

Land at: Trafford Core Strategy Examination

COMMENTS IN RESPONSE TO COUNCIL'S PROPOSED
CHANGES TO HEARING SESSION 8

EPP reference: 7393

March 2011

1. RESPONSE

- 1.1 In respect of the Matters Arising from Hearing Session 8 – Sustainable and Inclusive Communities on 9 March 2011, the Inspector invited the council to suggest changes to the Core Strategy in response to 5 matters. Two of the issues are relevant to the issues raised by Emery Planning Partnership and our response to these is set out below:

4. In its submitted form Policy L5 is not effective and it is unclear if it is justified. I conclude that it is unsound and invite the Council to re-write both the policy text and its justification in a manner that its requirements can be easily and clearly understood, its mechanisms for delivery are realistic and transparent, and its implications for development are transparently and realistically taken into account, both in isolation and as part of the overall package of costs imposed on development by the Core Strategy.

- 1.2 The council has responded that it considers it would be appropriate to recast this policy, subject it to further Sustainability Appraisal and publish it for a further period of consultation.
- 1.3 We support the decision to recast this policy and subject it to further Sustainability Appraisal and publish it for a further period of consultation. It would be appreciated if we could be kept advised of the timescales for its reconsideration.
- 1.4 We would also request that the council revisits two further issues:

Viability

- 1.5 The Trafford Low Carbon and Energy Evidence Study bases the viability appraisal on the planning obligation requirements in the current UDP not those in the emerging Core Strategy.
- 1.6 The emerging planning obligations will be substantially different. For example, current obligations in the UDP relate to affordable housing, highways, red rose forest and outdoor sport and recreation. The emerging LDF proposes obligations (with different thresholds and requirements to the UDP) relating to affordable housing, highways infrastructure, sustainable transport schemes, climate change, specific green infrastructure such as tree planting, spatial green infrastructure such as parks, play areas and outdoor sports facilities, indoor sports facilities, education facilities and health facilities. In addition, further contributions may relate to reducing inequalities, community facilities, allotments and cemeteries and public art.

- 1.7 The list of planning obligations will have a significantly greater impact on the viability of schemes and this is not taken into account in the Low Carbon Study.
- 1.8 The council has agreed through the hearing sessions that further work on viability is required as part of the Planning Obligations SPD. We consider that this is necessary now to ensure that the evidence base is sound and robust and that it should not be done through an SPD which is not subject to independent examination.

Threshold and type

- 1.9 The second issue that should be re-considered is that of the threshold above which any additional carbon reduction should be sought. All schemes are currently required to comply with Policy L5. However, this does not take into account the conclusions of the Trafford Low Carbon Study which states at paragraph 6.35:

"We recommend that all development proposals above 10 residential units or 1,000 sq m should meet a target comprising of a percentage component based on CfSH standards for building performance..."

(our emphasis)

- 1.10 The threshold within Policy L5 should be re-considered.
- 1.11 Furthermore, paragraph 6.59 of the Low Carbon Study recognises that policy objectives may preclude the installation of some renewable technologies due to site conditions, or where installation would cause significant effects. The circumstances where this may arise include where the site is within a Conservation Area or where it would have an effect on a listed building.
- 1.12 An allowance for this type of scheme should also be taken into account in the policy.

5. Any other changes discussed and suggested by the Council?

- 1.13 No further changes are suggested by the council in response to the discussions that took place within the session. It is considered that a further response from the council is required in terms of the discussion that took place on the day as follows:

Confirmation of why the required contribution towards swimming pools/gyms is necessary.

- 1.14 Given that there is an overall oversupply of facilities and that the 'need' identified does not take into account patterns of usage, we would question why the contribution is necessary. The Trafford Leisure Management Review uses the Sport England Sports Facility Calculator to determine the required demand compared to the available and accessible provision across the borough. However, the Sports Facility Calculator accompanying guidance states that it should not be used for strategic gap analysis. It states that:

"Whilst the SFC can be used to estimate the swimming pool and sports hall needs for whole area populations, such as for a whole local authority, there are dangers in how these figures are subsequently used at this level in matching it with currently supply for strategic gap analysis.

The SFC should not be used for strategic gap analysis; this approach is fundamentally flawed. The SFC has no spatial dimension. The figure that is produced is a total demand figure of the total population. It is important to note that the SFC does not take account of:

- 1. Facility location compared to demand.*
- 2. Capacity and availability of facilities – opening hours.*
- 3. Cross boundary movement of demand.*
- 4. Travel networks and topography.*
- 5. Attractiveness of facilities.*

For these reasons the total demand figure generated by the SFC should not simply be compared with facilities within the same area."

- 1.15 These factors are not taken into account in the assessment of need.

Confirmation that the contribution will meet the 'need'

- 1.16 The council confirmed in the session that the contribution will be required if there is no facility within 1800m of a site. However, the contribution can be spent within a 3km radius of the site.
- 1.17 In this regard the contribution cannot be considered to be directly and reasonably related to the development and does not meet the tests for a planning obligation.
- 1.18 Whilst the council has indicated that these matters will be addressed further in a Planning SPD, we are concerned that this will seek to introduce policy without appropriate scrutiny.

Confirmation of the threshold to which the planning obligation for indoor sports facilities will apply.

- 1.19 The policy should provide clear guidance on what developments it is intended the planning obligation should apply to. The draft SPD suggests that the indoor sports contributions will only apply to schemes of 10 dwellings or more. This should be clarified within the policy, not just the SPD, to provide certainty to applicants.