



TRAFFORD COUNCIL

**Further Changes to Policy L5 proposed
following October 2011 consultation**

28th October 2011

Introduction

At the Hearing sessions held in September 2011, the Council announced that it would be consulting upon:

1. A report that summarises the stages of the sustainability appraisal process for the Core Strategy with particular reference to the changes post submission;
2. All suggested additions to the 'living changes document' CD12.4 made since the hearings held in May 2011. For the avoidance of doubt, this referred to all those changes numbered S300.46 onwards.

The consultation was for a two week period starting on 10th October 2011 and closing at noon on 24th October 2011.

In response to the consultation, Barton Wilmore on behalf of SEGRO submitted a representation (CD12.4.13) as follows:

“(Policy) L5.7 confirms that only where the infrastructure exists should...higher targets be applied, which is welcomed. The policy as drafted therefore provides a degree of flexibility to developers, once the requisite infrastructure is in place, to decide whether and by how much above current Building Regulations they wish to aim to reduce CO2 emissions up to the 15% target specified. The Policy can thus be read that until the ‘new energy generation infrastructure’ is in place any new development would only need to achieve the requisite standards set out in the Building Regulations. To strengthen the policy further we would propose the additional text (underlined) to paragraph L5.7:

“These higher CO2 reduction targets will only be applicable where the infrastructure, required as detailed in paragraph L5.6 above exists at the time that the relevant planning application is determined.”

“We welcome the deletion of paragraphs L5.14 and L5.15 as these sought to link the payment of financial contributions when the proposed CO2 reductions were not met. Notwithstanding the deletion of these two paragraphs we feel the incorporation of measures to reduce CO2 emissions could affect viability particularly when the type of use and the location of the use are taken into consideration. We therefore feel that there should be recognition within the Plan that there may be instances when seeking higher levels of reductions in CO2 emissions may not be feasible and would result in developments becoming unviable. We therefore propose the following wording to replace paragraphs L5.14 and L5.15.

“The Council expects that all new major development will deliver the required CO2 emission reductions, however in those circumstances where it can be demonstrated that these cannot be feasibly delivered without having an adverse impact on the viability of the development, a lower level will be accepted by the Council.”

The Council accepts that these clarifications are necessary to make it clearer how the policy will operate in development management terms and that development viability is an important factor in the consideration of delivering the required CO2

emission reductions. However, the Council considers that the wording proposed by SEGRO should be altered to refer to there being a significant adverse impact on viability before the Council would accept a lower level of CO2 emissions reduction. This does not change the meaning or intention of Policy L5.

These suggested changes will be added to the Schedule of Proposed Changes (CD 12.4) at S300.125 and S300.126 as follows:

L5.7 These higher CO2 reduction targets will only be applicable where the required infrastructure, as detailed in paragraph L5.6 above, exists at the time that the relevant planning application is determined. The higher reduction targets will only be applied until the national standards (Building Regulations) require developments to achieve zero carbon.

L5.11 The Council expects that all new major development will deliver the required CO2 emission reductions, however in those circumstances where it can be demonstrated that these cannot be feasibly delivered without having a significant adverse impact on the viability of the development, a lower level will be accepted by the Council.

The Council does not consider that the changes presented in this document would alter the overall thrust of the Council's policy position. It does not therefore consider that, should this further revision to the Plan be accepted by the Inspector, there would be significant procedural implications.