



TRAFFORD
COUNCIL

**COUNCIL'S RESPONSE TO MAIN
MATTERS, ISSUES AND
QUESTIONS**

**MAIN MATTER 5
(17 February 2011)**

TOPIC PAPER

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Amendment

On the 16 February the Council's response to Matter 5.4 has been replaced due to an error in the original version. On 17 February wording to 5.5 has been replaced due to a formatting error. An additional Appendix 5.6ii has been added that was omitted in the original version.

MAIN MATTER 5.1

With particular reference to R4.3, the proposed addition of land at Davenport Green to the Green Belt, is the evolution of policy R4 clear and transparent? Has this policy proposal been the subject of adequate public consultation and is it justified by a robust Sustainability Appraisal?

Council's Response

- 5.1.1 The Council's Response to the Inspector's Note 1 (Matter 8 of CD 12.3) sets out in detail the evolution of decisions taken in relation to the proposal to return Davenport Green to Green Belt.
- 5.1.2 The Issues and Options Document (2007)(CD 6.4.2) did not include Policies therefore there was no Green Belt Policy as such. Instead the diagrams associated with each of the three options illustrated the extent of the Adopted Green Belt. The DG development site was shown outside the Green Belt in all three options, this reflected paragraph 1.14 of that document. Reference was made within the "Issues Facing Altrincham" section of the document (section 3.7) to the "future prospects for the development of the strategic employment site at Davenport Green".
- 5.1.3 In July 2008 the Council published its Preferred Options Document. (CD 6.3.1). This included Core Policy and Development Management Policy Directions; the Green Belt was covered by policy "direction" (R2). Policy R2 made it clear, in accordance with RSS guidance, that the Council was not proposing a strategic change to the current Green Belt designation. It clearly stated its intention to protect the Green Belt in four broad areas including along the Timperley Brook between Timperley, Hale, and Wythenshawe. The Davenport Green development site falls within this broad location.
- 5.1.4 Whilst not specifically making reference to the proposed inclusion of Davenport Green within this broad area, the Executive Report (CD 6.5.7, paragraph 15) which sought approval for the Preferred Options Document clearly stated:-

"For the avoidance of doubt, none of the 3 Spatial Options include the proposals for the development of Davenport Green which were submitted in the form of representations at the Issues & Options Stage. These comprise a high amenity employment site or a mixed use

development incorporating housing for workers at Wythenshawe Hospital and Manchester Airport. Under all 3 proposed Spatial Options, this area would revert to Green Belt in the Core Strategy.”

- 5.1.5 June 2009 was the first time that full Policies were presented for public consultation. The Green Belt Policy was now named R4 and was an amalgamation of Policies R2 and DM9 from June 2008. Policy R4 also now included text relating to Other Protected Open Land which would replace Policy C8 of the UDP.
- 5.1.6 No specific reference was made in the Policy text to the proposed change in status of the development site at DG. However in the Policy justification text (paragraph 20.9) it was stated that “Davenport Green will be retained within the Green Belt”.
- 5.1.7 Following consultation responses at this stage the Council further refined the Policy and carried out an additional consultation in March 2010. (CD6.3.22). This clearly stated in R4.3 the intention of the Policy to return land at Davenport Green to Green Belt.
- 5.1.8 In September 2010 the Publication version of the Plan was issued for consultation. This included further text within the justification to detail the exceptional circumstances to justify the return of DG to the Green Belt; this version also included at Appendix 2 a proposed amendment to the Proposals Map relating to this matter.
- 5.1.9 On the issue of Sustainability Appraisal a full account of the audit trail relating to the appraisal of Davenport Green can be found in sections 8.18 to 8.26 in CD 12.3.
- 5.1.10 Following the comments made by the inspector at the pre examination meeting further SA work has been commissioned from the Councils consultants Urban Vision who carried out the 2009 and 2010 Sustainability Appraisal work. This new SA will compare the sustainability of DG as a site outside the Green Belt against the other Strategic locations proposed by the Council in both 2009 and 2010. Results of this SA will be made available for consultation.
- 5.1.11 The following information provides clarity as to how these decisions were set out in Policy R4 and the associated stages of public consultation and SA. It is considered these stages allowed adequate opportunity for public consultation and are justified by robust Sustainability Appraisal carried out by independent consultants Urban Vision.
- 5.1.12 However, it should be noted that in July 2008, the Green Belt Policy was referenced R2 and whilst the Policy was subject to public consultation it was not subject to Sustainability Appraisal. Sustainability Appraisal was carried out on the Spatial Options at that stage but policies were not sufficiently developed to under take meaningful SA.

Summaries of the eight representations received on R2 at this stage can be found in CD 6.2.8 Appendix 16. GONW did not raise any issues but NWDA (rep number 1047) highlighted the contradiction between the policy and key diagram which showed Davenport Green as Green Belt. However NWDA reserved judgement on its view on Davenport Green as a development site until the results of its Strategic Regional Sites Review. It confirmed its decision to remove Davenport Green from the NWDA list of Strategic Regional sites in July 2009 (CD 3.1.18).

5.1.13 The 2009 version of the Plan, including its policies, was subject to SA (CD 6.3.12 page 34) and consultation (CD 6.3.27 page 30). The consultation response submitted by GONW, at that stage, (rep number 1031) stated that the Policy should specifically set out that Davenport Green would be returned to the Green Belt. This change was duly made in the March 2010 Further Consultation Doc (CD 6.3.22) in R4.4. This was then subject to SA (CD 6.3.23 page 15) and consultation and as a result of 22 consultation responses received on the Policy (summaries can be found in CD 6.2.10 page 126), changes were made to include the exceptional circumstances for returning Davenport Green to the Green Belt.

5.1.14 It is considered that the above demonstrates that the evolution of the Policy has been transparent and is supported by robust SA and public consultation. However, notwithstanding this, additional information is currently being produced, to inform the Examination process, relating to the June 2009 SA of the Preferred Option document.

MAIN MATTER 5.2

Does the proposed Green Belt addition amount to a local detailed boundary change, or should it be considered as being a strategic change?

Council's Response

5.2.1 The proposed change is considered a "local detailed boundary change" rather than a major modification 4NW agreed by letter that it could be viewed as a local detailed change in November 2009 (Council's response to the Inspector's Preliminary Questions section 8.13, page 37 and Appendix 8.1. CD 12.3).

MAIN MATTER 5.3

If the latter, is the proposal in general conformity with policy RDF 4 of the RSS which presumes against such change in the Greater Manchester area?

Council's Response

5.3.1 4NW confirmed in their letter of the 18 November 2009 (CD 12.3, Appendix 8.1) that "it is the opinion of officers at 4NW that the proposed addition to the Green Belt can be viewed as a local detailed

change as set out in Policy RDF4 of the published Regional Spatial Strategy for the North West of England. As a result it will be appropriate for the matter to be dealt with by way of the Local Development Framework”.

MAIN MATTER 5.4 (The response to this matter was updated 16 February 2011)

Taking into account the recent removal of this land from the Green Belt, is R4.3 consistent with PPG2 which places considerable emphasis on the longevity of Green Belt boundaries?

Council’s Response

5.4.1 The land was removed from the Green Belt by way of the first Trafford UDP in 1996, following a lengthy Inquiry in 1992/3.

The Davenport Green proposal was considered during the original UDP Inquiry held between 1992 & 1993. The proposal for 1m sq. ft. commercial office development at Davenport Green was the most contentious issue at that Inquiry with approximately 1300 objections having been lodged to the inclusion of the development proposal in the Plan and the associated removal of the land from the Green Belt. The Inspector concluded that, at the time, there were exceptional circumstances to justify the land’s exclusion from the Green Belt. The exceptional circumstances arose by virtue of the nature of the development proposed for the site and the benefits it was argued would be delivered by such a development. This led the Inspector to stipulate that, whilst he had recommended the removal of the land from the Green Belt, the only development which could be permitted would have to deliver the specific benefits of the proposal as put forward during the course of the development of the Plan. The Plan was subsequently adopted in 1996 with the Major High Amenity Site being allocated at Davenport Green, together with a rural park on land west of Roaring Gate Lane.

5.4.2 The wording in the UDP policy E14 (CD12.8 page 64) was specific in that “*Green Belt policies will be strictly applied except in the case of planning applications complying with this Proposal*”. This designation is now 15 years old and not considered to be recent. Outline planning consent was sought and granted in 1998 for 0.5 mill sq ft office on DG. At that time no end user was identified and highways matters were still subject to negotiation with the Highways Agency and Local Highways Authority. In 2003 an approval was granted to extend the outline planning consent until April 2009. Despite resolution over a package of highways measures, no end user was forthcoming; no detailed application was ever submitted for approval and; the (extended) outline approval lapsed in April 2009.

5.4.3 Policy EC2 (h) PPS4 – CD2.1.6 states that “Existing site allocations should not be carried forward from one version of the development plan to the next without evidence of the need and reasonable prospect of

their take up during the plan period. If there is no reasonable prospect of a site being used for the allocated economic use, the allocation should not be retained, and wider economic uses or alternative uses should be considered". The chronology of decisions set out in section 8.4 – 8.11 of CD 12.3 detailed the evolution of the policy to revert the DG development site to Green Belt

- 5.4.4 On the issue of longevity of the Green Belt the Council would make three points:

Firstly the removal of the land from the Green Belt was not recent and a sufficiently lengthy period has been allowed to enable the development proposed for the site to come forward. Secondly the allocation should not just be rolled forward as this would be contrary to the provisions of PPS4; Thirdly, due to the fact that the site was removed from the Green Belt only to allow for the narrowly defined development opportunity identified through the UDP process in 1996, it was subject to Green Belt controls in all other respects. In such circumstances it could be seen as de facto Green Belt throughout the entire period since the adoption of the UDP, with the result that its reversion to Green Belt under this proposal will not represent an actual change to its status other than in relation to the UDP proposal.

MAIN MATTER 5.5

(The response to this matter was updated 17 February 2011)

Do the reasons for R4.3 given in justification text at paragraphs 24.9-24.17 amount to the necessary exceptional circumstances referred to in paragraph 2.7 of PPG2?

Council's Response

- 5.5.1 It is considered the reasons given amount to the necessary exceptional circumstances for reinstating Davenport Green in the Green Belt. It was very clear from the inspectors report and the subsequent policy in the 1996 UDP that unless the site was developed for a very specific proposal Green Belt Policies should continue to apply. In the absence of any likelihood this proposal would go ahead then it is considered Green Belt Policy should apply. In addition refocusing of NWDA priorities and the direction of development to more sustainable areas that support urban regeneration in Trafford show there is little justification for circumstances to be demonstrated that development is needed on this site. It is clear that the site fulfils the purposes of the Green Belt and it was acknowledged by the inspector in 1996 that the development proposed would have caused "significant harm to purpose 1,2 and 3 of the Green Belt" Specific reference is made to page 86 3.25 of the UDP inspectors report(CD 12.1).
- 5.5.2 The circumstances are exceptional in that they are specific to this site. The exceptional circumstance that originally justified the removal of the site from the Green Belt, no longer apply. There is no continuing justification for the relaxation of Green Belt policies in relation to this site, as no proposal has been forthcoming. It is therefore appropriate to

return the land to full Green belt protection. The land was removed from the Green Belt by way of the first Trafford UDP in 1996, following a lengthy Inquiry in 1992/3.

MAIN MATTER 5.6

Has an alternative proposal of designating land at Davenport Green as other protected/safeguarded land been considered? If not, why not? If so, why was this alternative rejected?

Council's Response

- 5.6.1 Although the Council considered many factors in determining whether the land at Davenport Green should remain as a development site (as detailed in Section 8 of CD 12.3) it did not consider the option of the land being protected open land until July 2010. This was undertaken through a supplementary report presented to Members of full Council (See Appendix 5.6a, specifically the third paragraph).
- 5.6.2 The reason for proposing this approach was that this land was taken out of the Green Belt in 1996 for very specific purposes (see Proposal E14 of the Revised Adopted UDP – (CD 12.8) The Inspector concluded that the land satisfied purposes 1, 2 and 3 of Green Belt, as defined in PPG2 (Paragraphs 3.11 to 3.25 CD 12.1). Therefore in formulating the most appropriate use for this land, the Council at Issues and Options Stage considered that it should determine whether or not sufficient justification remained to warrant its continued exclusion from the Green Belt. Section 3.7 of CD 6.4.2) identifies the future prospects for development of the strategic employment site at Davenport Green as an issue for the Altrincham Place.
- 5.6.3 In response to the 2007 consultation, APSL (the then owners of the land) suggested that it could be either a mixed use site, incorporating residential, or a similar development to that included within the Revised Adopted UDP. However few details were given to support the deliverability of either proposed schemes and no request was made for the land to be safeguarded for use outside of the Plan period. (See Pages 170-173 of CD 10.1.1).
- 5.6.4 It should also be noted that subsequent to the report of the Executive Member for Economic Growth to full Council on 14th July 2010, and in direct response to the third paragraph of that report, RLAM formally wrote to the Council on 22nd July 2010 (see Appendix 5.6b.) indicating that for the avoidance of any confusion RLAM's position is that Davenport Green should be allocated as a Strategic Site, as set out in their representations of 30 April 2010. The Council therefore remains of the opinion that the issue to be determined in relation to this land is whether or not sufficient evidence exists to justify the site's retention as an employment site, or whether it should be returned to Green Belt.

Insufficient evidence exists to justify its consideration as Protected Open Land, for potential use outside of the Plan period, either in addition to, or instead of that already identified through Policy R4.

MAIN MATTER 5.7

For flexibility in housing delivery, has the removal from the Green Belt of land at Ashton upon Mersey been considered? If not, why not? If so, why was it rejected?

Council's Response

- 5.7.1 See also paragraphs 7.15 and 7.16 of CD12.3 for response to flexibility issue and amending Green Belt boundaries.
- 5.7.2 Trafford's Green Belt policy follows national guidance PPG 2 in protecting its Green Belt. Release of Green Belt sites must be compliant with "exceptional circumstances" guidance. Policy L1 has sufficient flexibility within it, identifying more housing land than that required by its target of 11,800 dwellings.
- 5.7.3 This surplus of housing land, together with the fact that much of the Green Belt land in Ashton Upon Mersey is in Flood Zone 3 and is shown as part of Strategic Green Infrastructure network in the Greater Manchester GI Framework (CD4.4.5 Fig 9.5 page 131) has led the Council to conclude that a review of the Green Belt in this location was neither justified or required.

MAIN MATTER 5.8

What is the justification for protecting land at Warburton and south of Shell, Carrington?

Council's Response

- 5.8.1 The land was identified in Policy C8 page 179 of the revised Adopted UDP (CD12.18) a representation was received from Shell in June 2008 (CD 10.3.4 page 4 rep 1026/119) to the Preferred Options Consultation of the Core Strategy requesting that this land should be identified within the Carrington Strategic Location to allow for comprehensive development of the area for mixed uses.
- 5.8.2 Rep 1215/104 also sought changes to the Policy stating that if there is demonstrated need housing could be developed at land south of Birch Farm on POL.
- 5.8.3 The Council's position is that there is adequate capacity on brownfield land, together with those greenfield sites identified within the Core Strategy, the SHLAA (see also response to question 5.9) and Employment Land Study to meet needs within the Plan period. In the circumstances there is no justification for releasing the land for development during the Plan period, however the Council considers that there remains justification for maintaining the status of this land as

Protected Open Land as detailed in Policy R4, in order that it could provide for potential development in the longer term.

- 5.8.4 For the avoidance of doubt Annex B B2 of PPG2 states “*Safeguarded land comprises areas and sites which may be required to serve development needs in the longer term, ie. well beyond the plan period. It should be genuinely capable of development when needed*”.

MAIN MATTER 5.9

Have any other such sites been considered and if so why were they rejected?

Council’s Response

- 5.9.1 No other such sites were suggested for Protected Open Land. The Council has set out proposals in Policy L1 to release significantly more land than the requirement detailed in RSS and the 11, 800 Housing Growth Point dwelling target. The proposals for the release of land detailed in Table L1 are that at least 80% of housing provision on Brownfield land. The development of existing Brownfield sites on accessible sites is the most sustainable way of meeting local housing need, without the release of sites within the Green Belt.
- 5.9.2 The continuation of Protected Open Land designation is supported. Paragraph 24.22 of the Core Strategy details the circumstance in which the use of POL would be considered.
- 5.9.3 There are already proposals to release land within and around existing built up area which will support regeneration proposals to such a level that the further release of land is not required. The Councils SHLAA has assessed there is adequate supply in the plan period and sites within the POL will not be needed.

MAIN MATTER 5.10

Is the policy towards Protected Land sufficiently flexible to enable land to be brought forward for development if other sites, including the Strategic Locations, fail to deliver as required in order to achieve the housing and economic objectives of the Core Strategy?

Council’s Response

- 5.10.1 The Council provided its response on the deliverability of the Strategic Locations and the issue of flexibility in CD12.3, Matter 7.
- 5.10.2 Paragraphs 24.22 and 24.23 of the Core Strategy details the Council’s approach to the potential use of Protected Open Land during the Plan period.

APPENDIX 5.6Ai - FULL COUNCIL REPORT (140710)

TRAFFORD COUNCIL

Report to: COUNCIL
Date: 14 July 2010
Report for: Decision
Draft Report of: Executive Member for Economic Growth

Report Title

Trafford Core Strategy: Publication

Summary

This report provides Council with the Trafford Core Strategy: Publication document for consideration. It recommends publishing the document for a period of public consultation (in line with the planning regulations).

Recommendation(s)

1. Recommend publishing the Core Strategy: Publication document for public consultation;
2. Delegate to the Head of Strategic Planning & Housing Services responsibility for approving any minor amendments to the wording of the document prior to consultation.

Contact person for access to background papers and further information:

Name: Dennis Smith (Head of Strategic Planning & Housing Services). Ext. 4557.

Rob Haslam (Principal Planning Officer (Strategic Planning)). Ext. 4788.

Background Papers:

- Trafford Local Development Scheme (March 2009).
- Trafford's Statement of Community Involvement (Feb 2010).
- Trafford Core Strategy Preferred Options document (July 2008).
- Trafford Core Strategy: Further Consultation Preferred Option (June 2009).

- Trafford Core Strategy: Interim Consultation on Core Policies L2, L4, L5, W1 and R5 (November 2009).
- Trafford Core Strategy: Further Consultation on the Vision, Strategic Objectives and Delivery Strategy (March 2010).

1.0 Background

- 1.1 The Core Strategy is the key document within the Trafford Local Development Framework. The document provides the spatial expression of the Trafford Sustainable Community Strategy and the framework for the future development of the Borough through to 2026.
- 1.2 This draft document has been subject to several stages of public consultation and has been produced working closely with land owners, developers, Government Agencies and other Council Services.

2.0 Core Strategy Publication Document

- 2.1 This report is accompanied by the full text of the Trafford Core Strategy: Publication document. National planning guidance details that the Publication document should be the version that the Council considers to be 'sound' and wishes to submit to the Secretary of State for Examination.

Implications of changes to Regional Planning

- 2.2 Given the recent uncertainty surrounding the future of Regional Planning it is important that the preparation of the Core Strategy continues so that an up-to-date and adopted planning framework is provided in Trafford to guide new development and provide certainty for the development industry to invest. This position is supported by the Government Office for the North West.
- 2.3 The quantum of development detailed within the Core Strategy (both housing and employment) is consistent with the figures promoted by the Council throughout the preparation of the RSS. The Core Strategy also provides sufficient flexibility to deliver the 20% additional growth signed up to through by the Council through the Housing Growth Point initiative.

Trafford Core Strategy

- 2.4 Much of the content of the Core Strategy will be familiar to Members as a result of previous consultations. The document confirms that the Strategic Locations for new development will be:
- Pomona (SL1);
 - Wharfside (SL2);
 - LCCC Quarter (SL3);
 - Trafford Centre Rectangle (SL4);
 - Carrington (SL5);

It details that specific site allocations will be identified in future Development Plan Documents.

- 2.5 There were however a number of issues raised during the consultations in November 2009 and March 2010 that have been addressed in the document being presented to Full Council. These include:

Strategic Location 1 - Pomona

- The Strategic Location at Pomona has been amended to detail the extant planning permission for 546 dwellings in this location.

Strategic Location 3 - LCCC / Delivery implications:

- A LCCC Quarter Development Framework has been undertaken to test some of the assumptions previously made with regards to this area of Trafford, in particular the ability of the area to deliver 900 dwellings during the lifetime of the strategy. The outcome of the Development Framework has resulted in the target for dwellings in this location to be reduced to a lower figure of 400 dwellings.

Strategic Location 5 - Carrington

- The Core Strategy will confirm that a mixed – use community of at least 1,560 homes will be provided at Carrington and that the detailed delivery of this development will now be through an Area Action Plan. The development will provide a significant contribution to meeting brownfield land housing targets and also deliver significant transport improvements for both Partington and Carrington. It should be noted that this proposal does not require the release of Green Belt land to deliver this level of development.

2.6 In addition to these matters, at the Executive on the 28 June, the Deputy Leader of the Labour Group raised a number of questions relating to the contents of the draft Core Strategy document. A response to the matters raised has been provided.

2.7 In addition, there remains a number of outstanding representations received during previous consultations. After due consideration of these representations it is proposed not to amend the Core Strategy in the light of them. These include:

- i) Manchester Airport Group has requested that the Core Strategy should provide for airport related employment uses in close proximity to the airport. This is likely to be for logistics. After careful consideration of these representations it has been concluded that these uses would be better located at the strategic Employment Areas in Carrington and Trafford Park alongside the provision that is made in Manchester at the Roundthorn Industrial Estate.
- ii) The owner of the land at Davenport Green (identified in the Trafford Unitary Development Plan for a high amenity employment site) has requested that this land is brought forward through the LDF process for a similar, though not identical use. After careful consideration of these representations it has been concluded that there is not clear justification for such a use in this out of centre location and therefore the Core Strategy details that the site should be returned to Green Belt designation. The subsequent representations received from the promoter of this site has questioned the 'soundness' of the Plan particularly in terms of the sustainability appraisal and the approach to amending the Green Belt boundary.
- iii) Land south of Partington (in Warburton Parish) is being promoted by the land owner for residential development. After careful consideration of these representations it has been concluded that such a development would not deliver positive regeneration benefits to Partington being sought by this Plan and that sufficient provision has

been made for residential development on sequentially preferable sites in the Borough.

- iv) Peel Holdings have challenged some of the assumptions made within the Councils Strategic Flood Risk Assessment published in March 2010. The Council is continuing to engage with this key stakeholder to explore these concerns further.

- 2.8 Further information on these outstanding representations can be provided if required.

3.0 LDF Steering Panel

- 3.1 The report to Executive established an LDF Steering Panel consisting of the Executive Member for Economic Growth, the Director for Environment, the Head of Legal Services and the Head of Strategic Planning & Housing Services together with support from the Strategic Planning & Developments team.

- 3.2 The Executive approved the delegation of responsibility to the Executive Member for Economic Growth, in consultation with the LDF Steering Panel for:

- a) approval of documentation relating to the Submission of the Trafford Core Strategy to the Secretary Of State; and
- b) undertaking any additional work required ahead of and during the Public Examination and agreeing minor wording changes required to the Core Strategy, as necessary at the Examination.

4.0 Consultation and Next Steps

- 4.1 Preparation of the Trafford Core Strategy began in autumn 2007 with an Issues and Options consultation. A Preferred Options document was published in July 2008 and a document detailing a single Preferred Option was consulted on in June 2009. In November 2009 and March 2010 Executive approved 2 further targeted consultations covering a limited number of Core Policies and a revised approach to the Delivery Strategy and the identification of Locations. A consultation statement detailing the engagement undertaken will be published alongside the consultation document.

- 4.2 This commitment to consultation and engagement has been rewarded in the quality of the responses received during this process by the Council. In turn it has been necessary to make changes to the document but it has provided us with the extra confidence that we are developing a 'sound' plan. This additional engagement has resulted in a slight delay to the Core Strategy timetable originally detailed in the Council's Local Development Scheme.

- 4.3 This document will be the final opportunity for public engagement ahead of submission to the Secretary of State for independent Public Examination.

- 4.4 Following consideration at Council the document will be published for a period of public consultation, in line with the Planning Regulations and in accordance with the Council's adopted Statement of Community Involvement. As this consultation is to take place from the 26 July across the summer holidays it is proposed to extend this period from the statutory 6 weeks to 8 weeks to allow the greatest opportunity for engagement.

- 4.5 A number of consultation methods will be used to reach a wide audience and to engage with all parts of the community, including:
- details available in libraries and Trafford Direct offices;
 - publicity in Trafford Today and other local media;
 - details available on the Council's website;
 - engagement with the Trafford Partnership
 - Special Neighbourhood Forum(s).
- 4.6 Following the consultation the Council will not be able to make any further changes to the Core Strategy. However, if there are changes that the Council would be happy to make, in response to public comments on the Pre-Submission version, the Council can submit those changes to the independent inspector and ask him/her to consider them as part of his/her examination of the Core Strategy, but these cannot be of a substantive nature.
- 4.7 The Public Examination is likely to take place in Spring 2011 with the final adoption of the document in Autumn 2011.

Other Options

The Core Strategy is a key document within the Local Development Framework, setting the spatial vision and development strategy until 2026. It is a document that is specifically required by the Planning and Compulsory Purchase Act (2004).

Upon adoption, the Core Strategy and forthcoming Development Plan Documents (DPD) will replace parts of the Council's adopted Unitary Development Plan. A full list of the Unitary Development Plan policies to be replaced by the Core Strategy will be detailed in the Core Strategy: Publication document.

If we do not proceed to Publish the Plan, with a view to submission to the Secretary of State as proposed, there will be no up to date Development Plan to provide the framework for Development Control decision making in Trafford. The Council would also have limited ability to direct strategic development and investment.

Consultation

Consultation arrangements have been developed in line with the Council's Statement of Community Involvement and are detailed in the body of the report.

A full summary of consultation that has contributed to the development of this document will be made available alongside Publication document.

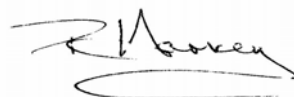
Reasons for Recommendation

To enable the Core Strategy: Publication document to be published for public consultation.

Key Decision

This is a key decision currently on the Forward Plan: Yes

Finance Officer Clearance JR
Legal Officer Clearance JLF


DIRECTOR'S SIGNATURE (*electronic*)

To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.

Implications:

Relationship to Policy Framework/Corporate Priorities	The document has been developed to be the Spatial representation of the Trafford Partnership's Sustainable Community Strategy.
Financial	The preparation of the Core Strategy is being funded from the existing Strategic Planning & Developments budget within the PPD Directorate's overall budget.
Legal Implications:	The Core Strategy is being developed in line with the requirements of the Planning and Compulsory Purchase Act 2004 and subsequent amendments.
Equality/Diversity Implications	The Core Strategy has been subjected to EIA assessment to ensure that equality issues have been considered as part of the preparation.
Sustainability Implications	The Core Strategy has been subjected to independent sustainability appraisal throughout its preparation.
Staffing/E-Government/Asset Management Implications	Consultees will be able to make electronic submissions to the Core Strategy consultation on line and all the documents are available to access through the Local Development Framework web page.
Risk Management Implications	The timetable for producing the Core Strategy is set out in the Local Development Scheme.
Health and Safety Implications	None.

APPENDIX 5.6Aii – SUPPLEMENTARY FULL COUNCIL REPORT (140710)**TRAFFORD COUNCIL**

Supplementary Report to: COUNCIL
Date: 14 July 2010
Report for: Decision
Report of: Executive Member for Economic Growth

Report Title

Trafford Core Strategy: Publication

Summary

A very late additional representation has been received in relation to land at Davenport Green, that officers have now had time to consider more fully, than prior to issuing Members of the Council with the Trafford Core Strategy: Publication document for consideration. As a result it is considered necessary to bring this supplementary report before Members which amends the previously proposed recommendations.

Recommendation(s)

3. To seek counsel advice in relation to the late representation.
4. If counsel advice is that no significant risk of challenge is considered to exist, publish the Core Strategy: Publication document for public consultation;
5. If counsel advice is that no significant risk of challenge is considered to exist, delegate to the Head of Strategic Planning & Housing Services responsibility for approving any minor amendments to the wording of the document prior to consultation.
6. If however, counsel advice is such that potentially significant risk(s) remain, or that the Council considers that officers should reconsider the status of land at Davenport Green within the Core Strategy, a report will be taken back to the Executive to propose a way forward.

Contact person for access to background papers and further information:

Name: Dennis Smith (Head of Strategic Planning & Housing Services).
Ext. 4557.

Summary of the late submission

The late submission has been submitted to the Council on behalf of the current land owners, Royal London Asset Management (RLAM), of the land at Davenport Green, allocated in the Revised Adopted UDP for a Major high Amenity Site and Country Park. It provides greater detail as to the extent to which there is a belief that the Core Strategy has not been prepared in accordance with due process and the extent to which the Core Strategy is considered to be “unsound” and the consequences of such a conclusion on the ultimate adoption of the Plan.

Issues surrounding the “soundness” of the Plan had previously been provided in summary form, by way of RLAM’s representation submitted to the last Core Strategy consultation stage (March 2010), which also sought to have the development site included within the Core Strategy as a Strategic Site. Following consideration of this representation, officers remained confident that the Plan was secure and had been prepared according to due process and that insufficient evidence had been provided to justify exceptional circumstances to propose a Strategic Site in this location. As such the recommendation to the Executive and then Council, was for only relatively minor changes in relation to this land, dealing with the matter of providing appropriate exceptional circumstances for land to be returned to the Green Belt, to ensure that the Plan fully accords with PPG2.

Since submitting that summary representation, the land owner has sought counsel advice on the matter and as a consequence has submitted more detailed evidence, challenging the Sustainability Appraisal, the evidence base and delivery strategy for economic development and the alteration to the Green Belt boundary. RLAM has also reiterated its call for the land to be identified as a Strategic Site and indicated that additional information as to what could be developed on the site and justification for its development could be provided by way of further representations, possibly at the Publication consultation stage. Failing such an allocation, RLAM has indicated that it would be willing to consider a position whereby the land remained unallocated for development, but remained outside of the Green Belt.

Consideration of the late representations

In response to these late representations, officers of the Council have met with representatives of the RLAM team with a view to fully understand the extent of the representation.

In relation to the matter of “Soundness”, officers remain convinced at this point in time that the Plan has indeed been prepared in a sound manner, supported by an appropriate and robust evidence base. However, Members should note that if the Plan were to be found unsound by the independent inspector at the Examination, the Council would be required to repeat the pre-publication consultation stage(s); re-publish the Plan; re-submit the Plan to CLG and; hold a second Examination. Clearly there could be serious financial implications associated with proceeding with a Plan that has a high level of risk associated with it. Therefore, in order to safeguard the Core Strategy from being challenged, officers consider that legal counsel advice should be sought prior

to the next stage of public consultation beginning which, as Members know, is scheduled for 26th July 2010.

If the resultant advice is such that no significant issues exist, Publication will proceed as originally proposed. If however the advice indicates that these submissions do raise a substantial level of risk, a report will need be prepared and taken back to the Executive for consideration and to agree a way forward.

In relation to the matter of revising the Plan to include a Strategic Site at this location, officers remain unconvinced that sufficient evidence has been provided in terms of both what could be developed on the site and the justification for development at this location. Similarly officers consider that insufficient evidence has been presented to justify the continued exclusion of the land from Green Belt, given that the UDP states that “the development area is excluded from the Green Belt, but that Green Belt policies will be strictly applied except in the case of planning applications complying with this Proposal (Proposal E14 of the Revised Trafford UDP, 2006).

However if Members were to consider that further consideration should be given (at this point in time) to the potential for development at this location, or to its continued exclusion from the Green Belt, it would be necessary to delay the Publication of the Core Strategy to some point beyond 26th July 2010. Such a delay would enable officers to present the Executive with all the necessary information upon which to reach a conclusion.

If in the event that Members were to then conclude that sufficient evidence had indeed been provided to justify amending the Core Strategy in this locality, either by way of proposing a Strategic Site, or by proposing to leave the UDP development site without an allocation, the Council would be required to undertake a further round of pre-publication consultation, similar to the stages recently undertaken in November 2009 and March 2010. Such further consultation would obviously have implications for the eventual adoption of the Core Strategy and the resultant impact that this would have on the provision of an up to Plan for the Borough in this current period of planning policy uncertainty. It is likely that as a minimum this course of events could delay adoption by at least six months.

APPENDIX 5.6B - HAMMONDS LETTER ON DAVENPORT GREEN (JULY 2010)

