on sound policies from the Core Strategy.
1026	203	<p>Most of the SPD's set out in the report will be affected or superceded by the debate at the Examination and the introduction of CIL. They are already covered by policies in the Draft Core Strategy and if they are to be considered critical to the delivery of the strategy then they should remain within it, if not then the issues should be included within an SPD however it is clear from Government advice they should not be in both, and one should naturally follow the other. Most importantly, to make sense of the contributions that may or may not be required is the Local Infrastructure Plan and this is currently missing from the debate. The SPDs are setting out how contributions may be collected but at the present time there is no indication what they may be collected for and what the costs will be.</p> <p>In conclusion it is considered that these SPDs are premature at the present time and should be delayed until after the Examination and the publication of the legislation on CIL. These comments are in relation to the information currently published and our client retains the right to comment further on the matters in this report and any future documents covering these matters to be published by the Council.</p>	The Trafford Core Strategy has been found sound and adopted in January 2012. The combined SPD1 Planning Obligations is based on sound policies from the Core Strategy.
1072	128	<p>In addition to considering the responses to the consultation questions, a written response is requested to the following questions, in order to be able to contribute usefully to the emerging Local Development Framework over the coming months:</p> <ul style="list-style-type: none"> <li>- Has the timetable for producing the Core Strategy Publication version slipped from November 2009 (as described in the LDS) to June 2010 (as implied in the current consultation document).</li> <li>- What are the consultation arrangements for draft SPDs; what form will "public participation" take, during February 2010, as scheduled on page 3 of the consultation</li> </ul>	<p>The Publication version of the plan is now expected to be published in summer 2010. This is a variation from the approved LDS.</p> <p>As a result the public consultation on the proposed draft SPDs will also be postponed in order that it runs concurrently with that for the Publication document. The precise nature of this public consultation has not been finalised as yet, however it will be governed by the</p>

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		document?	Council's Statement of Community Involvement.
1072	136	It is considered that since the Core Strategy has not been finalised , speculating on whether the SPDs, which are at the scoping stage of production, will assist in delivering the Strategy is impossible.	The Trafford Core Strategy has been found sound and adopted in January 2012. The combined SPD1 Planning Obligations is based on sound policies from the Core Strategy.
1072	137	There are few references to the obligations to be placed upon the Local Authority; only one SPD, that for open space and recreation, will say how the money collected will be spent. It is vital, if contributions are to be accepted as anything other than another tax, that the LA makes a commitment to spend the sums collected for the specific purpose and within a given time limit, in default of which they should be returned to the developers.	The combined SPD1 Planning Obligations clearly sets out how monies will be spent.
1072	138	The SPD on Social Infrastructure refers to capital and revenue spending; it is the only one to do so and it does not apply to the same the same distinction to all types of social infrastructure. Part of the agreement for contributions under each and every SPD - must be that they provide for capital works, the necessary revenue funding is identified and earmarked.	The combined SPD1 Planning Obligations clearly sets out how monies will be spent.
1093	152	<p>For SPDs and other guidance covering a specific area, e.g. masterplans, a wide range of RSS policy may be relevant. Thematic policies on the economy, housing, transport and the environment should be considered. Also policies RDF 1-4 set out the spatial priorities for development across the North West, including priorities for development, rural areas, coast and Green Belt. Chapters 10-13 of the RSS set out broad strategies for each sub region in the North West, and provide more detailed policies for the different parts of each sub region.</p> <p>A further consideration for area briefs and masterplans will be the sequential approach as expressed generally in Policy DP4, and also in policies W3, in relation to office development and W5, in relation to retail development. It is important that masterplans and area briefs promote good quality, sustainable design and construction.</p> <p>A further consideration for area briefs and masterplans will be the sequential approach as expressed generally in Policy DP4, and also in Policies W3, in relation to office development and W5, in relation to retail development. It is important that masterplans and area briefs promote good quality, sustainable design and</p>	Comments noted.

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		construction.	
1120	109	<p>Trafford College acknowledges and welcomes the opportunity to remain actively involved in supporting Trafford Council to shape its planning policies and to assist the Council in ensuring the effective delivery of its policies, services and aspirations. The College plays an important role in the Borough in its capacity as a key service provider of high quality training and education, as an employer and as a landowner. The college is to continue to work in partnership with the Council and other stakeholders, as necessary, to assist the Council to ensure that the best quality services are developed and maintained to serve the needs of Traffords residents now and into the future.</p> <p>The college notes that the formal consultation period to the draft SPDs is anticipated to commence early 2010. The college has the potential to assist delivery of the aspirations in several of the SPDs and considers that it can play a key role in delivering high quality, sustainable development in the borough.</p> <p>The College wishes to be continually involved in the development of the SPDs as the formal consultation process gets underway and welcomes the opportunity to continue working with the Council.</p>	Comments noted.
1150	113	<p>Should SPD scope be expanded to look at additional issues? If so what?</p> <p>The general issue of whether or not a particular area is now fully developed, and the planning consequences of this, should at least be briefly referred to and examined in some part of this general planning process. There must already be some parts of the Borough where there is simply no more room for any development, except by demolition and re-development on site, a process which could mean the loss of some locally valued building or facility.</p> <p>If there is a conflict of issues or priorities, which SPD would rule? That is, is there a need for a hierarchy of SPDs, and if there is, what would it be? This might have consultation implications. Quite apart from the issue that staff in the Planning Office have to undertake the task of writing them, it would be preferable not to combine any together, because to do so would compress some issues to fit into a smaller conceptual framework. This would lose some finer points of planning detail which might have a significant relevance to a specific planning issue at a future date.</p>	A combined Planning Obligations SPD has now been produced.

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1152	112	After reviewing the Scope and Issues Report, in terms of the proposed timescale for the production of the Trafford Core Strategy, it is understood that the Council intends to consult upon all 8 draft SPDs in February 2010. It is important to stagger the proposed dates for consultation, or provide a longer consultation period to ensure sufficient opportunity for review. This would also give the LPA further time in which to consider the representations received as a result of the consultation.	It is generally preferable to consult on a number of documents at the same time to prevent consultation fatigue from setting in among consultees.
1183	101	Following a review of the report it is noted that the Council intend to consult upon all 8 draft SPDs in February 2010. It is recommended that a more staggered approach is adopted as this will provide the public, developers, landowners and other interested parties with sufficient time to review the consultation document and submit informed representations. Staggering the different consultation exercises will also provide the LPA with more time to consider the representations received.	A combined Planning Obligations SPD has now been produced.
1185	101	A bespoke SPD should be explored to identify and protect specifically targeted shopping parades and to limit the amount of takeaway outlets in the Borough.  Shopping parades are an integral part of community life as they encourage social cohesion. Shopping parades have a community value that is greater than the sum of its parts. As such assurances are needed that specific shopping parades will be treated on a case by case scenario.  Further to this, the increase in takeaway outlets should be monitored and consideration should be given to ensuring that areas do not become saturated. ( e.g. the Waltham Forest SPD).	Comments noted. Consideration will be given to a future SPD to cover these issues.
1185	102	The Media City site provides an excellent opportunity for the Borough which should be embraced and maximised through development controls. The forward planning system should be tailored to reflect the unique nature of particular development sites to ensure that the character and merits of these sites are maintained.  Media City brings with it considerable opportunities for development within a specific part of Trafford, however in order to capitalize fully, it is suggested that agreed developments should be sympathetic to the local industry, in this case the media/knowledge industry.	The Council has adopted informal planning guidance for the Mediacity:UK area.
1185	103	Stretford Town Centre needs a new vision, a planning document should be created to articulate Stretford's unique position and attributes within the Borough.  As the town centre is split by major roads, the town lacks a sense of place and this is	Comments noted.

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		something that has not been addressed. A new vision for Stretford needs to be captured.	
1185	104	<p>A bespoke SPD should be tailored solely to ensure that any planning risks or opportunities that are specific to the unique character of a specific locality are managed accordingly.</p> <p>Concern that a generic approach to planning, could lead to an oversight of specific needs within a particular location and as a result, risks to the character of a specialist area will not be managed appropriately.</p>	Comments noted.
1185	106	<p>SPDs should have the capacity to be prioritised in order for the planning process to become more flexible. It is considered reasonable that in order to attract suitable development that some SPDs be given more weight than others.</p>	Comments noted.
1185	107	<p>The final SPDs should be accompanied with more information on the associated policies from within the Core Strategy.</p> <p>Concern that the SPDs, once completed, will not have enough supportive information from within the Core Strategy. Especially since the SPD and the Core Strategy are interrelated.</p>	The Trafford Core Strategy has been found sound and adopted in January 2012. The combined SPD1 Planning Obligations is based on sound policies from the Core Strategy.



**Appendix 9 – A summary of the responses received to the Draft Planning Obligations SPD consultation and Council responses prepared to support the Core Strategy.**

**Draft Planning Obligations SPD (March 2011)**

Person ID	Comments ID	Summary of Representation	Council Response
1019	134	Change to: This should be achieved by the implementation of sustainable urban drainage systems (SUDS). Source control should be considered first. There may be opportunities to deliver SUDS through integrated solutions for collections of strategic sites. The future ownership and maintenance of SUDS systems should be discussed at the planning application stage with the relevant sections of the LPA (including Highways and Drainage), United Utilities and the Environment Agency. If this approach is not undertaken, then the developer must demonstrate no adverse impact caused by the development elsewhere and why it is not feasible.	Agree.
1035	123	NE2 Community Facilities The Trust is pleased to note at para.3.7.11 that local theatres are included for contributions. We are concerned that theatre buildings do not benefit appropriately under the terms of S106 and other agreements, and that it will increasingly be necessary to unlock new sources of funding to help pay for significant improvements to them.	Comment noted. The SPD allows for contributions for theatres to be sought through negotiation as appropriate.
1036	114	The final SPD should be worded in such a manner which will allow developers to negotiate with the LPA in order to identify an appropriate level of contribution, taking into account the particular circumstances of each development proposal.	The Council considers that the SPD, together with the relevant policies in the Core Strategy do make it clear that site by site negotiations can take place. This is reinforced by the guidance advising that early (pre application) contact should be made with the LPA where issues of viability emerge.

1036	115	<p>L&amp;M Ltd consider that the SPD should clarify precisely what constitutes a "hot" market location and should also provide definitions for good, normal and poor market conditions. IN addition, whilst L&amp;M Ltd acknowledge that geographical location and market conditions should be taken into account when determining what level of affordable housing should be provided as part of a new residential development scheme, we consider that these should be assessed alongside a much wider range of other relevant factors, including the specific characteristics of each development site and development proposal.</p>	<p>The "hot", "moderate" and "cold" market locations are defined within the Trafford Economic Viability Study. They were derived from studying house price growth and property sales data for the Borough. It is not considered that additional information in relation to these areas needs to be provided in this SPD. In terms of precise boundaries for these areas, the Council's Strategic Planning and Developments team can provided this information upon request from developers.</p> <p>Similarly the Council will monitor the market position and will be able to advise prospective developers as to what condition the market is in when submitting an application for development. This monitoring will include studying data such as the Land Registry and "Rightmove" data. This is the approach followed within the economic viability study.</p> <p>The supporting text of Policy L2 has been clarified to explain that the market conditions will be assessed in relative terms to those identified at the time of the Viability Study. That is "normal market conditions" will be as defined in the Viability Study. It is proposed that this will made clearer in the SPD to ensure a transparent approach.                  (Section 3.2 of the SPD)</p>
1041	166	<p>Table 3.3 which sets out proposed sustainable transport schemes in Trafford, is now out of date. The proposal to update it reflect LTP3 and the results of the LDF modelling exercise is a sensible approach, and we will be happy to work with Trafford to achieve this.</p>	<p>Table 3.3 will be updated in consultation with TfGM to reflect LTP3 and the outcomes of transport modelling and other transport related evidence base.</p>
1041	167	<p>References to GMPTE should be changed to Transport for Greater Manchester</p>	<p>Agreed. References to GMPTE replaced by TfGM</p>
1045	357	<p>Whilst it recognises there may be a need for the promoters of new developments to either provide or contribute financially to the additional infrastructure that is genuinely needed to support their development, they are not satisfied that all aspects of Draft SPD1 and the Associated Technical Notes meet the policy tests of Circular 05/2005 or the statutory tests of Regulation 122 of the CIL Regulations</p>	<p>Comment Noted. See responses to subsequent detailed representations.</p>

		2010. In Peel's view the draft SPD does not start from the correct position (i.e. that development should be required to be mitigate unacceptable impacts which would arise from it).	
1045	358	In some cases the SPD seeks to secure the physical provision of infrastructure or financial contributions to infrastructure provision which is not needed to make the development acceptable in planning terms (i.e. it is not directly related to the development and/or is not fairly and reasonably related in scale and kind to the proposed development) and not supported by the necessary evidence.	Comment Noted. See responses to subsequent detailed representations.
1045	359	In the case of policy SL4 of the CS, the Inspector made it completely clear that it is not acceptable for policy to assume, without evidence or other technical justification, that development will automatically have impacts on the M60 motorway of a magnitude that will require mitigation and therefore contributions to improvements on the M60.	The reference to contributing towards mitigation measures on the M60 within Policy SL4 of the Core Strategy was removed during the Examination hearing sessions and therefore would not be a requirement of development through this SPD.
1045	360	Furthermore, Peel wishes to express concern that, such is the wide ranging nature of the types of infrastructure for which contributions will be sought, individual developments may be required to provide substantial levels of financial contribution which far exceed those which the Council has previously sought to secure. For example, the Technical Note to SPD1 reveals that, on average, a single residential unit would require a financial contribution equating to c. £13,000 to be paid. Such contributions would be additional to any development specific costs (i.e. off site highway improvement works).	The SPD has been revised in line with changes suggested through the Core Strategy Examination process. In particular, contributions related to mitigating climate change have been removed which will significantly reduce the amount of total contributions required. Ultimately, Policy L8 and the SPD allow for viability to be considered in each case and an appropriate level of contribution agreed. This is reinforced by the guidance advising that early (pre application) contact should be made with the LPA where issues of viability emerge.
1045	361	Important for the Council to ensure that the scale of contributions which it seeks to secure through planning obligations is carefully assessed on a case by case basis and that it does not dissuade investment within the Borough. In this respect Peel, is encouraged to note that the Council has stated its intention to have due regard to the economic viability of individual projects.	The SPD has been revised in line with changes suggested through the Core Strategy Examination process. In particular, contributions related to mitigating climate change have been removed which will significantly reduce the amount of total contributions required. Ultimately, Policy L8 and the SPD allow for viability to be considered in each case and an appropriate level of contribution agreed. This is reinforced by the guidance advising that early (pre application) contact should be made with the LPA where issues of viability emerge.

1045	362	Levels of contribution that would "normally" be required are far too optimistic and quite simply too high, with the very real risk that development will be rendered unviable. By way of example, an office development consented recently under the regime of the current SPD1 and Red Rose Forest SPD, is exposed to financial contributions of around £0.25m. Under the proposed regime, it seems the same level of development would be liable for contributions of close on £1m.	The SPD has been revised in line with changes suggested through the Core Strategy Examination process. In particular, contributions related to mitigating climate change have been removed which will significantly reduce the amount of total contributions required. Ultimately, Policy L8 and the SPD allow for viability to be considered in each case and an appropriate level of contribution agreed. This is reinforced by the guidance advising that early (pre application) contact should be made with the LPA where issues of viability emerge.
1045	363	In view of the provisions of the first part of the paragraph, Peel request that the second part of the paragraph be amended to read as follows: ....The Council will use planning conditions and / or require the completion of planning obligations to secure measures which are essential for the development to proceed and measures which are required to mitigate the impact of the development.	Agree
1045	364	In view of the fact that the reliability of the sustainability appraisal of the Core Strategy has come under some considerable criticism by RLAM for the manner in which it considers the Davenport Green site and because the Council will only commence consultation on a revised version of the sustainability appraisal which responds to the criticisms of RLAM on the 18th April (the same date as consultation on the draft SPD will end) Peel contend that consultation on the draft SPD is premature.	Further SA of L8 and other amended CS policies has now been completed and found to be adequate by the Core Strategy Inspector in her report (November 2011).
1045	365	Paragraph 2.1.4 does not adequately address how the Council will treat applications where, for example, a developer has an extant planning permission for an office building of a particular size which was granted prior to the adoption of the SPD and subsequently wishes to apply for permission for a larger building on the same site. Peel therefore request that paragraph 2.1.4 be amended to read as follows: For developments staying within the same use class, the floorspace of units which already exist on the site or for which an extant planning permission exists, will be subtracted from the obligation calculation so that the net additional impact is assessed, subject to the actual level of need that arises from the development proposal. For developments which would introduce buildings within a different use class to that which exist on site or for which there is an extant permission, separate calculations may need to be made for proposed use and the existing (or consented) use and the actual obligation sought will be assessed with reference to the difference between the two (except that a negative contribution will not be	Agree.

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		allowable).	
1045	366	It is not clear whether the 5% management fee referred to in the terms of the policy is additional to or part and parcel of the level of contribution calculated as being payable. Peel have assumed it to be an additional cost and on this basis consider it to be excessive relative to the costs likely to be incurred by the Council in administrating the Section 106 process and the scale of development likely to be realised in the Core Strategy plan period. It imposes an additional layer of project cost upon developers .	The Management Fee is an essential tool for ensuring the planning obligations system will operate efficiently and effectively so reducing delays which will help ensure better outcomes for developers and the public. Further consideration will be given to the level at which the management fee is set in response to subsequent representations.
1045	367	Peel believes that there is the potential for the double counting of TBC staff time in the preparation of the Section 106 and associated management fees. If TBC time is to be charged on an hourly basis a tariff of hourly rates should be published. Further, the Council should provide an estimate of the costs likely to be incurred and such costs should be reasonable.	Partially agree. Para 2.5.9 has been redrafted to provide clarity and avoid double counting of officer time.
1045	368	Peel requests that paragraph 2.6.2 should be amended to make clear that such arrangements would also be acceptable. It is suggested that paragraph 2.6.2 be amended to read: Planning Agreements will be generally drafted by the Council although in certain circumstances and subject to the prior agreement of the Council, the Council will accept an agreement drafted by the applicant's legal representative for the agreement of the Council. Circular 05/2005 promotes the use of „Standard Agreements" to speed up the preparation of the S106 Agreement.	Agree.
1045	369	It may be appropriate for only later phases to incur costs to address "impact." Such costs would payable at the appropriate point in respect of the phase/s of development which results in the "impact." Peel therefore requests that the text of the second sentence of paragraph 2.6.3 be amended to read as follows: ... Financial contributions will normally be expected will normally be expected to be paid upon occupation of development for the purposes of the consented use. For larger developments allowance will be made for contributions to be phased, with reference to an agreed schedule of floorspace occupation trigger points	Partially agree. Para 2.6.3 has been revised to allow greater flexibility for larger developments.

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1045	370	<p>Peel considers the default period for the reimbursement of unspent Section 106 monies of 15 years is excessive.</p> <p>If such infrastructure is not capable of being implemented within ten years of a consent being granted, its necessity relative to mitigating the impacts of the development must be questionable.</p> <p>In the circumstances Peel request that Paragraph 2.6.4 be amended to read as follows: Following receipt by the Council, financial contributions will be held ring fenced within the Council's accounts. Contributions remaining unspent at the end of time period specified in the S106 agreement will, on request, be returned to the payee along with any interest accrued based on the investment returns achieved by the Council. Given that the tariff contributes to infrastructure needs which can take a long time to deliver, the default period will be 15 years 10 years from the date of agreement, subject to negotiation and dependent upon the nature of the infrastructure to which the development would contribute. The normal period for implementation of a Negotiated Element of a Section 106 Agreement will be 15 10 years from the date of payment, although this may vary depending upon the precise nature of the obligation.</p>	<p>Disagree. The default period of 15 years was considered to be sound in her report into the Examination of the Trafford Core Strategy (November 2011). The revised Core Strategy Policy L8 does allow for negotiation of the time period depending upon the obligation sought.</p>
1045	371	<p>Further clarification is required as to the types of rooms the Council may consider suitable or capable of being used as a bedroom.</p>	<p>Disagree. Agreement over which rooms constitute a bedroom can be made in relation to individual proposals.</p>
1045	372	<p>Peel consider that the provisions of the Governance Framework are fundamental to meeting the tests of Regulation 122 of the CIL Regulations 2010, particularly that which requires obligations to be directly related (functionally or geographically) to the development and fairly and reasonably related in scale and kind. Without a transparent Governance Framework being in place there will be no means of monitoring the Council's utilisation of obligation monies relative to the aforementioned tests.</p> <p>Peel consider that the Governance Framework should be published for public consultation purposes prior to adoption of the Planning Obligations SPD</p>	<p>Disagree. The SPD as a whole sets out a clear and transparent framework for the collection of planning obligations. The SPD is clear that the collection and implementation of the TDC will be carefully monitored and managed (paras 2.10.4 and 2.10.5).</p>
1045	373	<p>It is considered that such concessions should also be extended to situations where a developer can demonstrate that a full tariff payment would reduce scheme viability to marginal levels where the expected rate of return (whilst being economically viable) does not fairly and reasonably reflect the risks being taken by a developer. Such situations may occur in cold market areas where a developer or</p>	<p>Comments noted. It is considered that the guidance in this section would allow for flexibility and negotiation to address specific concerns such as those identified above.</p>

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		landowner is "first in" and taking a greater development risk compared to developers which choose to invest in the area at a later date or in safer or more established market areas. Furthermore, there may be circumstances where a development is funding other schemes which would not be realised without the development. In such cases, the need for the cross funded scheme may outweigh the need to provide affordable housing. In the circumstances, a judgement must be made as to which is most needed, the affordable housing or the cross funded development, in the event that funding both would result in the development being unviable.	
1045	374	While Peel understands the rationale of such an approach, it is only fair and reasonable that the SPD also recognises that such a reappraisal may indicate that a reduction in tariff payable is necessary to maintain scheme viability (i.e. market conditions may have deteriorated further between the grant of permission and scheme reappraisal).	Agree. Para C10 revised to introduce possibility of both an increase or a decrease in the contribution.
1045	375	Support in the principle of the proposal to define the level of affordable housing contribution within the borough, based upon a site's location within the defined housing sub market areas which are based upon evidence gathered as part of the Trafford Economic Viability Study and their respective spatial market performance.	Comment noted
1045	376	Objection insofar as the SPD does not provide any clarity as to the level of affordable housing provision that should be made in respect of any residential sites brought forward in the Trafford Centre Rectangle. Whilst there is an understanding as why Trafford Park has not been classified as a specific market location, because there is currently virtually no existing housing within Trafford Park, the representation sets out that until such time that a new market area is established in Trafford Park, the Trafford Centre Rectangle would be a Cold Market one for housing purposes for much of the Plan period, until it has become an established residential area.	In the same way that evidence does not exist to identify Trafford Park as a hot or moderate location, there is no evidence to support it's identification as a cold area. The Trafford Centre Rectangle is within Trafford Park and therefore should be treated in the same way. The Council considers that a more appropriate approach to establishing the affordable housing contribution in this area, is carry out site by site assessments.
1045	377	Any requirement for affordable provision within the Trafford Centre Rectangle should be at the lower end of the range of requirements indicated in Policy L2 of the Core Strategy and classified as a 'cold' market location for the purposes of affordable housing provision.	In the same way that evidence does not exist to identify Trafford Park as a hot or moderate location, there is no evidence to support it's identification as a cold area. The Trafford Centre Rectangle is within Trafford Park and therefore should be treated in the same way. The Council considers that a more appropriate approach to establishing the affordable housing contribution in this area, is carry out site by site assessments.

1045	378	<p>A request for further clarity to be given in relation to the methodology that the Council proposes to use to determine the current market condition (whether this is “poor”, “moderate” or “good”) and therefore the Council’s required contribution, at any specific time.</p> <p>An alternative, more transparent solution would be to link the definition of market condition to fluctuations within a combination of industry recognised indices (such as the House Price Index and the building costs index) thereby enabling this to be directly linked to the combined movement of the two indexes.</p>	<p>The Council will monitor the market position and will be able to advise prospective developers as to what condition the market is in when submitting an application for development. This monitoring will include studying data such as the Land Registry and “Rightmove” data. This is the approach followed within the economic viability study.</p> <p>The supporting text of Policy L2 has been clarified to explain that the market conditions will be assessed in relative terms to those identified at the time of the Viability Study. That is “normal market conditions” will be as defined in the Viability Study. It is proposed that this will be made clearer in the SPD to ensure a transparent approach (section 3.2 of the SPD)</p>
1045	379	<p>A request that the SPD be expanded to confirm the Council’s approach when considering applications for development in regeneration areas. Namely that the SPD builds in flexibility whereby contributions which have been paid / are due to the paid in respect of affordable housing may be re-directed to other purposes which would assist in bringing forward development in regeneration areas and which are considered to be of greater priority than affordable housing provision.</p>	<p>The SPD provides supplementary advice to policy L8 of the Core Strategy which acknowledges that, in certain circumstances, a development may not be able to address all of the required planning obligations without the scheme becoming economically unviable. On these occasions, the Council will engage with developers on a site-by-site basis to consider whether contributions should be reduced in order to make development viable. In such cases the Council will consider whether it is appropriate to agree a reduction in the total value of the contributions required for the proposed development, or a phasing of the payments. The Council will either reduce all contributions payable pro rata or reduce/delete specific contributions to ensure that a larger portion of the total contribution received can be applied in accordance with an appropriate prioritisation for that particular development based on the objectives of this Plan. Such an approach will enable the Council to apply the policy flexibly to meet the objectives of the Plan. It is not considered necessary however to amend the policy or the SPD to establish such an approach where viability is not identified as an issue.</p>

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1045	380	Finally, Peel believes the identification of the tenure requirements within the SPD should be flexible in order that any necessary adjustments to reflect current or subsequent Government aspirations can be met.	Policy L2 (and the SPD) have been amended to reflect the new affordable housing category "affordable rented housing". However, given that it also makes it clear that the tenure split can be varied if a sufficiently good case can be made by the developer/applicant, the Council does not consider that it is necessary to introduce any further flexibility in this respect.
1045	381	Section C does not set out the trip generation calculations used in the methodology. As such Peel does not object to the principles but must record a neutral position with regard to the detail and reserve its position until such time as the trip generation calculations have been made available for consideration.	Comment noted.
1045	382	Peel objects to these definitions on the basis that they do not draw adequate distinction between a bus station which may have multiple services arriving and departing from it and a bus stop on a single bus route served by no more than four buses per hour. Accordingly the definitions of the most accessible areas should be expanded as follows: The Most Accessible areas are the areas with the best quality public transport infrastructure and services. This is defined as the area no more than: 800 metres from a Metrolink tram stop; or 800 metres from a train station; or 400 metres from a Quality Bus Corridor; or 800 metres from a major bus station	Agree that major bus stations with multiple bus services should be recognised within the accessibility criteria, which will be adjusted accordingly.
1045	383	In the circumstances Peel requests that the Accessibility Map be updated to include in the Most Accessible category all of the locations which are within 400 metres of the aforementioned Trafford Boulevard QBC route and / or 800 metres of the Trafford Bus Station.	The map will be updated to reflect the current position. In the meantime it will be removed and the assessment made on an individual site basis in relation to the accessibility criteria.
1045	384	Section 5 of the Transport Assessment which was prepared in support of the planning applications for Phases 1a and 1b of the Trafford Quays redevelopment, refers to the aforementioned (and other) accessibility benefits and the site's "most accessible" description. This description has not been challenged by either the GMPTE or Trafford Council.	Comment noted. The accessibility level of individual applications can be agreed on a site by site basis with reference to the criteria in Section D.
1045	385	Given that the deadline for the submission of representations on the draft SPD will expire on same day as the re-drafted parent policy is made publically available, consultation on the SPD seems premature. It may be more beneficial for consultation on the two documents to happen in parallel.	Comments noted. Comments on the revised Core Strategy Policies are also considered in relation to revisions to the SPD.

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1045	386	It is apparent that provisions have been established using the AGMA energy report and the Trafford Low Carbon Energy Study as its evidence base.	Comments noted.
1045	387	With regards to the AGMA and Trafford Low Carbon Energy Study, Peel believes that these reports (and therefore Policy L5 and the SPD) require further consideration in light of recent announcements by the Zero Carbon Hub taskforce and the subsequent acceptance of recommendations by the UK Government (see paragraph 5.12).	During the Examination sessions, the Council has revised the wording in Policy L5 – this resulted in removing the requirement for developments to deliver higher carbon emission reductions. This has been replaced with, if new energy generation infrastructure exists at the time of the planning application, then higher carbon reduction targets are applicable.
1045	388	Examples of the issues that Peel believe need further consideration within the AGMA report which are likely to affect the content and structure of Policy L5 and therefore the SPD are as follows: <input type="checkbox"/> Significant changes to the framework for achieving zero carbon through the building regulations with further changes likely, thereby altering one of the reports key benchmarks and objectives. <input type="checkbox"/> A recommendation by the Zero Carbon Hub which will essentially reduce the energy requirements for achieving Code 6 to Code 5. Thereby making this target more achievable. <input type="checkbox"/> Abolition of RSS and future abolition of all PPS and adoption of a simplified NPPF. <input type="checkbox"/> Justification for a higher set of targets within areas identified as LCGA's <input type="checkbox"/> The AGMA report acknowledges that the cost of the allowable solutions (pounds per tonne of carbon saved) will need clarification following publication of the Zero Carbon Hubs report into Allowable Solutions.	During the Examination sessions, the Council has revised the wording in Policy L5 – this resulted in removing the requirement for developments to deliver higher carbon emission reductions. This has been replaced with, if new energy generation infrastructure exists at the time of the planning application, then higher carbon reduction targets are applicable.
1045	389	Peel should be identified as a stakeholder to be consulted in the refinement of Critical Drainage Areas thereby allowing them the opportunity to formally review and comment upon any drainage strategies which cover areas feeding into watercourses for which the Manchester Ship Canal Company are Navigation or Drainage Authority.	This section of the document has now been superseded by new text which does not make reference to Critical Drainage Areas. The respondent's point is, therefore, no longer applicable.
1045	390	As Navigation Authority and Drainage Body, the Manchester Ship Canal Company should be included in the list of consultees for developers preparing a Flood Risk Assessment where drainage water would enter directly or indirectly a watercourse operated by Peel, such as the Manchester Ship Canal or Bridgewater Canal.	This section of the document has now been superseded by new text which does not make specific reference to Flood Risk Assessments. The respondent's point is, therefore, no longer applicable.

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1045	391	Peel objects to the setting of targets for the reduction of carbon emissions over and above those set out in Building Regulations Part L. Peel recognise that the evidence for this approach is contained within the AGMA and Trafford energy studies but would question the conclusions of the reports and validity. Further, it is important for the Council to be aware that the Government has made significant changes to the implementation of Zero Carbon and therefore anticipated future changes to the Building Regulations.	During the Examination sessions, the Council has revised the wording in Policy L5 – this resulted in removing the requirement for developments to deliver higher carbon emission reductions. This has been replaced with, if new energy generation infrastructure exists at the time of the planning application, then higher carbon reduction targets are applicable.
1045	392	Peel wish to remind the Council that at present it is only mandatory for dwellings to receive a Code rating (which can include a zero rating) and that the Code for Sustainable Buildings is a similar voluntary standard which has not yet been formally adopted.	During the Examination sessions, the Council has revised the wording in Policy L5, this has removed any reference to the Code for Sustainable Homes and refers solely to current Building Regulations.
1045	393	Peel objects to the introduction of a two tier approach with regard to carbon reduction involving the setting of higher targets within the Low Carbon Growth Areas (LCGA).	During the Examination sessions, the Council has revised the wording in Policy L5 – this resulted in removing the requirement for developments to deliver higher carbon emission reductions. This has been replaced with, if new energy generation infrastructure exists at the time of the planning application, then higher carbon reduction targets are applicable.
1045	394	Peel seek confirmation that the council is progressing with a recommendation contained within the Trafford Low Carbon energy Study to undertake feasibility studies into the creation of these decentralised networks. Peel request that they are consulted on these studies and until a definitive timetable for the installation of energy infrastructure is established, Peel consider it unreasonable to request development to seek higher carbon reduction targets in these areas.	see response to 391 and the Council will undertake investigation into the deliverability of low carbon energy generating infrastructure near areas of major development.
1045	395	Paragraph 3.4.23 refers to the carbon reduction targets against the energy requirements contained within Code for Sustainable Homes targets. This section is confusing and not easily understood as it indicates that development outside the LCGA is equivalent to 15% reduction from that required to meet Code level 3.	The SPD has been revised to reflect the changes within Policy L5 and reference to the higher targets and Code for Sustainable Homes as detailed in para 3.4.23 are amended in line with the revised Policy L5.
1045	396	Whilst we welcome the Council's efforts to provide worked examples the policy is still confusing and some of the assumptions made would appear to be questionable.	Comments noted. The SPD has been revised to reflect the changes within Policy L5 and reference to the higher targets and Code for Sustainable Homes as detailed in para 3.4.23 are amended in line with the revised Policy L5.

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1045	397	Furthermore, the SPD advises that a Standard Assessment Procedure (SAP) will need to be provided to inform the preparation of a Carbon Budget Statement. The Council should be aware that this may not be workable in the case of outline planning applications whereby the information which is necessary to complete the assessment may not be available.	The suggested Carbon Budget Statement has been significantly simplified and is now only required where low carbon energy opportunities are available to connect into.
1045	398	If the Council will not lead on the development of decentralised energy network then it is very unlikely that any 'near site' solutions will be technically possible as there will be no infrastructure in place as an option, thereby moving the project immediately into the TDC payment. We consider this unreasonable and would request that the use of "near site" solutions and (in the absence of) movement directly to the TDC payment should be phased in over time to allow for development of infrastructure.	see response to 391 and the Council will undertake investigation into the deliverability of low carbon energy generating infrastructure near areas of major development.
1045	399	Peel questions the reasonableness of the formula for calculating the TDC and particularly the reference to 'lifetime emissions'. If this includes 'non regulated' emissions then we would consider this unreasonable in light of recent government announcements (see paragraph 5.5) and would result in a level of contribution not fairly and reasonably related in scale to the development proposal and would therefore fail the tests of Regulation 122.	Following the Examination Sessions, the requirement for developer contributions has been removed.
1045	400	The Low Trafford Energy study has made a number of viability assumptions with regards to issues such as the Feed in Tariffs, Renewable Heat Incentive and market conditions which we feel have changed significantly since the publication of the report.	Following the Examination Sessions, the requirement for developer contributions has been removed.
1045	401	Peel believe that a payment covering 25 years of emissions is an unrealistic and unreasonable burden on development and will render many schemes economically unviable. The Council does not appear to have adduced any evidence to support the 25 year assumption and, in the absence of such justification, contributions secured on the basis of the formulae set out are likely to fail the tests of Regulation 122.	Following the Examination Sessions, the requirement for developer contributions has been removed.
1045	402	Peel request that we receive clarification on the TDC calculation formula which should only be limited to regulated emissions.	Following the Examination Sessions, the requirement for developer contributions has been removed.

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1045	403	Paragraph 3.4.42 indicates that the TDC contributions may be used to fund the creation of new Energy Supply Companies (ESCO's) which could be public or private sector led. Peel has significant concerns with regard to the compliance with the tests of Regulation 122. Namely, they are concerned that any TDC contribution made by Peel may effectively be used to subsidise other private sector development (and therefore profit) without guaranteed return to the borough or commitment to reduction in the level of future TDC contributions.	Following the Examination Sessions, the requirement for developer contributions has been removed.
1045	404	A worked example of a CBS is provided but Peel wish to question its value given the generic standards used with regards to energy, technologies and cost.	The Carbon Budget Statement methodology is a suggested template to help applicants supply information/data which is necessary to undertake an assessment of the planning application and development proposed. The justification text in Policy L5 (para 14.14) does state that equivalent documents can be submitted to the Council.
1045	405	The scale of contribution potentially required (in addition to the many other contributions sought through the SPD) is immense and at a level which would not satisfy the tests of Regulation 122 of the CIL Regulations (i.e.: a £1.8m contribution toward a carbon offset fund could not in any way, shape or form be described as being fairly and reasonably related in scale in kind to the proposed development). Illustrated example given in response.	Following the Examination Sessions, the requirement for developer contributions has been removed.
1045	406	Peel generally welcomes the bespoke approach taken in establishing the requirement for, and the scale of, on-site provision / financial contribution towards Green Infrastructure whereby this is directly related to the scale and impact of the development and takes account of the existing baseline provision.	Comments noted.
1045	407	However, the methodology for establishing such requirement is not explained as well as it could be within the SPD. Most notably, it is not clear within the SPD which data sources/studies should be used / methodology to be applied in establishing the baseline position with respect to each typology of Green Infrastructure on an application by application basis. In addition, the quantitative and accessibility standards with respect to each typology of Green Infrastructure (GI) are not included within the SPD. To address this, Peel request that Section 3.5 be amended to clearly set out the data source/study to be used in establishing the baseline position with respect to each typology of GI and explain the quantitative and accessibility standards of each typology of open space.	Reference is made in C1 of the technical Note as to how the standard for LOS is calculated. Additional reference to the note has been added to 3.5.19 to make this clearer and text added to C1 to reference the sufficiency/deficiency maps.

1045	408	<p>Paragraph 3.5.22, indicates that a development may fulfil the requirements in this regard through the provision of other elements of open space such as green roofs or sustainable urban drainage in lieu of tree planting. While Peel welcomes this flexibility, further clarification as to the circumstances in which a trade off will be permissible and calculated would assist implementation of the SPD.</p>	<p>Reference is made in C1 of the technical Note as to how the standard for LOS is calculated. Additional reference to the note has been added to 3.5.19 to make this clearer and text added to C1 to reference the sufficiency/deficiency maps.</p>
1045	409	<p>Paragraph 3.5.25 indicates that the Specific Green Infrastructure requirement (i.e. new trees) is in addition to trees planted to replace those lost as part of the development and in addition to a landscaping scheme (i.e. it implies that if a developer's landscaping scheme includes new tree planting provision then those trees will not be counted towards meeting the GI requirement).                  Peel assumes that this is a drafting error and not what the Council intends as such an approach would be unreasonable and would fail the tests of Regulation 122. Accordingly Peel requested that Paragraph 3.5.25 be amended to read as follows: Applicants are advised to discuss with the Council the details of their proposed planting scheme at an early stage in the development process. Trees planted are in addition to requirements covering replacement planting as a result of trees felled on the site and a landscaping scheme, unless this includes a sufficient number of trees to meet the Specific Green Infrastructure requirement for the development. The willingness of applicants to plant trees will not however be a factor that would lead in itself to permission being granted.'</p>	<p>The standard for LOS and all the other green infrastructure standards are set out in Policy R5 of the Core Strategy. C1 of the Technical Notes also sets out the standard although it is acknowledged this could be clearer.                  Proposed change                  Council Response -Reference is made in C1 of the technical Note as to how the standard for LOS is calculated. Additional reference to the note has been added to 3.5.19 to make this clearer and text added to C1 to reference the sufficiency/deficiency maps.</p> <p>Council Response Wording added to 3.2.25 in line with that suggested to make the requirement clearer.</p> <p>Council Response – Specific Green Infrastructure is to mitigate the effect of the built development rather than the number of occupants. The standard reflects a reasonable requirement that can be delivered on the development site in the majority of developments.</p> <p>Council Response – 3.2.52 wording added to clarify onsite provision for different types of greenspace..</p> <p>Costs in the new SPD are £400 per person for outdoor sports £520 is the per unit price. £179 per person is the lowest of the old SPG costs £242.84 is the highest. Section I (para 1.5) of the technical note details how the costs were derived. The increase reflects those used by Sport England and include costs for changing facilities that were not previously costed but as a result of evidence in the Outdoor Sports Study are shown to be needed for facilities to be deemed fit for purpose in many areas.</p>

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1045	410	It is noted that the approaches to calculating the financial contribution towards Specific GI (i.e. trees) and the onsite provision (as shown in Table 3.4) are inconsistent. Accordingly Peel request that the SPD is amended such that a consistent approach is taken in calculating the Specific GI onsite provision and commuted sum value.	Specific Green Infrastructure is to mitigate the effect of the built development rather than the number of occupants. The standard reflects a reasonable requirement that can be delivered on the development site in the majority of developments.
1045	411	In respect of residential development, Table 3.4 confirms that the onsite requirement is one tree per unit for apartments and three per unit for houses. In contrast, to calculate the scale of financial contribution where a commuted sum is to be paid instead, the number of residents, rather than the number and type of property is used. There is no reason or justification for this inconsistent approach which would result in developers having to pay for a significantly higher number of trees through a commuted sum than they would have had to fund if meeting the Specific GI requirement through onsite provision. As such the formulae of 1 tree per apartment and 2 trees per house should be used in calculating both onsite provision and the value of commuted payment.	Specific Green Infrastructure is to mitigate the effect of the built development rather than the number of occupants. The standard reflects a reasonable requirement that can be delivered on the development site in the majority of developments.
1045	412	Peel considers that the SPD would benefit from additional guidance as to when onsite provision of Spatial GI may be expected/appropriate.	3.2.52 wording added to clarify onsite provision for different types of greenspace..
1045	413	Paragraphs 3.5.52 to 3.5.53 provide the only commentary on this matter setting out that developments providing 50 dwellings or more will normally be expected to meet the Spatial GI requirements on site. However, it would be useful if the SPD elaborated on this point. For example, it is clear that a development of 50 dwellings would not be able to meet the outdoor sports requirement on site, but a development of 1000 or more dwellings may. It would therefore be beneficial if the SPD set out some indicative thresholds for the provision of onsite open space provision.	3.2.52 wording added to clarify onsite provision for different types of greenspace..
1045	414	Whilst Peel do not object in principle to this requirement it will be important to ensure on a case by case basis that the level of contribution sought and the purpose to which it will be put satisfy the tests set out in Regulation 122. In this regard the provisions of the Governance Framework, to which we have referred earlier, will be critical.	The SPD as a whole sets out a clear and transparent framework for the collection of planning obligations. The SPD is clear that the collection and implementation of the TDC will be carefully monitored and managed (paras 2.10.4 and 2.10.5).

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1045	415	<p>Table 3.5 sets out the scale of contribution required for different typologies of GI. It is noted that the contribution towards outdoor sports, where one is required, totals £520 per person. The figure of £520 per person therefore represents an increase of between 114% and 190% on the current requirement.</p> <p>As set out in Regulation 122, planning obligation requirements must be "fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects".</p> <p>Peel considers that the outdoor sports contribution would fail the test of fairness and reasonableness, particularly given the significant increase in the scale of contribution compared to the current requirement.</p>	<p>Costs in the new SPD are £400 per person for outdoor sports £520 is the per unit price. £179 per person is the lowest of the old SPG costs £242.84 is the highest. Section I (para 1.5) of the technical note details how the costs were derived. The increase reflects those used by Sport England and include costs for changing facilities that were not previously costed but as a result of evidence in the Outdoor Sports Study are shown to be needed for facilities to be deemed fit for purpose in many areas.</p>
1045	416	<p>A requirement for all developments to make a financial contribution toward the provision of additional school places irrespective of existing/projected capacity within existing schools will inevitably lead to the Council accumulating a 'pool' of financial contributions for the provision of additional school places for which there may be no need and which may never be utilised.</p> <p>Such requests for financial contributions would be unlawful; failing one or more of tests set out by Regulation 122 of the CIL Regulations Regulations 2010.                  SEE SCANNED PDF FOR FULL REPRESENTATION (1045 - 416)</p>	<p>There are a very limited number of schools which have existing/projected capacity for the provision of additional school places. The assessment for the requirement of contributions towards education will be made on a site by site basis taking into account education capacity within the locality of the development.</p>
1045	417	<p>Peel wish to object on the following grounds:                  Section B1 of the associated Technical Note seeks to set out the broad circumstances in which a financial contribution would be sought. In Peel's opinion, contributions should only be sought where a development would generate a need for additional health care facilities which cannot be absorbed by "spare" capacity within existing facilities and the relevant care provider can demonstrate that funding would not otherwise be available. The requirement for a contribution in any other circumstance would not meet the "necessity" or 'directly related' tests of Regulation 122 of the CIL Regulations 2010.                  SEE FULL SCANNED REPRESENTATION (1045 - 417)</p>	<p>The assessment for the requirement of contributions towards health care facilities will be made on a site by site basis taking into account capacity of existing facilities within the locality of the development and if the relevant care provider can demonstrate that funding is otherwise not available.</p>
1045	418	<p>Peel supports the caveat that decisions on the applicability of this element of the SPD to individual applications will be taken on a case by case basis (3.7.2). It is clear that the Council intend to assess the extent to which individual developments will place additional strain on existing facilities / create a requirement for new facilities. The methodologies for conducting such assessments is not specified and should be made publically available as part of the SPD and consulted upon prior to adoption.                  Similarly, where financial contributions are to be sought, a formula for the</p>	<p>Partially agree. The percent for Art is notional and not supported by evidence. Reference to it has therefore been deleted</p>

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		<p>calculation of level of contribution payable should be provided as part of the SPD and consulted upon prior to adoption.</p> <p>With specific regard to the NE4 (Public Art) a contribution to the value of 1% of the development for major non-residential developments will be “expected”. Peel object to the inclusion of an expected value figure without the provision of further clarification / justification as why this is considered to represent an appropriate starting point for the commencement of negotiation.</p>	
1045	419	<p>13. Para 3.4.19 - Recommendations made by Zero Carbon Hub which have been adopted by the Government and / or are under consideration include:</p> <ul style="list-style-type: none"> <li>• The Government has accepted that residential developers are only responsible for regulated emissions from 2016. Therefore questions the validity of the AGMA and Trafford position to establish an allowable solutions fund to offset unregulated emissions.</li> <li>• The setting of energy reduction targets based on a continued reduction in Part L Building Regulations is increasingly difficult to understand.</li> <li>• The additional cost of achieving Zero Carbon via the continued increase in building regulation requirements was in many instances creating economically unviable developments.</li> </ul>	<p>The Policy has been revised to remove this requirement. The allowable solutions fund has been removed from Policy L5 and will therefore be removed from the SPD and as stated above the targets have been removed. The following two bullet points refer to national policy.</p>
1051	201	<p>Para 2.4.1 – whilst the reference to exemptions of “developments by charitable institutions for charitable purposes” picks up the mandatory charitable relief as set out under Regulation 43 of the CIL Regulations it is not entirely clear if the same approach will be taken by the Council in respect of discretionary charitable relief under Regulation 44 for property held for investment – the National Trust’s view is that it should as such assets are one of the prime means available to bodies such as the Trust to make finance available for conservation works. The SPD elsewhere refers to “The TDC provides a greater clarity and certainty for the development industry” (para 2.1.5) – charities would not see themselves as ‘the development industry’ in this context and it is argued that full discretionary relief should be provided.</p>	<p>Agree. Paragraph is revised to make it clear that exemptions and discretionary relief will be made in line with the CIL Regulations 2010.</p>
1051	202	<p>Para 3.5.16 – it is unclear as to what criteria will be used to determine whether or not a contribution is sought in respect of Specific Green Infrastructure; however, it would appear to be inappropriate to require such a contribution in cases where the development is to provide ancillary facilities (e.g. catering, associated offices) that are based at and ancillary to an existing Green Infrastructure facility such as a sports club or a park.</p>	<p>Proposed change The contributions are not covering this type of use. Change wording to clarify.</p>

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1052	111	<p>We are concerned to read that Trafford Council has chosen to prepare a Planning Obligations SPD to levy standard charges on development. This is contrary to the Community Infrastructure Levy (CIL) Regulations 2010. Consequently the approach that the Council is choosing to follow may be considered unlawful.</p> <p>Standard charges on developments may only be pursued through the preparation of a CIL Charging Schedule and no longer through planning obligations.</p>	<p>Comments noted. The approach in this SPD sets out a system for calculating contributions towards mitigating the impact of a development. It is flexible in terms of the level of contribution relating to the scale and type of development. The SPD is clear that all obligations must be consistent with the 3 tests in the CIL Regulations 2010.</p>
1052	112	<p>CIL represents the fairest and most efficient way collect contributions from all development to support the wider infrastructure requirements of the district. For this reason we recommend that the Council's Planning Obligations SPD is withdrawn and a CIL compliant charging schedule is prepared instead.</p>	<p>Partially disagree. The Council has commenced work on a CIL regime for Trafford which will ultimately replace this SPD.</p>
1074	141	<p>Para. 2.2.2 sets out the infrastructure to be covered by TDC and does not, for example, specifically cover the public realm or conservation area enhancement. I note that this list is not definitive and I suggest that matters relating to the conservation and enhancement of the historic environment are included.</p>	<p>Proposed change - It is considered this is beyond the scope of the GI contribution and should be covered by planning application conditioned under R1.</p>
1074	142	<p>It should be acknowledged that users, occupiers and beneficiaries of new development such as residents, shoppers etc will tend to utilise and benefit from an area's cultural heritage. Obligations from those developments should therefore be expected to contribute towards the historic environment's upkeep, vitality and efficient use.</p>	<p>Proposed change It is considered this is beyond the scope of the GI contribution and should be covered by planning application conditioned under R1</p>
1074	143	<p>Where appropriate, types of contribution can include; repair, restoration or maintenance of a heritage asset(s) and their setting ; production and implementation of up-to-date Conservation Area appraisals and management plans; measures for preservation or investigation and recovery or archaeological remains and sites; increased public access and increased signage to and from heritage assets; interpretation panels/ historical information and public open days; display of archaeological sites and dissemination of information for public/school education and research; and sustainability improvements (such as loft insulation) for historic buildings.</p>	<p>Proposed change It is considered this is beyond the scope of the GI contribution and should be covered by planning application conditioned under R1</p>
1074	144	<p>Whilst there are no entries for Trafford in the current Heritage at Risk Register you may be aware of heritage assets at risk in your area.</p>	<p>Proposed change It is considered this is beyond the scope of the GI contribution and should be covered by planning application conditioned under R1</p>

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1074	145	Contributions to public realm improvements; GI; Social and Community facilities and other issues associated with a development proposal where planning conditions are not suitable, may often relate to the historic environment. English Heritage would expect potential contributions towards public realm improvements to include for example, enhancement of historic squares and spaces, registered parks and gardens, historic pavement materials, street furniture, removal of street clutter and installation of sympathetic lighting.	Proposed change It is considered this is beyond the scope of the GI contribution and should be covered by planning application conditioned under R1
1074	146	English Heritage supports the concept of GI and the use of planning obligations to deliver them. We are keen to stress the important contribution that the historic environment makes to green infrastructure, including historic parks and gardens, archaeological sites, the grounds of listed buildings and green spaces and conservation areas.	Proposed change It is considered this is beyond the scope of the GI contribution and should be covered by planning application conditioned under R1
1074	147	Contributions for social and community facilities could include provision of cultural infrastructure, such as enhancement of museums, heritage/ local history centres and other relevant heritage attractions.	Proposed change It is considered this is beyond the scope of the GI contribution and should be covered by planning application conditioned under R1
1096	167	<p>the SPD makes little reference to developer contributions for flood risk purposes. New development should recognise the opportunities to provide contribution to the development of flood defence assets in areas of flood risk. This could include existing programmed work (E.g. by the Environment Agency / Council) or new schemes which may have a beneficial effect to existing properties and communities.</p> <p>The Council through its role as Lead Local Flood Risk Authority (under the Flood and Water Management Act 2010) has a greater responsibility to manage local flood risk issues. This includes a responsibility to maintain a register of all structures / features within the LPA boundary considered to have a significant effect on flood risk. Developer contributions provide an opportunity to enhance these structures and provide long term maintenance / funding where appropriate.</p> <p>We are aware that the Council are currently producing a 'Preliminary Flood Risk Assessment' as required through the Flood Risk Regulations 2009. Ultimately this will provide further information on flood risk management and will identify how significant flood risks are to be mitigated within the area of Trafford. There will be an opportunity to link this piece of work to future revisions of the SPD or through</p>	<p>Agree. The following text is added to Section 3 in order to recognise the role of GI in flood defence infrastructure:</p> <p>3.4.11. Extensive areas within the Borough have been identified, in the Manchester, Salford and Trafford Level 2/Hybrid Strategic Flood Risk Assessment (SFRA), as being at risk of flooding. This flood risk arises from rivers, canals, sewers, surface water and groundwater.</p> <p>3.4.12. Policy L5 of the Core Strategy requires developers to demonstrate that account has been taken of flood risk from all sources and that the proposed development incorporates mitigation and management measures appropriate to the use and location. Policy L5 also requires developers to improve water efficiency and reduce surface water run-off through the use of a range of Sustainable Drainage Systems (SUDs) appropriate to the various parts of the Borough.</p> <p>3.4.13. Whilst the use of SUDs and 'soft' flood defences, such as green, open spaces where waters can be stored in times of flood, will often be the preferred means of managing flood risk in relation to new development the use of 'hard' flood defences,</p>

		the use of any subsequent Community Infrastructure Levy (CIL).	<p>such as embankments, walls, weirs, sluices and pumping stations, may also be required. A comprehensive flood defence strategy might use a combination of such measures, making use of both natural processes and engineering solutions, and bringing wider benefits to the local community in terms of habitat creation and provision of recreational opportunities.</p> <p>3.4.14. Wherever possible, this should be achieved through the implementation of sustainable urban drainage systems (SUDS). Source control should be considered first. There may be opportunities to deliver SUDS through integrated solutions for collections of strategic sites. The future ownership and maintenance of SUDS systems should be discussed at the planning application stage with the relevant sections of the LPA (including Highways and Drainage), United Utilities and the Environment Agency. If this approach is not undertaken, then the developer must demonstrate no adverse impact caused by the development elsewhere and why it is not feasible.</p> <p>3.4.15. In line with current national policy, the Council will expect developers to make a full contribution towards the costs of developing and maintaining defences which are required as a result of the proposed development. In addition, the Council will encourage partnership working between developers, local communities and the Environment Agency on wider flood management initiatives within the Borough.</p>
1096	168	<p>The SPD makes little reference to developer contributions for flood risk purposes. New development should recognise the opportunities to provide contribution to the development of flood defence assets in areas of flood risk. This could include existing programmed work (e.g. by the EA/Council) or new schemes which may have a beneficial effect to existing properties and communities.</p>	<p>Agree. The following text is added to Section 3 in order to recognise the role of GI in flood defence infrastructure:</p> <p>3.4.11. Extensive areas within the Borough have been identified, in the Manchester, Salford and Trafford Level 2/Hybrid Strategic Flood Risk Assessment (SFRA), as being at risk of flooding. This flood risk arises from rivers, canals, sewers, surface water and groundwater.</p> <p>3.4.12. Policy L5 of the Core Strategy requires developers to demonstrate that account has been taken of flood risk from all sources and that the proposed development incorporates mitigation and management measures appropriate to the use and location. Policy L5 also requires developers to improve</p>

			<p>water efficiency and reduce surface water run-off through the use of a range of Sustainable Drainage Systems (SUDs) appropriate to the various parts of the Borough.</p> <p>3.4.13. Whilst the use of SUDs and ‘soft’ flood defences, such as green, open spaces where waters can be stored in times of flood, will often be the preferred means of managing flood risk in relation to new development the use of ‘hard’ flood defences, such as embankments, walls, weirs, sluices and pumping stations, may also be required. A comprehensive flood defence strategy might use a combination of such measures, making use of both natural processes and engineering solutions, and bringing wider benefits to the local community in terms of habitat creation and provision of recreational opportunities.</p> <p>3.4.14. Wherever possible, this should be achieved through the implementation of sustainable urban drainage systems (SUDS). Source control should be considered first. There may be opportunities to deliver SUDS through integrated solutions for collections of strategic sites. The future ownership and maintenance of SUDS systems should be discussed at the planning application stage with the relevant sections of the LPA (including Highways and Drainage), United Utilities and the Environment Agency. If this approach is not undertaken, then the developer must demonstrate no adverse impact caused by the development elsewhere and why it is not feasible.</p> <p>3.4.15. In line with current national policy, the Council will expect developers to make a full contribution towards the costs of developing and maintaining defences which are required as a result of the proposed development. In addition, the Council will encourage partnership working between developers, local communities and the Environment Agency on wider flood management initiatives within the Borough.</p>
1096	169	<p>We are aware that the Council are currently producing a 'Preliminary Flood Risk Assessment' as required through the Flood Risk Regulations 2009. Ultimately this will provide further information on flood risk management and will identify how significant flood risks are to be mitigated within the area of Trafford. There will be an opportunity to link this piece of work to future revisions of the SPD or through</p>	<p>Agree. The following text is added to Section 3 in order to recognise the role of GI in flood defence infrastructure:</p> <p>3.4.11. Extensive areas within the Borough have been identified, in the Manchester, Salford and Trafford Level 2/Hybrid Strategic Flood Risk Assessment (SFRA), as being at</p>

		<p>the subsequent CIL.</p>	<p>risk of flooding. This flood risk arises from rivers, canals, sewers, surface water and groundwater.</p> <p>3.4.12. Policy L5 of the Core Strategy requires developers to demonstrate that account has been taken of flood risk from all sources and that the proposed development incorporates mitigation and management measures appropriate to the use and location. Policy L5 also requires developers to improve water efficiency and reduce surface water run-off through the use of a range of Sustainable Drainage Systems (SUDs) appropriate to the various parts of the Borough.</p> <p>3.4.13. Whilst the use of SUDs and ‘soft’ flood defences, such as green, open spaces where waters can be stored in times of flood, will often be the preferred means of managing flood risk in relation to new development the use of ‘hard’ flood defences, such as embankments, walls, weirs, sluices and pumping stations, may also be required. A comprehensive flood defence strategy might use a combination of such measures, making use of both natural processes and engineering solutions, and bringing wider benefits to the local community in terms of habitat creation and provision of recreational opportunities.</p> <p>3.4.14. Wherever possible, this should be achieved through the implementation of sustainable urban drainage systems (SUDS). Source control should be considered first. There may be opportunities to deliver SUDS through integrated solutions for collections of strategic sites. The future ownership and maintenance of SUDS systems should be discussed at the planning application stage with the relevant sections of the LPA (including Highways and Drainage), United Utilities and the Environment Agency. If this approach is not undertaken, then the developer must demonstrate no adverse impact caused by the development elsewhere and why it is not feasible.</p> <p>3.4.15. In line with current national policy, the Council will expect developers to make a full contribution towards the costs of developing and maintaining defences which are required as a result of the proposed development. In addition, the Council will encourage partnership working between developers, local</p>
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			communities and the Environment Agency on wider flood management initiatives within the Borough.
1103	107	No specific comments to make	Noted
1106	106	Assessment of contributions against the 3 CIL Tests. The draft SPD introduces standard charges for different types of obligations and infrastructure, including financial contributions for retail developments. In principle, this is supported because it allows the cumulative impact of development to be addressed. However, Sainsbury's consider that the proposed charges must reflect the true cost of providing new retail facilities over the plan period.	Comments noted
1106	107	Section 3 of SPD1 outlines the individual contributions that are being sought in relation to the national, regional and local policy context. In this regard, Sainsbury's acknowledge the requirement for planning obligations to be appropriate to the development, compliant with the tests set out in Circular 05/2005 and have regard to Section 122 of the CIL Regulations (2010).	Comments noted.
1106	108	In line with the CIL Regulations, Sainsbury's urge the Council to carefully consider the applicability of the contribution required to support new retail developments (e.g. TDC2 Highways Infrastructure, TDC3 Sustainable Transport, TDC4 Sustainable Energy and TDC5 Green Infrastructure) should be assessed on a case by case basis and have regard to the individual circumstances of the site. It is, therefore, suggested that greater clarity is provided to demonstrate that the proposed standard charges are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind.	The Council considers that the SPD, together with the relevant policies in the Core Strategy make it clear that site by site negotiations can take place. This is reinforced by the guidance advising that early (pre application) contact should be made with the LPA where issues of viability emerge. The SPD has been prepared in line with the CIL Regulations 2010.
1165	105	Furthermore, whilst we accept the need for landscaping to be provided as part of new development, we would query the need for a specific standard on the number of trees to be provided as outlined in Table 3.4 of the draft SPD. We consider that this is overly prescriptive and places an unnecessary burden on developers, and it should be removed from the document.	Paragraph 3.5.21 sets out that the number of trees outlined is a guide and more specific requirements will be set out in section B of Technical Note 5

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1165	106	The proposal to seek a minimum of 40% carbon reduction from within Low Carbon Growth Areas will place a significant burden on developers, having a considerable impact on viability and has the potential to prevent development coming forward. We consider that the minimum target should be reviewed.	During the Examination sessions, the Council has revised the wording in Policy L5. The carbon reduction targets of have been changed to up to 5% and up to 15% above current Building Regulations and are only applicable where low carbon infrastructure is located near the proposed development and is viable to connect into.
1173	112	It was difficult to comment on the document from our perspective due to the lack of up to date information on schemes in tables 3.2 and 3.3 that have a time horizon of 2016 instead of 2026. We understand that this is mentioned in the text but there is now a totally different economic background to that that prevailed in 2006/2007.	Comment noted.
1173	113	The third Local Transport Plan is only required to be published not submitted.	The text in paragraph 3.3.8 will be amended to reflect this.
1173	114	It is wondered whether you need this paragraph at all. Perhaps the last sentence could be "bolted on" to the end of paragraph 3.3.8.	Agreed, the text will be updated as suggested.
1173	115	Technical Note 3. Tables B1/B2 - The column headed "Developer contributions" is misleading. For the larger schemes this seems to suggest that developer contributions will only amount to around 10% of cost of the schemes. However the text on each scheme suggests that the majority of the funding would be required from developers. (see schemes B1 and B2) .Some of the schemes have already been completed (see comments on currency above).	The schemes listed in Table 3.2 (and Tables B1 and B2 of Technical Note 3) are set out as a guide in principle only and have been updated along with the available funding streams to cover the period 2011 – 2026, following the adoption of LTP3 and Phase 2a of the LDF Transport Modelling work.
1173	116	B1/B2 Carrington By-Pass and Carrington - Irlam Canal Crossing and Link Road - It is unlikely that these schemes will attract any LTP funding at all.	Comment noted. These schemes and the available funding streams have been updated to cover the period 2011 – 2026 in line with LTP3 and Phase 2a of the LDF Transport Modelling work.

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1173	117	B4 Integrated Transport Improvement and Safety Schemes - The first sentence of this paragraph describes the position as it is now. There is no guarantee that the Integrated Transport Block will survive in its current form. It is suggested that you delete the words "The Traffic Management element of the LTP Integrated Transport Block" from the first sentence and start the sentence with the word "LTP".	Agreed text will be updated accordingly. These schemes and the available funding streams have been updated to cover the period 2011 – 2026 in line with LTP3 and Phase 2a of the LDF Transport Modelling work.
1173	118	B6 Altrincham Interchange - The reference to the Regional Funding Allocation should be replaced by a reference to the Greater Manchester Transport Fund.	Agreed text will be updated accordingly. These schemes and the available funding streams have been updated to cover the period 2011 – 2026 in line with LTP3 and Phase 2a of the LDF Transport Modelling work.
1173	119	B11 - Yellow School Buses The reference to the Regional Funding Allocation should be replaced by a reference to the Greater Manchester Transport Fund.	Agreed text will be updated accordingly. These schemes and the available funding streams have been updated to cover the period 2011 – 2026 in line with LTP3 and Phase 2a of the LDF Transport Modelling work.
1173	120	B13 Manchester'Road/ParkRoad Junction. Timperley - It would indeed be difficult to fund these improvements from the QBC top slice budget as it doesn't exist anymore.	Comment noted. These schemes and the available funding streams have been updated to cover the period 2011 – 2026 in line with LTP3 and Phase 2a of the LDF Transport Modelling work.
1220	101	Supportive of an SPD which seeks to provide clarity to developers regarding the basis on which planning obligations are sought.	Support noted
1220	102	Query whether the tariff based 'Trafford Developer Contribution' (TDC) system outlined in the SPD goes beyond what is envisaged in draft Policy L8 and is premature in advance of the examination and then adoption of the Core Strategy. Para 2.1.2 of the draft SPD confirms that the TDC is a formula-based standard charge, and the thresholds set out in Table 2.1 will mean it is applied to the majority of development proposals. In our view this is not a system which establishes the level of contributions on a site by site basis, with reference to a specific development proposal, and is instead seeking to introduce a shift policy which will not be subject to the appropriate level of assessment and independent examination.	Policy L8 of the Core Strategy has been through Examination and has been accepted by the Inspector as an appropriate mechanism for collecting Planning obligations. This policy details the use of a Trafford Developer Contribution (TDC). Therefore it is entirely appropriate to produce this SPD to support the implementation of the Core Strategy policies. It should be noted however that Policy L8 also assumes the introduction of CIL in Trafford and the Council has started preparing a CIL.

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1220	103	Query how the draft SPD sits with CIL. Sections 2.6 and 2.7 set out the details of the methods of collecting and spending the TDC which are very similar to those envisaged by CIL. The regulations set out the procedure for introducing CIL which include the preparation of a Charging Schedule which is subject to public consultation and then importantly, independent examination. Paragraph 17.12 confirms that a Charging Schedule setting out the CIL rates will be produced in due course, however it could be argued that the draft SPD is seeking to introduce a levy/tariff based system without following the procedures set out in the Regulations in respect of independent examination.	Policy L8 of the Core Strategy has been through Examination and has been accepted by the Inspector as an appropriate mechanism for collecting Planning obligations. This policy details the use of a Trafford Developer Contribution (TDC). Therefore it is entirely appropriate to produce this SPD to support the implementation of the Core Strategy policies. It should be noted however that Policy L8 also assumes the introduction of CIL in Trafford and the Council has started preparing a CIL.
1220	104	Section 123(3) of the CIL Regulations indicates that after a transitional period of 4 years (i.e. from 6th April 2014), the use of the planning obligations for the pooled contributions towards items that may be funded via the levy is restricted. CIL is the Government's preferred vehicle for collection of pooled contributions, and this section of the Regulations is designed to encourage LPAs to prepare Charging Schedules in good time.	Policy L8 of the Core Strategy has been through Examination and has been accepted by the Inspector as an appropriate mechanism for collecting Planning obligations. This policy details the use of a Trafford Developer Contribution (TDC). Therefore it is entirely appropriate to produce this SPD to support the implementation of the Core Strategy policies. It should be noted however that Policy L8 also assumes the introduction of CIL in Trafford and the Council has started preparing a CIL.
1220	105	The TDC element of the draft SPD should be withdrawn and the evidence base on which it has been developed should instead be used to prepare a CIL Charging Schedule, to be brought forward in accordance with the Regulations.	Policy L8 of the Core Strategy has been through Examination and has been accepted by the Inspector as an appropriate mechanism for collecting Planning obligations. This policy details the use of a Trafford Developer Contribution (TDC). Therefore it is entirely appropriate to produce this SPD to support the implementation of the Core Strategy policies. It should be noted however that Policy L8 also assumes the introduction of CIL in Trafford and the Council has started preparing a CIL.
1220	106	Of particular note in the 'Planning for Growth' Statement is the set of considerations for LPAs which includes ensuring that they do not impose unnecessary burdens on development. To this end, Steve Quartermain's letter confirms that the Statement can be treated as a material planning consideration and, as such, we consider that it would be appropriate to review the draft SPD in this light.	Comments noted.

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1220	107	Thresholds are set at such a level as to have the effect that all development proposals will be subject to TDC. It is our view that this is unreasonable and will prevent a number of smaller developments coming forward on viability grounds. We consider that the thresholds should be set at the same level as the thresholds for Major Development.	In order to address concerns raised in relation to the SPD potentially imposing unnecessary burdens on developers and therefore conflict with emerging government policy, the Council commissioned additional viability work. This work was additional to that carried out to support Core Strategy Policy L2 in relation to affordable housing. The findings of this work set out .... And a summary will be included in the “consultation statement”/Exec report seeking adoption of the SPD.
1220	108	We note that para. 2.3.4 indicates that, in the case of applications for non-residential development, TDC will be calculated on the basis of the cumulative gross internal floorspace. In the case of the Crowns Estate’s interests at Altrincham Retail Park, this is considered unreasonable since there are unlikely to be any impacts arising from floorspace used for storage purposes. In some cases this could be up to 30% of the gross internal floorspace. In this regard, we consider that, in the case of retail uses, TDC should be calculated on the net sales floorspace (i.e. excluding storage areas).	The impact from development which these planning obligations are seeking to mitigate result from the use of the whole of the unit. For clarity, consistency and ease of use. It is considered that the Gross Internal Area (GIA) is appropriate for all types of uses.
1220	109	Table 2.2 indicates TDC applicability for each type of development and we note that in the case of non-residential development TDC for Highways Infrastructure, Sustainable Transport Schemes, Sustainable Transport Schemes, Sustainable Energy Schemes and Specific Green Infrastructure will be sought.	Comments noted.
1220	110	Section 2.5 considers the costs associated with TDC and we note that para. 2.5.4 indicates that a 'reasonable management fee of 5% of the contribution is set to allow the Council sufficient resources to monitor and implement planning obligation agreements and deliver an efficient and effective evidence based Section 106 process. We note that the table on page 4 of Technical Note 1 confirms that TDC for Class A development proposals (excluding Class A1 food) is set for £10,839 per 100sq. meters of development. We consider that it is unreasonable to suggest that the Council will incur costs equating to £541.95 per 100 sq meters of Class A1 floorspace developed, to monitor and implement planning obligation agreements. It is our view that the management fee of 5% should be reviewed and evidence presented to support any new proposed anagement fee.	The Management Fee is an essential tool for ensuring the planning obligations system will operate efficiently and effectively so reducing delays which will help ensure better outcomes for developers and the public. Further consideration will be given to the level at which the management fee is set in response to subsequent representations and will be reviewed on an annual basis to ensure that it is set at a level which fairly reflects the costs incurred.

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1220	111	Para. 2.6.4 confirms that following receipt of contributions, the Council will hold the funds in a ring-fenced account for a default period of 15 years before they are capable of being returned to the payee. Holding funds for a default period of 15 years is considered unreasonable and beyond that which we would expect to see the infrastructure being delivered. In effect this length of time would not meet the CIL tests for obligations. We consider that the contributions should only be held for a maximum of 5 years, and we would suggest that each case should be considered on its merits rather than imposing a blanket period.	The default period of 15 years was considered to be sound in her report into the Examination of the Trafford Core Strategy (November 2011). The revised Core Strategy Policy L8 does allow for negotiation of the time period depending upon the obligation sought.
1220	112	Concerned that in the case of The Crown Estate's interests in Altrincham Retail Park, contributions towards the specific Highway Infrastructure works outlined in Table 3.2 would not meet the CIL tests. The four specific schemes (Carrington-Irlam/ Cadishead LINK Phases 1 and 2, Parkway Circle and Bridgewater Way) are all remote from Altrincham Retail Park and cannot be considered necessary or directly related to any additional development at the Park. In this respect, we consider that these specific Highway Infrastructure schemes throughout the Borough category and TDC should only be sought for these schemes from development on sites within the locality, in accordance with the CIL tests.	Comment noted. Developments will only be expected to contribute towards schemes that are directly related to the development, in line with the CIL Regulations 2010.
1220	113	Query the need for a specific standard on the number of trees to be provided as outlined in Table 3.4 of the draft SPD. We consider that this is overly prescriptive and places an unnecessary burden on developers, and it should be removed from the document.	Paragraph 3.5.21 sets out that the number of trees outlined is a guide and more specific requirements will be set out in section B of Technical Note 5
1220	114	The proposal to seek a minimum of 40% carbon reduction from within Low Carbon Growth Areas will place a significant burden on developers, having a considerable impact on viability and has the potential to prevent development coming forward.	during the Examination sessions, the Council has revised the wording in Policy L5. The carbon reduction targets of have been changed to up to 5% and up to 15% above current Building Regulations and are only applicable where low carbon infrastructure is located near the proposed development and is viable to connect into.
1221	102	We note that the draft SPD is based on Policy L8 of the draft Core Strategy which indicates that the Council will seek planning obligations for the delivery of environmental, economic and social infrastructure. The draft Policy confirms the level of contributions will be established on a site by site basis, with reference to a specific development proposal. We would query whether the tariff based 'Trafford Developer Contribution' (TDC) system outlined in the SPD goes beyond what is envisaged in draft Policy L8 and is premature in advance of the examination and then adoption of the Core Strategy. Paragraph 2.1.2 of the draft SPD confirms that	Policy L8 of the Core Strategy has been through Examination and has been accepted by the Inspector as an appropriate mechanism for collecting Planning obligations. This policy details the use of a Trafford Developer Contribution (TDC). Therefore it is entirely appropriate to produce this SPD to support the implementation of the Core Strategy policies. It should be noted however that Policy L8 also assumes the introduction of CIL in Trafford and the Council has started

		the TDC is a formula-based standard charge, and the thresholds set out in Table 2.1 will mean it is applied to the majority of development proposals. In our view this is not a system which establishes the level of contributions on a site by site basis, with reference to a specific development proposal, and is instead seeking to introduce a shift in policy which will not be subject to the appropriate level of assessment and independent examination.	preparing a CIL.
1221	103	Furthermore, Paragraph 2.1.3 explains that the ‘thresholds for qualifying developments are based on the total gross development, rather than the net additional development, although the relevant formulae to calculate the contribution will be applied on a pro rata basis for gross floor area above the thresholds.’ We consider that this should apply only to the net development proposed and not to the quantum of development floor area that is above the thresholds, as the SPD text implies is the case.	Agree. Paragraph 2.1.3 is revised as follows: 2.1.3. Development is taken to include new development (including mezzanines), redevelopment, and changes of use. Thresholds for qualifying developments are based on the total gross development, rather than on the net additional development, although the relevant formulae to calculate a contribution will only be applied on a pro-rata basis for gross floor area (GFA) above the thresholdsthe net additional floorspace/units. For these purposes Gross Internal Area (GIA) is used.
1221	104	Linked to this, we would also query how the draft SPD sits with (CIL). Sections 2.6 and 2.7 set out details of the methods of collecting and spending the TDC which are very similar to those envisaged by CIL. The Regulations set out the procedure for introducing CIL which include the preparation of a Charging Schedule which is subject to public consultation and then, importantly, independent examination. Paragraph 17.12 of the draft Core Strategy confirms that a Charging Schedule setting out the CIL rates will be produced in due course, however it could be argued that the draft SPD is seeking to introduce a levy / tariff based system without following the procedures set out in the Regulations in respect of producing and consulting upon a preliminary draft Schedule, then formal consultation and finally an independent examination.	Policy L8 of the Core Strategy has been through Examination and has been accepted by the Inspector as an appropriate mechanism for collecting Planning obligations. This policy details the use of a Trafford Developer Contribution (TDC). Therefore it is entirely appropriate to produce this SPD to support the implementation of the Core Strategy policies. It should be noted however that Policy L8 also assumes the introduction of CIL in Trafford and the Council has started preparing a CIL.
1221	105	In addition, you will be aware that Section 123(3) of the CIL Regulations indicates that after a transitional period of 4 years (i.e. from 6th April 2014), the use of planning obligations for pooled contributions towards items that may be funded via the levy is restricted. Whilst elements of the TDC which are not suitable for CIL (e.g. Affordable Housing) could remain beyond 2014, we would query pursuing the preparation of TDC in principle given its limited lifespan for pooled infrastructure contributions. The SPD is inconsistent with CIL in this respect, where at 2.7.3 of the SPD reference is made to pooled contributions reflecting the same timescales as the Core Strategy (i.e. 2011-2026.)	Policy L8 of the Core Strategy has been through Examination and has been accepted by the Inspector as an appropriate mechanism for collecting Planning obligations. This policy details the use of a Trafford Developer Contribution (TDC). Therefore it is entirely appropriate to produce this SPD to support the implementation of the Core Strategy policies. It should be noted however that Policy L8 also assumes the introduction of CIL in Trafford and the Council has started preparing a CIL.

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1221	106	The TDC element of the draft SPD should be withdrawn and the evidence base on which it has been developed should instead be used to prepare a CIL charging schedule.	Policy L8 of the Core Strategy has been through Examination and has been accepted by the Inspector as an appropriate mechanism for collecting Planning obligations. This policy details the use of a Trafford Developer Contribution (TDC). Therefore it is entirely appropriate to produce this SPD to support the implementation of the Core Strategy policies. It should be noted however that Policy L8 also assumes the introduction of CIL in Trafford and the Council has started preparing a CIL.
1221	107	In the meantime, the Ministerial Statement delivers a clear message to Local Planning Authorities about the steps Governments expects them to take with immediate effect. To this end, Steve Quartermain's letter confirms that the Statement can be treated as a material planning consideration and, as such, we consider that it would be appropriate to review the draft SPD in this light.	Comments noted.
1221	108	Section 2.3 considers which development proposals will be subject to the TDC and Table 2.1 indicates the thresholds for each type of development. These are set at such a level so as to have the effect that almost all development proposals will be subject to TDC. It is our view that this is unreasonable and will prevent a number of smaller developments coming forward on viability grounds. We consider that the thresholds should be set at the same level as the thresholds for Major Development.	In order to address concerns raised in relation to the SPD potentially imposing unnecessary burdens on developers and therefore conflict with emerging government policy, the Council commissioned additional viability work. This work was additional to that carried out to support Core Strategy Policy L2 in relation to affordable housing. The findings of this work set out .... And a summary will be included in the "consultation statement"/Exec report seeking adoption of the SPD.
1221	109	In the case of applications for non-residential development, TDC will be calculated on the basis of the cumulative gross internal floor space. In the case of SEGRO's interests at Trafford Park, this is considered unreasonable since there are unlikely to be any impacts arising from floor space used for storage purposes associated with commercial office development for example. In the case of hotels or sui generis uses, the actual useable space assisted with a business, e.g. hotel bedrooms, it would be unreasonable to calculate the TDC on the overall gross internal floor space of the hotel when much of it is used for ancillary services e.g. kitchen, bar and restaurant areas. In some cases this could represent a significant proportion of the gross internal floor space. In this regard, we consider that, in the case of TDC should be calculated on net floor space directly attributable to the use (in the case of B1, B2 and B8 uses) and (i.e. excluding storage areas except where this is B8) and in the case of hotels for example, be linked to the number of bedrooms.	The impact from development which these planning obligations are seeking to mitigate result from the use of the whole of the unit. For clarity, consistency and ease of use. It is considered that the Gross Internal Area (GIA) is appropriate for all types of uses.

1221	110	<p>In principle we do not agree with the Table 2.2 that suggests that for Non residential Schemes it is applicable to require contributions towards community facilities as a negotiated element of TDC. We do not consider that this meets the three tests that should be satisfied in respect of ‘necessity; directly related to the development; and fair and reasonable in scale and kind.’ The provision of businesses within the B Use class for example will not place additional demands on existing community centres, or buildings /services currently provided for the community for example. Indeed, our Client’s development at Trafford Park could include hotel development or leisure facilities for example, which in them offers community facilities and thus additional contributions are not justified for non residential development in our view.</p>	<p>Contributions towards Community Facilities fall under the Negotiated Element of the TDC. They are therefore not a requirement but in some instances it may be appropriate to link non-residential development to improvements in Community Facilities.</p>
1221	111	<p>Section 2.5 considers the costs associated with TDC and we note that paragraph 2.5.4 indicates that a ‘reasonable management fee of 5% of the contribution is set to allow the Council sufficient resources to monitor and implement planning obligation agreements and deliver an efficient and effective evidence based Section 106 process. It is not clear or evidenced why certain elements of contributions are so heavily weighted against B1 uses in particular.</p>	<p>The Management Fee is an essential tool for ensuring the planning obligations system will operate efficiently and effectively so reducing delays which will help ensure better outcomes for developers and the public. Further consideration will be given to the level at which the management fee is set in response to subsequent representations and will be reviewed on an annual basis to ensure that it is set at a level which fairly reflects the costs incurred.</p> <p>The level of each contribution is based on the impact of each type of development (e.g. in terms of trip generation). The SPD clearly sets out how the contribution for each use class is calculated.</p>
1221	112	<p>We do not agree with the provisions of paragraph 2.5.8 and 2.5.9 that seek the applicants to cover the costs of the planning obligation agreement for both the applicant’s legal team, and the Council’s legal and planning department. The Planning Application Fee should be used to cover the processing of the application within the Council’s Planning Department and not be ‘topped up’ by additional fees being charged. Furthermore, the funding of legal costs incurred by the Council, without any reference to the capping of those fees is not acceptable. The applicant has no control over the efficiency of the legal process within the LPA and we query the reasonableness of this approach.</p>	<p>s106 agreements are an additional element to the determination of the planning application and so incur additional costs. Legal fees are set at a reasonable rate and will be reviewed on an annual basis.</p>

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1221	113	We also object to the management fee imposed by the SPD to monitor and implement planning obligation agreements. Whilst we note that management fees are capped at a maximum of £60,000, we consider that it is unreasonable to suggest that the Council will incur costs equating to 5% per 100 sq. metres of floor space developed, to monitor and implement planning obligation agreements. It is our view that the management fee of 5% should be reviewed and evidence presented to support any new proposed management fee.	The Management Fee is an essential tool for ensuring the planning obligations system will operate efficiently and effectively so reducing delays which will help ensure better outcomes for developers and the public. Further consideration will be given to the level at which the management fee is set in response to subsequent representations and will be reviewed on an annual basis to ensure that it is set at a level which fairly reflects the costs incurred.
1221	114	We consider that paragraph 2.6.2 should fully reflect the increased flexibility that has been introduced into the Community Infrastructure Levy (Amendment) Regulations 2011 that allows for the payment of contributions by instalments.	Agree. Paragraph has been revised to allow more flexibility in response to SPD-1045-368
1221	115	Paragraph 2.6.4 confirms that following receipt of contributions, the Council will hold the funds in a ring fenced account for a default period of 15 years before they are capable of being returned to the payee. Whilst we appreciate that contributions are being made towards infrastructure works which by their nature take a long time to deliver, holding funds for a default period of 15 years is considered unreasonable and beyond that which we would expect to see the infrastructure being delivered. In effect this length of time would not meet the CIL tests for obligations. We consider that the contributions should only be held for a maximum of 5 years, and we would suggest that each case to be should be considered on its merits rather than imposing a blanket period.	Disagree. The default period of 15 years was considered to be sound in her report into the Examination of the Trafford Core Strategy (November 2011). The revised Core Strategy Policy L8 does allow for negotiation of the time period depending upon the obligation sought.
1221	116	Whilst we accept that in principle it is reasonable for non-residential development to contribute towards Sustainable Transport and Sustainable Energy Schemes, we are concerned that, in the case of SEGRO's interests at Trafford Park, contributions towards the specific Highway Infrastructure works outlined in Table 3.2 would not meet the CIL tests. The specific schemes (Carrington-Irlam / Cadishead Link Phases 1 and 2 and Park Way Circle) are all remote from Trafford Park and cannot be considered necessary or directly related to any additional development at the Park. In this respect, we consider that these specific Highway Infrastructure schemes should be separated from the general 'Approved highway improvement and safety schemes throughout the Borough' category and TDC should only be sought for these schemes from development on sites within the locality, in accordance with the CIL tests.	The schemes listed in Table 3.2 are set out as a guide in principle only. Developments will only be expected to contribute towards schemes that are directly related to the development. Therefore as stated it is unlikely that development within Trafford Park would impact upon the schemes listed in this representation. Contributions would only be used to fund major schemes the development in Trafford Park would directly benefit from such as the Bridgewater Way, for example.

1221	117	We consider that section 3.3 Sustainable Transport and Accessibility goes beyond the intentions of policy L8 within the emerging Core Strategy, that this SPD is seeking to embellish. Policy L8 lists the areas towards which contributions may be made, and highways and public transport schemes are included. However, the policy does not refer to walking and cycling schemes or other accessibility improvements which are listed beyond the bus and rail improvements, at paragraph 3.3.5 of the SPD.	The wording of Policy L8 was changed during the Examination hearing sessions to say that the Council will seek contributions towards “Sustainable transport schemes, including bus, tram, rail, pedestrian and cycle schemes”. This makes it more explicit that contributions are not limited to improvements to bus and rail, but includes a wider array of accessibility improvements that support the sustainable transport hierarchy.
1221	118	Policy L4 (that this SPD is seeking to support), does refer to development in the Trafford Centre Rectangle as being a ‘less sustainable location’ and that development should ‘deliver or significantly contribute towards the delivery of measures to secure infrastructure that will improve access to more sustainable transport choices’. In our view Policy L4 within the Core Strategy could be satisfied by a contribution towards improved bus services for example, and with no direct benefit being attributed from many of the ‘physical environment improvements’ listed at paragraph 3.3.5 of the SPD, and that go beyond the scope of Policy L4.	Policy L4 requires the delivery or a significant contribution towards the delivery of measures to secure infrastructure and services that will improve access to more sustainable transport choices within less sustainable areas. This could include contributions towards bus service improvements, but should not be limited to this alone as other measures will also help to deliver improved accessibility to sustainable transport choices. The requirements set out in paragraph 3.3.5 are within the scope of Policy L4.
1221	119	Paragraph 3.3.6 of the SPD refers to a contribution being sought for the continued maintenance of facilities and infrastructure within the realm of sustainable transport and accessibility. We object to this vague and unquantified sentence that is not consistent with the tests of CIL that require the scale and reasonableness of contributions to be considered.	The calculations include an element of maintenance, without which it would be unsustainable to implement improvements to sustainable transport and infrastructure. It is considered to be a reasonable requirement and in line with the CIL Regulations 2010.
1221	120	Furthermore, whilst we accept the need for landscaping to be provided as part of new development, we would query the need for a specific standard on the number of trees to be provided as outlined in Table 3.4 of the draft SPD. We consider that this is overly prescriptive and places an unnecessary burden on developers, and it should be removed from the document.	Paragraph 3.5.21 sets out that the number of trees outlined is a guide and more specific requirements will be set out in section B of Technical Note 5
1221	121	Section 3.4 considers Climate Change and sets out the application of TDC in relation to Sustainable Energy Schemes, having reviewed Figures 3.1 and 3.2 and Policy L5, Figure 3 and Table L5.1 in the draft Core Strategy we consider that this is an overly complex means of setting out the guidance.	following the Examination sessions Policy L5 has been revised and states that applicants are required to demonstrate how sustainable design and construction techniques are applied prior to renewable energy generation technology solutions.
1221	122	We have reviewed this CBS example in the Technical Note and consider that in striving towards a Low Carbon Development the focus has been misdirected towards renewable energy provision as a means of reducing carbon from the average carbon emissions one might associate with a development when measured at ‘baseline.’ This approach does not take account of the role that	during the Examination sessions, the Council has revised the wording in Policy L5 – this resulted in removing the requirement for developments to deliver higher carbon emission reductions. This has been replaced with, if new energy generation infrastructure exists at the time of the planning application, then

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		design and the operation of the development can have on the demand for energy and thus, carbon output. Thus reducing the need for energy will reduce the need to employ renewable energy as a means of achieving carbon reduction and an overall reduced footprint.	higher carbon reduction targets are applicable. The Carbon Budget Statement wording has been amended to introduce design measures and the renewable energy technologies have been removed.
1221	123	Furthermore, whilst we accept the need to ensure energy efficient development, the proposal to seek a minimum of 40% carbon reduction from developments within Low Carbon Growth Areas will place a significant burden on developers, have a considerable impact on viability and has the potential to prevent development coming forward. We consider that this minimum target should be reviewed and set at no more than 10%, particularly in light of the Government's 'Planning for Growth' aspirations.	The carbon reduction targets have been changed to up to 5% and up to 15% above current Building Regulations and are only applicable where low carbon infrastructure is located near the proposed development and is viable to connect into.

**Appendix 10 – A copy of the Statutory Notice published in the Manchester Evening News relating to the Consultation Draft SPD1 Planning Obligations, SPD3 Car Parking Standards and SPD4 House Extensions.**

Monday March 7, 2011

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**Supplementary Planning Document – Regulation 17**  
**Public Participation**

**Proposed titles of the Supplementary Planning Documents**  
 SPD 1 Planning Obligations Consultation Draft  
 SPD 3 Parking Standards and Design Consultation Draft  
 SPD 4 Guide for Designing Housing Extensions and Alterations Consultation Draft

**Proposed subject matter and aims of the Supplementary Planning Documents**  
 SPD 1 Planning Obligations Consultation Draft  
 This SPD proposes additional planning obligations to be sought from new development in the Borough. It sets out the rationale for making these obligations and the system proposed to manage and monitor the collection and approval of developer contributions.  
 SPD 3 Parking Standards and Design Consultation Draft  
 The purpose of this Supplementary Planning Document is to assist with the interpretation and implementation of Policies contained within the Core Strategy of the Trafford Local Development Framework relating to vehicle and cycle parking standards and design.  
 SPD 4 Guide for Designing Housing Extensions and Alterations Consultation Draft  
 The document comprises practical advice, general design and amenity principles that are applicable to all forms of household development, more detailed advice for specific forms of development and special factors that may need to be taken into consideration with some household applications.

**Period of public representations on the proposals may be made**  
 Representations may be made between Monday 17th March and 5.00 pm on Monday 18th April 2011.

**Address to which representations must be sent**  
 Written representations should be submitted to the LDF Team, Strategic Planning & Development, Waterside House, 5, Ainslie, M33 7ZF (e-mail: strategic.planning@trafford.gov.uk, fax no. 0161 912 0128, online representation facility at www.trafford.gov.uk).

**Notification of Adoption**  
 Any written letters may be accompanied by a request to be notified at a specified address of the adoption of the Supplementary Planning Documents.

**Inspection Arrangements**  
 Copies of the Supplementary Planning Documents – SPD 1 Planning Obligations Consultation Draft, SPD 3 Parking Standards and Design Consultation Draft, SPD 4 Guide for Designing Housing Extensions and Alterations Consultation Draft are available for public inspection at public libraries/Waters Trafford offices in Trafford, and at Trafford Town Hall reception, during normal opening hours. The documents can also be found on the Council's website, www.trafford.gov.uk. If needed, auxiliary material can be made available in large print, Braille and other languages.  
 For further information please contact the LDF helpline on 0161 912 4475.

**Dennis Smith**  
 Head of Strategic Planning and Housing Services

**PUBLIC NOTICE** Notice is hereby given that Judge John Bringham of His Majesty's Court, 5th Street, Western Abbey, Exeter, HM9 1EL has applied to the Judge at Manchester County Court for a Bill of Certificate. Any person who knows of a reason why Judge John Bringham is not a fit and proper person to be granted a certificate should contact the Court Manager at Manchester County Court, Manchester, Civil Justice Centre, 1, Bridge Street West, Manchester, M60 1WJ before the hearing date of the 20/03/2011.

**PUBLIC NOTICE** Notice is hereby given that Judge Anthony Steele of His Majesty's Court, 5th Street, Western Abbey, Exeter, EX8 1EL has applied to the Judge at Manchester County Court for a Bill of Certificate. Any person who knows of a reason why Judge Anthony Steele is not a fit and proper person to be granted a certificate should contact the Court Manager at Manchester County Court, Manchester, Civil Justice Centre, 1, Bridge Street West, Manchester, Greater Manchester, M60 1WJ before the hearing date of the 20/03/2011.

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