



**TRAFFORD**  
COUNCIL

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

**MAIN MATTER 9.0**

**TOPIC PAPER**

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## **Policy L8**

### **MAIN MATTER 9.1**

**Is the approach to planning obligations set out in policy L8 appropriate and effective given the introduction of the Community Infrastructure Levy?**

#### **Council's Response**

9.1.1 Policy L8 has been drafted to be consistent with the Community Infrastructure Levy Regulations 2010, in principle. Paragraph 17.12 in Policy L8 clearly sets out the Council's intention to produce a charging schedule in due course. Until that time, SPD(s) will be produced to enable the Council to continue to collect contributions towards transport and other infrastructure and/or facilities and services necessary to ensure development comes forward in a sustainable manner. The Government has announced its intention to keep CIL in amended form and the Council will change its developer contributions regime as new legislation is passed.

9.1.2 More detail on the application of Policy L8 is provided in the draft Planning Obligations SPD (CD12.26). The SPD sets out how each of its planning obligation elements has the potential to meet each of the 3 CIL tests. However, as drafted, the proposed SPD relates solely to planning obligations delivered through s106 agreements and does not constitute a CIL regime. This would require a separate formal process to develop a CIL charging schedule (which ultimately would have to replace much of the SPD).

9.1.3 It is the intention of the Council to adopt this SPD as an interim measure, prior to the creation of a CIL for Trafford, the exact timing and nature of which is yet to be agreed by the Council.

### **MAIN MATTER 9.2**

**Has a viability appraisal been carried out on the likely impact on delivery of the requirements of L8?**

#### **Council's Response**

9.2.1 Section 2.9 of the draft Planning Obligations SPD (CD12.26) and the draft SPD Technical Note 1 Section C (CD12.27) set out how the SPD deals with issues of development viability.

9.2.2 The Council's Economic Viability study (CD8.8.22) made an allowance for all planning obligations currently sought through the adopted UDP, before establishing a viable affordable housing contribution level. The Trafford Viability Study recommended that in 'poor' market conditions and in particular within those parts of the Borough with 'cold' market characteristics, consideration will need to be given on a site-by-site basis by the Council as to the appropriate balance to be sought between all the required S106 contributions including affordable

housing. This approach forms the basis for the affordable housing contribution element of L8 and of Policy L2. For other contributions, 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 set out in draft SPD Technical Note 1 Section C (CD12.27).

### **MAIN MATTER 9.3**

**Is the approach set out in paragraph 17.8 regarding possible refusal of planning permission justified and reasonable? What consideration has been given to overall delivery of the Core Strategy vision if this approach was applied to several large schemes?**

#### **Council's Response**

9.3.1 Paragraph 17.8 is a necessary tool for balancing objectives within the Core Strategy (i.e. to balance housing delivery with affordable housing delivery). The Council considers that it would be appropriate and reasonable, in certain circumstances, to postpone development if there are significant viability issues that would impact on the delivery of the necessary package of planning contributions rather than acceding to an unacceptable reduction in contributions.

9.3.2 The Council is confident, however that the Viability Study has demonstrated a sufficient degree of viability in respect of those key locations known about at the time of the study, (Wharfside, Trafford Centre Rectangle, LCCC, Altrincham and Partington) to be assured that such an approach would not undermine the delivery of the overall strategy locations.

### **MAIN MATTER 9.4**

**Is the approach towards affordable housing contributions, off-site contributions, maintenance payments and overage clauses consistent with national policy contained in Circular 05/2005?**

#### **Council's Response**

9.4.1 It is considered that the approach in Policy L8 and the draft SPD is consistent with Circular 05/2005 and is also generally consistent with CIL Regulations 2010 and emerging CIL policy. In line with good practice, the draft Planning Obligations SPD (CD12.26) has been drafted to provide further detail as to the implementation of Policy L8.

9.4.2 Section 3.2 of the draft SPD sets out the Council's approach to affordable housing contributions in detail. There will be a presumption in favour of the on-site provision of benefits sought by planning obligations and the Council will normally expect the developer to carry out the works. However, where it is not possible or practical to provide these benefits on-site, or where a development is required to contribute towards strategic infrastructure or facilities, a financial contribution will

be sought towards the provision of these benefits offsite Section 2.8 and 3 of the draft SPD provides further guidance in relation to these circumstances.

- 9.4.3 Section 2.7 and Section 3 of the SPD (for individual contributions where appropriate) detail the Council's approach to maintenance payments.
- 9.4.4 The issue of overage is dealt with in the SPD Technical Note 1 Section C (CD12.27). In summary it provides guidance as to the period of time that will need to have elapsed prior to the need for further consideration of viability matters. Once such a re-appraisal has been carried out, the Council will consider whether the level of contribution should increase for the balance of the development still to be completed. , any revision may not be limited to the geographical target, but may be increased to cover the previously resultant shortfall from the earlier part development of the site, but will not exceed, in totality, the required contribution from the site. In order to explore phased payments and/or a clawback mechanism, it will be necessary to use a cash flow model to explore the range of options and to measure the relative impacts of different potential solutions on project viability.

## **MAIN MATTER 9.5**

**Has it been calculated if the potential amount of developer contributions will provide the necessary amount of funding for required infrastructure provision? If not, what certainty is there that necessary infrastructure will be provided in line with development? If a shortfall in potential funding has been identified how will this be made good to enable development delivery?**

### **Council's Response**

- 9.5.1 The LIP (CD6.2.15) has been prepared in consultation with key utility/service providers and developers to ensure their commitment to its delivery, and that the appropriate provision of infrastructure has been identified to support development and phased accordingly. Appendix 5.6 of the Council's response to the Inspector's Preliminary Questions (CD12.3) provides the most up to date position in terms of funding for infrastructure proposals. The LIP is a "Living" document and will continue to be updated as new information becomes available. It is not considered that there will be any show stoppers should potential funding not be forthcoming.
- 9.5.2 All the charges associated with each planning obligation are related to the cost of providing the necessary infrastructure and where possible, is adjusted to meet the known infrastructure costs. Details can be found in the draft Planning Obligations SPD Section 3 (CD12.26).

9.5.3 Further work on the costs of required infrastructure and the level of charges needed to meet those costs will be done as the Council develops a CIL regime for Trafford.

## **Sections 27 and 28 – Implementation and Monitoring**

### **MAIN MATTER 9.6**

**The ability to deliver is a key element of a sound Core Strategy. Linked with this there should be sound mechanisms to monitor the success of its policies and proposals. In the absence of clear targets and indicators it is not clear how the success of the Core Strategy in achieving its vision will be achieved. Should Table 3 be amended to address this?**

#### **Council's Response**

9.6.1 The Council has proposed an amendment to Table 3 in its response to the Inspector's Note 1 – Clarification of Factual Matters – Factual Matter 6 (CD12.3). That clarifies the position in relation to the targets set in the Core Strategy and the indicators to be used to measure delivery success or failure. This has previously been detailed as Suggested Change S.100.04 in the Suggested Change schedule (CD12.4).

### **MAIN MATTER 9.7**

**Clarification is also required to demonstrate that the Core Strategy is sufficiently flexible to take account of and to respond to unforeseen circumstances that might adversely affect delivery of its proposed development.**

#### **Council's Response**

9.7.1 The issue of contingency and flexibility in terms of the delivery of the proposals on the Strategic Locations in particular is dealt with CD12.3 in response to Factual Matter 7.