

TRAFFORD CORE STRATEGY

Views as to how the substantive policy changes within the NPPF might affect the soundness of the Trafford Core Strategy and to the suggested changes that have been put forward to it by the Council and others

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Introduction

I welcome this opportunity given by the Inspector to offer my views on how the substantive policy changes within the NPPF might affect the soundness of the Trafford Core Strategy and to the suggested changes that have been put forward to it by the Council and others.

As an ordinary member of the public, I feel that I should be welcoming the Coalition Government's apparent attempts to simplify and streamline planning policy and processes. However, like some of the local authorities, I fear that this could induce a policy vacuum and introduce ambiguities that do not otherwise need to arise.

Just like taxing windows, chimneys and floor space, one thing is for sure; the public and developers will respond to incentives, whether they be positive or negative, so if there are incentives to expect to gain unchallenged approval for proposals that meet current definitions of "sustainable development" or to expect lower standards of planning by application of a "lighter touch", this is exactly what we will get.

Discussion

Before I deal with the detail of how the substantive policy changes within the NPPF might affect the soundness of the Trafford Core Strategy and so on, there are some issues to do with the Coalition Government's understanding of what the various terms might mean in practice. First of all, I find I cannot agree with the Minister for Planning's view that, "*Development* means growth" or that "*Sustainable* means ensuring that better lives for ourselves don't mean worse lives for future generations".

Development doesn't just mean growth, it can mean also mean detriment. For example, development at Heathrow was brought about by the covert actions of a single individual (Harold Balfour – Under-Secretary of State for Air, 1938-1944) to the detriment of many living in surrounding areas without their knowledge or consent. Sustainable doesn't only mean what a Minister asserts, it can also mean capable of being maintained at a steady rate without

exhausting natural resources or causing severe ecological damage. Understandably, definitions of these terms vary considerably from lobbyist to lobbyist, depending on the resources that are of concern to them, their vested interests and their respective organisations so that, in the limit, we can end up with a University Chair of Sustainable Aviation, sponsored, without, it would appear, any apparent conflict of interest, by, of all organisations, an airport (e.g. Manchester Airport's sponsorship of Manchester Metropolitan University's Professor of Sustainable Aviation).

It would appear that definitions of "sustainable" can sometimes be vague, tenuous, circular or self-serving. In my opinion, this concept not only has to include considerations of the future, but it must also pay particular attention to the present and the resources it might consume in both the short and the long-term and whether these are replenishable. On the other hand, "development" has to produce added value without introducing significant detriment, i.e. the environmental equivalent of the ALARP (As Low As Reasonably Practicable) principle. Whilst neither of these outcomes seems to be uppermost in the Coalition Government's mind, at the moment, in its apparent dash for growth, they would, nevertheless, be reasonable expectations of the general public.

"A presumption in favour of development", might seem reasonable, constructive and perhaps even relatively benign, at first sight, but it carries with it the seeds of disaster for this country. If one looks at countries where planning control is minimal or non-existent, we see that "a Greater Cairo" could soon engulf Manchester or that the Spanish experience could lead to rows of unfinished buildings.

As libertarians, most of us would no doubt want the freedom to construct whatever we like, where we like, but the harsh reality is that these freedoms are hard-won and have to be reined in, so as to preserve the same rights for others, so the balance can never be wholly towards development, nor should it be wholly against, other than in exceptional circumstances.

For the Trafford Core Strategy, the substantive policy changes within the NPPF might affect its soundness and the suggested changes in the following ways.

Paragraph 48 of the NPPF says that the Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is "sound" – namely that it is:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is practical to do so consistently with the presumption in favour of sustainable development

- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

When a neighbourhood plan is made, the policies it contains take precedence over existing policies in the Local Plan for that neighbourhood, where they are in conflict.

From paragraph 48 we have our first test of how substantive policy changes within the NPPF might affect the soundness of the Trafford Core Strategy and the suggested changes that have been put forward to it by the Council and others. As no Council would want to be shown not to be cooperating or producing a plan for examination which is not “sound”, we could expect Trafford Council to be going to some trouble to make it clear that it has satisfied both criteria.

Obviously, we must leave it to the Inspector to determine whether the plan meets legal and procedural requirements, and is sound. Whilst compliance with legal and procedural requirements can be demonstrated, in my opinion, neither the Council nor the Inspector can make a proper determination as to whether the plan submitted for examination is “sound”, in the sense implied by the NPPF. This is because there could always be any number of unmet requirements from neighbouring authorities which could, from their point of view, be practical and consistent with a presumption in favour of sustainable development, but which are completely inappropriate for those directly or indirectly affected by such apparently unmet requirements. For example, an unmet requirement of Trafford Council might be a significant reduction in noise from Manchester Airport. Whilst this would be both practical and consistent with a presumption of sustainable development, it could be expected to be resisted by Manchester City Council. So what we are dealing with here is not reason and logic, but power, vested interest and ideology.

As has been observed, the word, “sustainable” is ill-defined and can mean different things to different people. In addition, the word “development” does not always mean “benefit”, so the premise for such a view is mistaken from the outset. Whilst it may seem perfectly practical for Manchester City Council to expect Trafford Council to make land available for its ambitions, one could ask, where is the reciprocity in this? If Trafford Council, for example, wanted land at Manchester Airport for development of (say) a Strategic High Amenity Employment Site for Trafford, a project that would be perfectly justified, practical and effective using land at the proposed “Airport City”, are we expected to believe that such a plan would be entertained by Manchester City Council? I think one would have to assume that this is not what the Coalition Government or Manchester City Council currently have in mind.

With regard to justification, the plan for land at Davenport Green, which was to return it to the Green Belt, was the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence. Paragraph 75 of the NFFP confirms that Trafford Council was right to return land at Davenport Green to the Green Belt as, amongst other things, this judgement was treated on its merits and had regard to market signals and the relative need for different land uses. This, it now turns out, is said to have been a misjudgement on the part of Trafford Council, not because the plan was unjustified, ineffective or inconsistent with national policy, but because, it would appear, the Council hasn't the will to adhere to it.

With regard to Designation of Green Belts, paragraph 136 of the draft NFFP, says it should not be necessary to designate new Green Belts except in exceptional circumstances. If proposing a new Green Belt, local planning authorities should:

- demonstrate why normal planning and development management policies would not be adequate
- set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary
- show what the consequences of the proposal would be for sustainable development
- demonstrate the necessity for the Green Belt and its consistency with Local Plans for adjoining areas; and
- show how the Green Belt would meet the other objectives of the Framework.

It is my belief that Trafford Council had satisfied these criteria and produced a sound strategy which was to return land at Davenport Green to the Green Belt. I am now mystified as to why it is seeking to renege on this particular demonstration and decision.

Conclusions

Trafford's plan to return land at Davenport Green to the Green Belt appears to have been consistent with paragraphs 138, 139 and 143 of the NFFP. Having recognised that inappropriate development at Davenport Green would, by definition, have been harmful to the Green Belt and should not have been approved, except in very special circumstances, it is clear that Trafford Council's plan to return land at Davenport Green to the Green Belt met all these draft NFFP criteria, so it would now be unsound to do anything other than return the land to the Green Belt, as originally proposed.

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