

Representations of Emery Planning Partnership
Trafford Local Development Framework: Core Strategy DPD

RESPONSE TO INSPECTOR'S NOTE 5: BUDGET 2011 -
PLANNING FOR GROWTH

EPP reference: FS2-7393-CP-JC

May 2011

1. INTRODUCTION

1.1 The Government announced on 23rd March 2011 (within their Budget statement) an intention to introduce changes to planning policy. The relevant documents in which both the justification for changes to planning policy and its intended future direction were outlined as follows:

- The Plan for Growth – HM Treasury and Department for Business Innovation and Skills
- Planning for Growth – DCLG
- Statement: Eric Pickles – Secretary of State at DCLG
- Statement: Greg Clark – Minister for Decentralisation at DCLG
- Statement: Grant Shapps – Minister for Housing at DCLG

1.2 In recognition of the great significance attached by the Government to these policy changes the inspector issued a note that was circulated to all previous participants (Inspector's Note 5) inviting further comment as to degree to which these changes may have a bearing on the soundness of the Core Strategy.

1.3 We have submitted representations in respect of the following policies:

- Policy L2 - Affordable Housing
- Policy L5 - Climate Change
- Policy R5 - Open space, sport and recreation

1.4 We also appeared at the hearing session in respect of Policy L8 - Planning Obligations. Our earlier representations remain valid.

1.5 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 that policy. This statement relates specifically to Policies L5 and R5.

2. POLICY L5 - CLIMATE CHANGE

2.1 It is considered that the content of previous representations submitted in respect of Policy L5 (and the proposed requirement for development to exceed national standards for CO2 reductions targets) are endorsed further by the change of policy emphasis contained within "Planning for Growth" and the budget statement The Plan for Growth.

2.2 The Plan for Growth sets out a number of measures and actions for achieving the Government's key economic targets. These include a number of key actions relating to the

construction industry. Specifically relating to Policy L5, action 9 (page 117) sets out the Government's approach to CO2 reductions targets and the regulatory requirements:

2.297 The UK needs to deliver carbon savings in order to meet the Carbon Budgets to which the Government is committed. This means that the carbon footprint of new homes cannot be allowed to add to overall carbon reduction burdens.

2.298 Building Regulations cover carbon dioxide emissions from energy use through heating, fixed lighting, hot water and building services. They do not cover emissions related to energy use from cooking or from plug-in electrical appliances such as computers, as these are beyond the influence of housebuilders and will be addressed by other policies, for example the EU Emissions Trading Scheme.

2.299 The Government will introduce more realistic requirements for on-site carbon reductions, endorsing the Zero Carbon Hub's expert recommendations on the appropriate levels of on-site reductions as the starting point for future consultation, along with their advice to move to an approach based on the carbon reductions that are achieved in real life, rather than those predicted by models. This will be complemented by cost-effective options for off-site carbon reductions, relative to the Government's pricing of carbon, and Government will work with industry through consultation on how to take this forward.

2.300 This approach will deliver zero-carbon homes on a practical basis from 2016, with significantly reduced costs to industry, compared to previous proposals. Government will continue to work with industry on how the principle of its Green Deal scheme can be extended to new homes, enabling house builders to offset the upfront costs of building to more challenging carbon reduction standards.

- 2.3 The Plan for Growth sets out that the Government will introduce more realistic requirements for on-site carbon reductions, and states that industry consultation will take place on how to take the approach forward. In this context it is our view that it would be unsound (contrary to national planning policy and unjustified) to pursue a policy approach of seeking a level of CO2 reduction that is higher than existing national regulations.
- 2.4 Trafford's Low Carbon Study clarifies that the targets have been calculated incorporating both regulated and unregulated emissions (i.e. those related to energy use from internal appliances). This now needs to be considered in light of the Government's announcement to remove unregulated emissions from its Zero-Carbon target, instead addressing these through other policies (as set out at paragraph 2.298 of the Plan for Growth).
- 2.5 The policy now utilises the 2006 Part L Building Regulations as a baseline (to reflect the viability work carried out). These regulations have long been superseded. We would strongly question the soundness of using an outdated set of regulations, as these have been superseded at the national level for good reason. Furthermore, it is clear that the

Government intends to revise building regulations further to achieve the Plan for Growth objectives.

2.6 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.

2.7 We do however welcome the clarification of the development size thresholds to which the policy will apply.

3. POLICY R5 - OPEN SPACE, SPORT AND RECREATION

3.1 We also consider that the content of previous representations submitted in respect of Policy R5 (specifically the proposed financial contributions for indoor sports and recreation facilities, swimming pools, health and fitness facilities and cemeteries) are endorsed further by the change of policy emphasis contained within "Planning for Growth" and the budget statement The Plan for Growth.

3.2 The Planning for Growth Ministerial Statement sets out that local planning authorities should not impose unnecessary burdens on development. 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 represent a significant increase from those set out in the current UDP, and they would comprise an unnecessary burden on development.

3.3 Annex B of the Planning for Growth letter from Steve Quartermain to Chief Planning Officers (31 March 2011) specifically addresses the issue of planning obligations. This confirms that planning obligations are being scaled back through the CIL Regulations 2010. The statement confirms that the statutory tests on planning obligations must be met. We have previously set out that we do not consider that the requirements of the policy accord with these statutory tests.

4. POLICY L8 - PLANNING OBLIGATIONS

4.1 Our previous submissions are still applicable, and in our view are emphasised by the Government's recent statements.

4.2 Once again, consideration must be given to the Planning for Growth Ministerial Statement, which sets out that local planning authorities should not impose unnecessary burdens on

development, and Annex B of the Planning for Growth letter from Steve Quartermain to Chief Planning Officers (31 March 2011) on planning obligations.

- 4.3 Of particular relevance is the need for the policy to clarify further which types of development the policy will apply to.
- 4.4 The council's suggested changes to the policy indicate that contributions will be sought for all new development (including mezzanines), redevelopment and changes of use. This is considered to be too vague and the policy should set out what obligations will apply to different types of development. For example, the council has already stated that contributions towards indoor sports facilities including swimming pools and gyms will not apply to schemes of less than 10 houses. In addition, it is assumed that there will be some types of development that will not be required to pay contributions for example householder developments.
- 4.5 Specifically setting out the type and threshold of development to which each contribution will apply in the policy would ensure that unnecessary burdens on development are not imposed, in particular on Small and Medium Enterprises (SME's) which are so crucial in driving the economic growth that is required to rebuild Britain's economy.

5. CONCLUSIONS

- 5.1 To conclude, in light of the concerns we have expressed above (and throughout the examination), we consider that the operation of the proposed policies would constrain, rather than encourage, growth and jobs, and prejudice especially SME's in the construction sector whose fortunes are critical in ensuring a sustainable economic recovery. This would be in direct conflict with the Government's proposed policy changes announced in the Budget and the Ministerial Statements.