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Dear Sir or Madam

**RE: TRAFFORD CORE STRATEGY DPD - RESPONSE TO INSPECTORS NOTE 7 - DRAFT NATIONAL PLANNING POLICY FRAMEWORK**

The Draft National Planning Policy Framework (NPPF) was published for a period of consultation on the 25<sup>th</sup> July 2011. It gives a clear indication of the Government's emerging planning policy guidance.

The draft NPPF is explicit that planning permission should be granted "*where the plan is absent, silent, indeterminate, or where relevant policies are out of date*". It therefore follows that the plan must conform to the NPPF in order to avoid a situation whereby the policies were immediately out of date as a result of their conflict with the NPPF once it is adopted. The draft policies should therefore be given substantial weight in preparing Development Plan Documents.

We hereby address the policies that we have objected to below, having regard to the draft NPPF and how this affects the soundness of the Core Strategy.

**Policy L2 - Meeting housing needs**

Pioneer Housing appeared on our behalf at the hearing session in respect of our objections to Policy L2, and they have prepared a response specifically having regard to the soundness of that policy in light of the draft NPPF. Their report is enclosed with this letter.

The Pioneer Housing report recommends that in order for Policy L2 to meet the tests of soundness, the site size threshold for affordable housing provision in 'hot' and 'moderate' market areas should remain as per the national indicative minimum within PPS3, until such time as the Council are able to undertake a review of policy L2 informed by an appropriate and up to date viability study which involves the developers of smaller sites in the borough as stakeholders.

**Policy L5 - Climate Change**

We have set out at the hearing sessions and in our previous representations our fundamental concerns on the soundness of the policy. These include our concerns over the viability testing, for example the failure to test the policy holistically to include new planning obligations requirements that will be implemented through the Core Strategy. These fundamental concerns remain.

The draft NPPF includes provision for LPAs to identify suitable areas for renewable and low-carbon energy sources where this would help secure the development of such sources. However, viability is still an important consideration. The draft NPPF sets out at paragraphs 39 to 43 the Government's approach to ensuring viability and deliverability in plan making. Paragraph 39 states:

*"To enable a plan to be deliverable, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, local standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and on-site mitigation, provide acceptable returns to a willing land owner and willing developer to enable the development to be deliverable."*

It is important to note that the provision of acceptable returns to both willing landowners and willing developers would comprise a material consideration in the determination of a planning application. The Trafford Low Carbon Study assumes *"that a developer's return must be above 15% for a scheme to be viable"* (paragraph 5.28). Notwithstanding our understanding that in the current market banks and investors are refusing to lend money to finance development projects unless a minimum 20-25% return can be achieved, no reference is made within the report to the acceptable returns a willing land owner may expect.

Paragraph 41 of the draft NPPF states that LPAs should assess the likely cumulative impact on development in their area of all existing and proposed local standards, supplementary planning documents and policies that support the development plan, when added to nationally required standards. As has been demonstrated in previous representations the Trafford Core Strategy has failed to assess the cumulative economic impact of affordable housing requirements (policy L2), climate change (Policy L5), and planning obligations (Policy L8). The viability testing was based on the figures published within the current SPD1 (March 2007) and SPG4 rather than the revised draft SPD1 (February 2011), the scope of whose planning obligations and costs is much higher. The emphasis of paragraph 41 is that the cumulative impact of local standards should be assessed properly at the outset, rather than relying upon site-by-site negotiations.

Paragraph 41 clarifies that the cumulative impact of proposed local standards should not put the implementation of the development plan at risk, and should facilitate development through the economic cycle. Our previously stated concerns over the viability testing are therefore supported further by the draft NPPF.

As stated previously, we do welcome the clarification of the development size thresholds to which the policy will apply. We consider that these must be included within the Core Strategy policy text.

### **Policy R5 - Open space, sport and recreation**

Our previous written and oral representations have set out our view that the obligations required by the policy are unnecessary, and not justified by the evidence base. The proposed obligations also represent a significant increase from those set out in the current UDP, and they would comprise an unnecessary burden on development.

Our comments in respect of Policy L5 and its compliance with the draft NPPF (in particular in terms of viability) are therefore equally applicable to this policy.

The draft NPPF also includes the statutory tests on planning obligations at paragraph 68. It states that obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms
- directly related to the development; and
- fair and reasonably related in scale and kind of development.

We have previously set out that we do not consider that the proposed requirements of the policy accord with these tests. We maintain this position.

As with Policy L5, we do welcome the clarification of the development size thresholds to which the policy will apply. We consider that these must be included within the Core Strategy policy text.

This concludes our comments in respect of the draft NPPF. Should you require any additional information, please do not hesitate to contact us.

Yours sincerely

**EMERY PLANNING PARTNERSHIP LTD**

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Consultant

Enc: Pioneer Housing Report