



# Supplementary Planning Document

## SPD1: Planning Obligations

February 2012

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# **1. Introduction**

## **1.1. Background**

- 1.1.1. This Supplementary Planning Document (SPD) sets out Trafford Council's approach to planning obligations when considering planning applications for development in Trafford. Development impacts on infrastructure and creates a need for additional or improved community services and facilities without which the development could have an adverse effect in social, economic or environmental terms.
- 1.1.2. The objective of the SPD is to provide clarity to developers, planners, stakeholders and local residents regarding the basis on which planning obligations will be sought. It will assist in implementing local objectives in respect of the provision of sustainable development across the Borough by contributing towards the delivery of the Trafford Core Strategy Development Plan Document (January 2012) and the Revised Adopted Unitary Development Plan (June 2006).
- 1.1.3. The SPD provides detailed guidance for all those involved in the submission and determination of planning applications where planning obligations will be required. It also details the type of obligations that are required, sets thresholds where appropriate and indicates the relative importance that the Council might place on the varying types of obligation in different parts of Trafford.
- 1.1.4. The SPD forms part of the package of Local Development Documents (LDDs) which comprise the Trafford Local Development Framework (LDF), required under the Planning and Compulsory Purchase Act 2004 (as amended under the Localism Act 2011). It assists the Council in securing local and national objectives in respect of sustainable development. It is an important material consideration in the determination of planning applications.

## **1.2. What is a Planning Obligation?**

- 1.2.1. Planning obligations provide a means to ensure that a development contributes towards the creation of sustainable communities.
- 1.2.2. Obligations are generally used to minimise the impact of the development and to implement the Council's planning policy through:
  - prescribing the nature of a development (e.g. by requiring a proportion of affordable housing);
  - securing a contribution from a developer to compensate or reprovide for loss or damage created by a development (e.g. loss of open or public space);
  - mitigating a development's impact on the locality (e.g. towards the provision of necessary infrastructure and facilities such as through increased public transport provision, providing a new road or improved/new signage and map information or education facilities as a result of increased households).

- 1.2.3. This SPD focuses in particular on the use of planning obligations to mitigate the impact of a development. The outcome of the use of planning obligations should be that the proposed development is brought into compliance with the Development Plan and national planning policies.
- 1.2.4. Planning obligations are taken forward through legal agreements, principally those known as Section 106 Agreements, made under s106 of the Town and Country Planning Act 1990 (as amended). They are usually negotiated and entered into between the local planning authority (LPA), the developer/applicant and all parties with a legal interest in the development site being subject of the planning application. In some circumstances, the applicant for planning permission might be able to submit a 'unilateral undertaking' where they agree to provide a planning obligation without the involvement of the LPA. A unilateral undertaking would not contain any covenants on the Council's behalf, but the undertaking may be made subject to certain conditions being met by the Council, for example, as to the timescales within which any contribution must be utilised by the Council.
- 1.2.5. In either case, all parties with an interest in the development site must be a party to the agreement so that it is acceptable to the Council and enforceable to secure the delivery of the necessary infrastructure. This means if the development site is subject to a mortgage or a charge, the relevant bank or charge holder will need to consent to or be party to the s106 planning agreement or unilateral undertaking.
- 1.2.6. Where planning obligations are required, planning permission will not usually be granted until such time as the s106 agreement has been entered into by all relevant parties and completed.
- 1.2.7. Planning obligations are local land charges and run with the land. This means they are intended to be enforceable against the original parties who entered into the agreement or undertaking and against anyone acquiring an interest in the land after it has been sold or transferred.
- 1.2.8. Used properly, planning obligations can significantly increase the quality of development. They can secure benefits capable of mitigating the adverse impacts of a development. They are intended to make development acceptable which would otherwise be unacceptable in planning terms.
- 1.2.9. The Community Infrastructure Levy (CIL) Regulations 2010 came into effect on 6 April 2010. These empower local authorities to charge a levy on most types of new development. A charging schedule setting out CIL rates for Trafford is in the early stages of production and will be used alongside planning contributions to help fund the provision of infrastructure needed to support development in the Borough and make it acceptable and sustainable. Trafford Council will amend its developer contributions regime, as and when new legislation, guidance and regulations are issued.

### **1.3. The Role of the SPD**

- 1.3.1. This Planning Obligations SPD for Trafford sets out in principle what kinds of planning applications will require planning obligations and how monies are likely to be spent on projects related to the proposed development. This SPD cannot be an exhaustive list of the planning obligations that will be required in each case but it will provide a general guide for developers.
- 1.3.2. This SPD comprises 3 parts:
- Section 1 sets out the general principles and policy justification for setting up a coordinated approach to planning obligations in Trafford;
  - Section 2 outlines the Trafford Developer Contribution system – setting out when and what contributions will be sought and how the system will be managed;
  - Section 3 details each of the individual contributions that are being sought, and their policy justification.
- 1.3.3. Planning obligations will be sought to support the implementation of the strategic objectives and policies of the Development Plan and where appropriate to further the vision and commitments of the Trafford Sustainable Community Strategy.
- 1.3.4. Where planning applications do not meet Development Plan requirements, it may be possible to make acceptable development proposals which might otherwise be unacceptable through the use of planning conditions, or, where this is not possible, through planning obligations. The Council will use planning conditions and / or require the completion of planning obligations to secure measures which are essential for the development to proceed and for measures which are required to mitigate the impact of the development.
- 1.3.5. The SPD has been produced in accordance with the advice contained in PPS12: Local Development Frameworks, the requirements of the Town and Country Planning (Local Development) (England) Regulations 2004, ODPM Circular 05/2005, DCLG Practice Guidance on Planning Obligations 2006 and the Community Infrastructure Levy Regulations 2010.
- 1.3.6. The 2008 Planning Act removed the requirement for sustainability appraisal of supplementary planning documents that do not introduce new policies or proposals or modify planning documents which have already been subject to sustainability appraisal. This SPD supports Policy L8 and other relevant policies in the Core Strategy that have been subject to SA as part of the Core Strategy process. The Inspector appointed to consider the soundness of the Trafford Core Strategy concluded in her report (November 2011) that the Core Strategy was adequate in terms of its appraisal of the environmental, economic and social effects of its policies. For more information see the Core Strategy pages on the Council website. The Council is therefore satisfied that the impacts have been covered in the appraisal of the parent DPD and there is no further requirement for appraisal or screening of this SPD.
- 1.3.7. A draft SPD was subject to a six week public consultation period between the 7<sup>th</sup> March 2011 and 18<sup>th</sup> April 2011. In total, 15 separate organisations made representations during the consultation period. A copy of the report

showing all the comments made and the Council response to these can be found on the Council website.

1.3.8. This SPD1 replaces the following existing planning guidance:

- SPD1: Developer Contributions to Highway and Public Transport Schemes (March 2007);
- PG27: Provision for New Affordable Housing Development (September 2004);
- PG28: Informal Children's Playing Space and Outdoor Sports Facilities Provision and Commuted Sums (September 2004);
- Addendum to PG28 (February 2009);
- PG29: Developer Contributions towards the Red Rose Forest (September 2004).

## 1.4. National policy context

1.4.1. PPS1 requires Planning Authorities to ensure that social inclusion, economic development, environmental protection and the prudent use of resources are at the forefront of policy making and implementation. These considerations have formed an important element of producing this draft document.

1.4.2. National planning policy on planning obligations specifically is set out in Circular 05/2005. Circular 05/2005 appreciates that the planning system operates in the public interest and should aim to foster sustainable development, providing homes, investment and jobs in a manner which positively intervenes in the quality and condition of the physical and built environment.

1.4.3. Regulation 122 of the Community Infrastructure Levy Regulations 2010 makes it unlawful for a planning obligation to constitute a reason for granting planning permission unless it meets all of three statutory tests:

1. The obligation is **necessary** to make the development acceptable in planning terms. This means that planning obligations should be used to make development acceptable which would be otherwise unacceptable in planning terms in accordance with published local, regional or national planning policies;

2. The obligation is **directly related** to the development. This means that there should be a functional or geographical link between the development and the item being provided as part of the agreement;

3. The obligation is **fairly and reasonably related in scale and kind** to the development. This means that developers may reasonably be expected to pay for or contribute towards the cost of additional infrastructure provision which would not have been necessary but for their development. A reasonable obligation should at least seek to restore facilities, resources and amenities to a quality equivalent to that existing before the development.

1.4.4. The regulations give statutory force to three of the five tests set out in Circular 05/05 for a development, or any part of a development, that is capable of being charged CIL. The SPD sets out how each of its planning obligation elements has the potential to meet each test, but each planning obligation will also need to be justified on its own merits. On 31st March 2011, a letter from the Chief Planner of DCLG was sent to all Chief Planning Officers. At Annex A was a Ministerial Statement (“Planning for Growth”) made on 23rd March 2011. Attention was specifically drawn to the contents of that document. In short, the letter exhorted LPAs to grant planning permission for “sustainable development” wherever it was possible to do so. The Ministerial Statement continued:

*“To further ensure that development can go ahead, all Local Authorities should reconsider, at developers’ requests, existing Section 106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed; provided this*

*continues to ensure that the development remains acceptable in planning terms. The Secretary of State for Communities and Local Government will take the principles in this Statement into account when determining applications that come before him for decision. In particular, he will attach significant weight to the need to secure economic growth and employment.”*

This Ministerial Statement makes it clear that the bringing forward of sustainable forms of development will be an important consideration in the determination of planning applications.

## **Regional Spatial Strategy**

- 1.4.5. The Regional Spatial Strategy for the North West of England (September 2008) sets out broad spatial policies for change across the region. Planning obligations are recognised as a means of delivering certain policy objectives such as affordable housing and accessibility improvements. The ways in which RSS supports the justification of the individual contributions are detailed in Section 3.
- 1.4.6. It is, however, the intention of the Secretary of State to abolish Regional Spatial Strategies as set out in the Localism Act. However, until they are formally abolished, Regional Strategies form part of the statutory development plan. As such, they are the starting point for the determination of planning applications and local plans must be in general conformity with them.

## **1.5. Local Policy Context**

- 1.5.1. For several years, the Council has had a number of supplementary planning documents which detail arrangements for planning obligations for affordable housing, informal children’s playing space/outdoor sports facilities, Red Rose Forest and highway and public transport scheme provision. These are based on policies in the Adopted Revised Trafford UDP (June 2006), in particular Proposals H8, OSR9, ENV16 and T9. The purpose of this SPD is partly to update and replace these supplementary planning documents in line with the new policies in the Trafford Core Strategy and to set out further policies for contributions which have not previously been required.
- 1.5.2. The Council’s activities are guided by, and are consistent with the Trafford Sustainable Community Strategy (SCS). The SCS is based around a vision for the year 2021 that has been identified through a number of consultation events held by the Council and other partners:

### ***Trafford Partnership’s Vision 2021***



- 1.5.3. "Trafford is thriving, diverse, prosperous and culturally vibrant. A Borough at the heart of the Manchester city region celebrated as the enterprise capital of the North West and home to internationally renowned cultural and sporting attractions.
- 1.5.4. By 2021:
- *All Trafford's people and communities will enjoy the highest quality of life in a safe, clean, attractive, healthy and sustainable environment with excellent education and first-class services.*
  - *Trafford businesses will be provided with all the tools and support to be able to continually and successfully compete for skills and investment on an international basis.*
  - *As a destination, Trafford will consolidate and build upon the reputation of its renowned world-class attractions (Manchester United, Lancashire County Cricket Club, Imperial War Museum North and the Trafford Centre) providing a breathtaking mix of cultural, sporting, heritage and natural attractions together with vibrant town and shopping centres."*
- 1.5.5. Planning obligations will play a vital role in ensuring new development makes a positive contribution to achieving this vision.

### **Trafford Core Strategy**

- 1.5.6. The spatial elements of the SCS are delivered through the Trafford Core Strategy. This SPD is part of the Local Development Framework which is made up of a suite of documents, the main one being the Core Strategy. Following an Independent Examination process, the Core Strategy was adopted in January 2012. This SPD has been prepared to support the implementation of the Trafford Core Strategy.
- 1.5.7. **Policy L8** of the Core Strategy sets out the Council's policy on planning obligations. This makes it clear that in accordance with Circular 5/2005, the Community Infrastructure Levy Regulations 2010, policies in the Core Strategy and the Council's Local Infrastructure Plan, the Council will seek Planning Obligations for developer contributions towards the delivery of environmental, economic and social infrastructure. The policy seeks contributions for all new development (including mezzanines), redevelopment, and changes of use the nature and level of which will be established on a site by site basis. The Council's approach to planning obligations is based on two elements: the 'Trafford Developer Contribution' and a bespoke 'Negotiated Element'. Policy L8 provides an indicative list (set out below), for which the Council will seek contributions towards through the Trafford Developer Contribution. The list is not definitive and may expand in the future:
- Affordable Housing;
  - Highways infrastructure;
  - Sustainable transport schemes, including bus, tram, rail, pedestrian and cycle schemes;
  - Measures to reduce the impact of climate change;
  - Specific Green Infrastructure, such as tree planting;
  - Spatial Green Infrastructure, such as parks, play areas and outdoor sports facilities;
  - Indoor sports facilities, including swimming pools and gyms;

- Education facilities; and
- Health facilities;

1.5.8. Other policies within the Core Strategy provide further detail on specific contributions as follows:

- Policy L2 – Meeting Housing Needs – affordable housing;
- Policy L3 – Regeneration and Reducing Inequalities – community facilities, training, environmental improvements, etc.;
- Policy L4 – Sustainable Transport and Accessibility – highway and public transport schemes;
- Policy L5 – Climate Change – measures to reduce carbon emissions;
- Policy R3 – Green Infrastructure;
- Policy R5 – Open Space, Sport and Recreation;
- Policy R6 – Culture and Tourism – cultural facilities, public art, etc.

1.5.9. In addition, the Core Strategy policies for the 5 Strategic Locations – Pomona Island, Trafford Wharfside, Lancashire County Cricket Club Quarter, Trafford Centre Rectangle and Carrington – set out details of infrastructure projects (e.g. schools, health facilities) which will be part-funded by developer contributions.

1.5.10. Full details of all the above policies can be found in the Trafford Core Strategy.

## 2. The Trafford Developer Contribution

- 2.1.1. The Council's approach to planning obligations is based on two primary elements: the 'Trafford Developer Contribution' (i.e. the 'Required Element'), to ensure a proposal is acceptable in planning terms, and a bespoke 'Negotiated Element' to address any other specific impacts or planning obligation requirements that are not covered by the Trafford Developer Contribution. However, it is the Council's intention to limit as far as possible the need for a Negotiated Element and to address infrastructure implications of development, where possible, through the Trafford Developer Contribution. Both will be implemented through Section 106 Agreements or Unilateral Undertakings or, where relevant, s111 Agreements. In addition, there may be circumstances which are specific to a particular development, of whatever scale, which may be required to be addressed by way of a planning obligation.
- 2.1.2. The Trafford Developer Contribution (TDC) is a formula-based charge which is calculated on a dwelling size (number of bedrooms), gross internal area (sqm) basis, or in the case of specific green infrastructure number of residential dwellings. It reflects the calculated impact of different types of development on different planning obligation matters.
- 2.1.3. Development is taken to include new development (including mezzanines), redevelopment, and changes of use. Thresholds for qualifying developments are based on the total gross development, rather than on the net additional development, although the relevant formulae to calculate a contribution will only be applied on the net additional floorspace/units. For these purposes Gross Internal Area (GIA) is used.
- 2.1.4. For developments staying within the same Use Class, the floorspace of units which already exist on the site or for which an extant planning permission exists, may be subtracted from the obligation calculation so that the net additional impact is assessed, subject to the actual level of need that arises from the development proposal. For developments which would introduce buildings within a different use class to that which exist on site or for which there is an extant permission, separate calculations may need to be made for proposed use and the existing (or consented) use and the actual obligation sought will be assessed with reference to the difference between the two (except that a negative contribution will not be allowable).
- 2.1.5. The TDC provides a greater clarity and certainty for the development industry whilst securing valuable contributions to mitigate the impact of development and support the Borough's objective of developing in a sustainable way.
- 2.1.6. An online Planning Obligations Tool is available to support users in determining the type and level of contributions required.

## **2.2. What does it contribute towards?**

- 2.2.1. The TDC seeks to meet the need for affordable housing and address the impacts of development on both local and strategic infrastructure. Local infrastructure is defined here as infrastructure that is necessary to make a neighbourhood or place within the borough more sustainable. Strategic infrastructure is defined here as infrastructure that is often provided outside of the immediate neighbourhood, or to serve the wider needs of the Greater Manchester sub-region. It includes the ‘big kit’ infrastructure necessary to provide for the sustainable growth of the city region (e.g. Metrolink extensions); centralised facilities (in one or more locations) that provide the critical mass necessary for providing high quality services; and natural infrastructure (the environment) which is impacted by population growth.
- 2.2.2. In particular, the TDC covers the following local and strategic infrastructure:
- Affordable Housing;
  - Highways and Active Travel infrastructure, including highway, pedestrian and cycle schemes;
  - Public transport schemes, including bus, tram and rail, schemes;
  - Measures to reduce the impact of climate change, including:
    - Reduction of carbon emissions;
  - Specific Green Infrastructure, including:
    - Tree planting;
  - Spatial Green Infrastructure, including:
    - Semi-natural greenspace;
    - Local open space, including parks;
    - Provision for children/young people, including equipped play areas;
    - Outdoor sports facilities
  - Indoor sports facilities, including:
    - Swimming pools (pay to play);
    - Health and fitness (pay to play)
  - Education facilities;
  - Health facilities;
- 2.2.3. This list is not definitive and in the future the Council may expand the list of contributions included in the TDC.
- 2.2.4. In addition to the requirements of the TDC, there may also need to be additional elements to the planning obligation, particularly for major developments. The Negotiated Element can include a variety of planning obligation areas dependent on the specific development and its impact. The following list illustrates likely contribution areas, but is not exhaustive:
- Reducing Inequalities;
  - Community facilities;
  - Allotments and Cemeteries;
  - Public art;

2.2.5. The Negotiated Element will normally apply only to Major Developments. However, decisions about this element of planning obligations will be decided on a case by case basis, dependent on the identified impacts.

### 2.3. Which developments are required to contribute?

2.3.1. The Trafford Developer Contribution applies to most development proposals.

2.3.2. A threshold is a widely used mechanism for determining which planning applications need to provide contributions to infrastructure and affordable housing. The key principle is that all developments generate requirements that need to be addressed through planning obligation contributions. The impact of one dwelling in a development of a hundred dwellings is the same as the development of a single dwelling.

**Table 2.1 Trafford Developer Contribution thresholds**

Type of development	TDC Threshold	Major Development Threshold
<b>Residential (C3 Use Class)</b>	1 dwelling or more	10 dwellings or more
<b>Other residential</b> (including HMOs, purpose built student accommodation and residential institutions)	1 bed space or more	10 bed spaces or more
<b>Non-residential</b> (including retail, business, hotel, leisure, community or sui generis uses)	100 sq m gross internal floorspace or more	1,000 sqm gross internal floorspace or more

2.3.3. These thresholds apply to all development unless otherwise stated under an individual contribution in Section 3 of the SPD. For example, viability testing of affordable housing policy has demonstrated that a minimum threshold for qualifying sites of 5 residential units in the Borough’s “hot” and “moderate” market locations and 15 residential units within the Borough’s “cold” market locations is reasonable. Thresholds of 10 residential dwellings or more apply to collecting contributions to mitigate climate change and for indoor sports. Further details of these thresholds are provided in Section 3 below.

2.3.4. In relation to planning applications for non-residential developments comprising multiple units, the TDC will be calculated on the basis of the cumulative gross internal floorspace for the applications as a whole. Where a development exceeds the threshold, TDC will be applied to the whole development and not just that part which is above the threshold level.

2.3.5. Where outline planning permission is sought, the Local Planning Authority will normally require sufficient information about the amount of development and its end use to enable the level of contribution to be calculated. Where this is not provided, it will generally safeguard its position by assuming that all thresholds are exceeded and require the maximum level of contribution that is compatible with the outline approval

sought. However, the legal agreement will be flexible to enable the planning obligation to be adjusted so that it is appropriate to the eventual detailed planning permission (e.g. through the use of formulas rather than set payment figures).

- 2.3.6. The Council encourages pre-application discussions with regard to planning obligations. The early discussion of planning obligation matters, specific proposals and potential abnormal development costs will provide greater clarity and certainty for developers as to the type and scale of contributions potentially required.
- 2.3.7. Appendix A sets out which planning obligation matters apply to different types of uses as defined in the Use Classes Order 2010.

## **2.4. Which developments are not required to contribute?**

2.4.1. Some types of development are exempt from the TDC to achieve consistency with the Community Infrastructure Levy Regulations 2010 and given wider public benefits. These exemptions are identified below:

- Developments by charitable institutions for charitable purposes;
- Development of public infrastructure of the nature that, at least hypothetically, could have been funded in part through contributions (e.g. bus stations, education facilities, etc.);

2.4.2. The Council will grant 100% relief from the TDC in relation to affordable housing developed by or on behalf of Registered Providers (RPs). The TDC may require developers to complete s106 agreements to secure the payment of the contributions in the event that the relevant properties cease to be affordable.

2.4.3. In addition, the Council will, where appropriate, grant discretionary relief from the TDC of up to 100%, in line with the circumstances outlined in the CIL Regulations 2010, in relation to:

- 'investment activity' by charitable institutions; and
- in exceptional circumstances.

2.4.4. The requirements of the TDC will only be applied where the planning obligation satisfies the three statutory tests of the CIL Regulations. So for example, sheltered housing or purpose built student accommodation will not be required to contribute towards education because these proposals are unlikely to have an impact on schools infrastructure. There is no requirement for a financial contribution towards mitigating climate change although there may still be an obligation for development to link with existing infrastructure, where appropriate (see Section 3.4 below).

2.4.5. Exemption from the TDC does not mean that a planning obligation will not be sought as part of a negotiated element agreement. There may be direct impacts of such significance that still justify a planning obligation to make the development acceptable in planning terms.

## **2.5. How much will it cost?**

2.5.1. To calculate the potential level of contribution payable on a residential development, developers should enter the details of the development into the online calculator on the Council website ([www.trafford.gov.uk](http://www.trafford.gov.uk)) For example, for residential development, developers should input the number and size of residential units. The cost per residential dwelling varies by dwelling size to reflect the increase in household size and therefore the likely increased impact of greater population generation. In the case of HMOs, student housing and other residential developments they should input the number of bed spaces, where relevant. For other developments they should input the gross internal floorspace area. This will then provide a calculation of the value of the TDC. The calculated costs give an

indication of contributions required where provision cannot be made on-site or as part of the development itself.

- 2.5.2. The Contribution will seek to address the net increase in impact arising from the development. This can normally be assessed by subtracting the tariff that would have applied to the existing development from the total Contribution calculated for the new development. However, this is only a general rule as factors such as the qualitative difference between existing and proposed development may be relevant. For example, for changes within the same Use Class where the new development is of an entirely different quality and therefore has much wider impacts per sqm floorspace (such as a change from food retail to non-food bulky goods retailing all of which can potentially be carried out within the A1 Use Class). Such cases will need to be considered on their particular merits. More information on the setting of tariff levels in relation to these matters can be found in the supporting Technical Notes for each specific contribution.
- 2.5.3. A reasonable management fee of up to 5% of the contributions received will be used by the Council to monitor and implement planning obligation agreements and deliver an efficient and effective evidence-based Section 106 process.
- 2.5.4. Principally, the management fee will contribute to a resource that will ensure that contributions are spent on their intended purpose and that the associated development contributes to the sustainability of an area. . The management fee will also be used to monitor the spending of monies and the provision of information to developers and members of the public. The level of the management fee will be reviewed on a regular basis and may be subject to change.
- 2.5.5. Applicants will be required to meet their own and the Council's costs of producing planning obligation agreements, whether the agreement is completed or not. This is in addition to the management fee.
- 2.5.6. The Council's cost of producing planning obligation agreements will include the time spent by officers from the legal department. The costs will be calculated on a time recorded hourly rate, or on the basis of the actual cost to the Council where it is necessary to outsource this work for operational reasons.
- 2.5.7. The cost will be payable on completion of the agreement or if the agreement is not completed, within 28 days from the date of invoice.

## **2.6. How will it be collected?**

- 2.6.1. For developments consisting only of a single dwelling the Trafford Developer Contribution will be collected prior to Committee resolution or delegated authority approval (whichever is applicable) without the requirement for a S106 agreement or unilateral undertaking.
- 2.6.2. Planning Agreements will be generally drafted by the Council although in certain circumstances and subject to the prior agreement of the Council, the Council will accept an agreement drafted by the applicant's legal representative for the agreement of the Council. Circular 05/2005 (para.



B36) promotes the use of 'Standard Agreements' to speed up the preparation of the S106 agreement and the Council will seek to make such agreements available to expedite the process.

- 2.6.3. All financial contributions contained in S106 agreements will be index linked, based on building cost indices from the date the payment falls due. Financial contributions will normally be expected to be paid upon commencement of development (as defined in Section 56 of the 1990 Town and Country Planning Act). However, to support development viability the Council recognises that this will not always be practical. In these circumstances, where viability is agreed as an issue, the Council will accept payments at specific stages during the development process, for example, upon first occupation for the purposes of the consented use, etc. For major development, allowance will be made for contributions to be phased, with reference to an agreed schedule of floorspace occupation trigger points. Trigger dates for the payment of financial contributions will be included in the S106 Agreement, as will any time periods by which the contribution is to be spent.
- 2.6.4. Following receipt by the Council, financial contributions will be held ring-fenced within the Council's accounts. Contributions remaining unspent at the end of a time period specified in the S106 agreement will, on request, be returned to the payee along with any interest accrued based on the investment returns achieved by the Council. Given that the tariff contributes to infrastructure needs which can take a long time to deliver, the default period will be 15 years from the date of the agreement. The normal period for implementation of a Negotiated Element of a Section 106 agreement will be 15 years from the date of payment of the contribution, although this may vary depending on the precise nature of the obligation.
- 2.6.5. The Council is aware from experience that some developers may attempt to avoid a planning obligation by reducing the scale of their proposal to avoid a provision threshold; for example. If it is considered that a proposed development is not maximising the use of a site to avoid a threshold, the Council reserves the right to seek obligations from the developer which reflect the best or full use of the land. In addition, if a potentially large development proposal site has been divided into smaller applications below the threshold, the Council will require, for the purposes of a planning obligation, that all the individual proposals are treated as part of the whole development proposal, subject to an appropriate timescale being established for bringing forward subsequent phases of development.
- 2.6.6. When calculating the residential development contribution, which is based upon the number of bedrooms, the Council will count as a bedroom any room being suitable or capable of being used as such, irrespective of what it may be described as.
- 2.6.7. In the case of non-payment of financial contributions or the non-implementation of site specific obligations, the Council will pursue all legal means to secure agreed s106 requirements and additional legal penalties.
- 2.6.8. Planning decisions may be appealed, or the Secretary of State may call-in an application for determination. In such cases, the Council will be unable

to negotiate a planning obligation, as the Secretary of State/Planning Inspectorate will decide this. However, the developer can submit a unilateral undertaking and the Council will, in cases where the development may be deemed to be acceptable on planning grounds if planning obligations were secured, seek to negotiate with the developer and would set out the nature of the planning obligations which would be sought.

## **2.7. How will it be spent?**

- 2.7.1. In all cases the TDC will be spent addressing the need to which it contributes.
- 2.7.2. Except for Affordable Housing, which is dealt with separately below, the collected monies will form a pool for each specific contribution which will be used for delivery of the infrastructure needed to offset the impacts of development. The Council's governance framework for implementing planning obligations will provide safeguards to ensure that TDC money is spent in accordance with this principle. Each planning obligation is individually identified by a unique code in the Council's financial records in order to be able to track precisely how the money is spent.
- 2.7.3. This approach is recommended in Circular 05/2005, which states that "where the combined impact of a number of developments creates the need for infrastructure, it may be reasonable for the associated developers' contributions to be pooled, in order to allow the infrastructure to be secured in a fair and equitable way". To achieve the overall implementation of the Core Strategy, the pooling of contributions should reflect the same timescale. The Council will pool contributions over the 2011-2026 period to ensure that the delivery and management of long term infrastructure integral to the future sustainability of the borough is not undermined.
- 2.7.4. Circular 05/05 provides scope for seeking revenue or maintenance payments. The Circular advises that where contributions are secured through planning obligations towards the provision of facilities that are predominantly for the benefit of the users of the associated development, it may be appropriate for the developer to make provision for their subsequent maintenance.
- 2.7.5. Contributions towards the maintenance of new facilities are identified under some of the individual contributions (e.g. the cost for Specific Green Infrastructure includes a provision for the care and maintenance of new trees). However, the Council or other organisations have a statutory responsibility to maintain some types of infrastructure, such as adopted highways, and so contributions towards the maintenance of these cannot be collected.
- 2.7.6. For all other infrastructure, where the developer and the Council agree to transfer maintenance and management liabilities to the Council or other organisations, a commuted maintenance sum will be required as a Negotiated Element of the Section 106 agreement.

2.7.7. Initial support (pump priming) of new facilities can be sought where necessary. However, payments should be time-limited and not be required in perpetuity by planning obligations. The Council will seek maintenance payments where necessary and appropriate for pump priming, and for facilities which are primarily intended for the use of residents of a development or for local use, in line with the latest government guidance.

## **2.8. Where will it be spent?**

- 2.8.1. There will be a presumption in favour of the on-site provision of benefits sought by planning obligations and the Council will normally expect the developer to carry out the works. However, where it is not possible or practical to provide these benefits on-site, or where a development is required to contribute towards strategic infrastructure or facilities, a financial contribution will be sought towards the provision of these benefits offsite.
- 2.8.2. The application of the Trafford Developer Contribution does not mean that developments can avoid making land available and delivering on-site local infrastructure (such as open space and play areas), where appropriate on-site infrastructure is required to ensure that the scheme is acceptable. However, where on-site provision is made the value of this provision will be offset against the contribution that would otherwise be sought.
- 2.8.3. There will be cases where this is neither practicable nor appropriate within the emerging Local Development Framework policy context. In these instances, the TDC will contribute towards these facilities at an appropriate alternative location or locations.

## **2.9. How does it reflect development viability?**

- 2.9.1. The Council acknowledges that, in certain circumstances, a development may not be able to address all of the required planning obligations without the scheme becoming economically unviable. Additionally, in exceptional cases or where provided for specifically through Local Development Documents, certain planning obligation requirements of this SPD might be waived in order to emphasise the need for development to contribute to higher strategic and spatial priorities, such as economic regeneration.
- 2.9.2. The Council's Economic Viability Study (2011 Update) tested viability when reflecting the targets set for Policy L2 – Meeting Housing Needs and the viability of the suite of other planning obligations sought through the Consultation Draft SPD1: Planning Obligations and the submitted Trafford Core Strategy. The Trafford Viability Study recommended that in 'poor' market conditions and in particular within those parts of the Borough with 'cold' market characteristics, the Council should remain flexible in setting policy to enable prioritisation of specific contributions on a site-by-site basis where market conditions dictate that viability cannot be achieved when the full requirements of Policy are sought. In all cases where viability is raised, the current state of market conditions will be agreed by the Council and the developer as part of a viability assessment.
- 2.9.3. If a developer considers that the Council is placing unreasonable obligations upon a proposal site, then an assessment of development viability can be conducted. In general, the Council will require a developer to adopt an 'open book' approach, whereby relevant development finances are subject to appraisal in order to provide the appropriate and necessary information to support such a claim. However, the Council recognises that in certain circumstances, alternative methods to the 'open

book' approach may be agreed, although it is incumbent upon the developer to make the case for an alternative approach.

- 2.9.4. The applicant should let the Council know that it plans to raise the issue of viability as soon as it is apparent so that a process to deal with it can be established. This should be during the pre-application stage, as it will be expected that the developer has already incorporated the impact of the contribution on their project. Early engagement gives the developer the opportunity to present their case and provides adequate time to scope the relevant viability issues, plan the work programme, agree on an analytic approach/model, and table the delivery mechanisms that will be used (in the event that it is necessary).
- 2.9.5. The methodology, underlying assumptions and any software used to undertake this appraisal should be agreed with the Council, with the normal approach being the current methodology endorsed by the Homes and Communities Agency, which is an economic appraisal tool prepared by GVA Grimley. Please see the HCA website for details: [www.homesandcommunities.co.uk/ourwork/development-appraisal-tool](http://www.homesandcommunities.co.uk/ourwork/development-appraisal-tool).
- 2.9.6. The tool is endorsed by the HCA to assist Local Planning Authorities and developers negotiate and agree the viability of planning obligations generally. The toolkit also helps development partners demonstrate how grants from the National Affordable Housing Programme (NAHP) will help them deliver more affordable housing over and above the level that can be supported from planning obligations alone. In the event that the developer uses a proprietary programme, the developer should be prepared to provide the Council with the opportunity to interrogate its underlying structure and assumptions.
- 2.9.7. At the very least a proprietary model will need to include assumptions and evidence for the following items:
  - • Site and/or building acquisition costs
  - • Construction costs and programme
  - • Fees, finance and all other associated costs
  - • Projected development value
  - • Gross and net development profit margin
- 2.9.8. In the event that the Council has questions about the model's assumptions or asks for more detail, the developer will provide supporting evidence which reveals the basis of the assumptions. Evidence could be from sources such as the Building Cost Information Service (BCIS), SPON's Architects' and Builders' Price Book or Valuation Office Agency (VOA) data. For rental and sales data (including yields), it is expected that the developer will provide evidence of market transactions.
- 2.9.9. Any consideration of viability must look at the overall package of requirements on a development and in accordance with Core Strategy Policy L8 the Council will determine any revisions to the required

contributions on a site by site basis, paying regard to the Core Strategy's Strategic and Place Objectives.

- 2.9.10. The cost of assessing development viability will be met by the developer who is claiming non-viability for the planning application. Abnormal costs should be reflected in the price paid for the site. Demolition of existing structures, site clearance and decontamination should be reflected in the price paid. It will not be acceptable to make allowance for known site constraints in any financial viability appraisal.
- 2.9.11. The financial appraisal should be presented on a residual land value basis taking into account all the reasonable costs of the development including required contributions to local services and infrastructure, the provision of affordable housing and a reasonable profit margin to the developer. It should also include a valuation of the site in its existing, or in the case of a vacant or derelict site, its last use, not its purchase price or hope value. If it appears to the LPA that unrealistic cost elements are being imposed upon the residual land calculation, they will not be taken into account in the determination of the viability appraisal. The appraisal should preferably form part of pre-application negotiations and must accompany the planning application.
- 2.9.12. It may not always be appropriate to agree to reduce the total amount of contributions payable where there are issues of viability relating to a specific development. For example, a reduction in the level of on-site affordable housing to be provided could prejudice the deliverability of affordable housing required in the Development Plan. In such circumstances, the Council will engage with the developer at the earliest opportunity to try and agree an appropriate contribution or explore alternative means of delivering the plan objectives.
- 2.9.13. If an initial reduction in the required target is agreed, the S106 Agreement will include provisions for both overage and review mechanism(s). If the development is not completed within 3 years of the date of the planning permission, a further consideration of viability will be carried out at that stage (and every 3 years thereafter) for the purposes of determining whether the level of contribution should change for the balance of the development still to be completed, any revision may not be limited to the geographical target, but may be changed to cover the previously resultant shortfall from the earlier part development of the site. In order to explore phased payments and/or a clawback mechanism, it will be necessary to use a cash flow model to explore the range of options and to measure the relative impacts of different potential solutions on project viability.
- 2.9.14. The Council or appropriate external body will employ confidentiality and discretion with any evidence provided, and this will only be utilised to address and evaluate a specific claim. However, it may be necessary to report the key issues and broad conclusions in reports to elected members at the time of consideration of a planning application.
- 2.9.15. If the Council agrees that a proposal cannot reasonably afford to meet all of the Council's specified requirements, it will not necessarily result in the proposal receiving approval from the Council without the need for contributions. Instead it is quite possible that the issues will be so significant that the application will be refused, but in reaching its

judgement the Council will consider whether there are overriding benefits in favour of granting permission, and if so will seek to prioritise planning obligation requirements. This judgement will be made on a site by site basis based on the Strategic and Place Objectives set out in the Core Strategy, all the policy requirements set out in Circular 5/2005 and the 2010 Regulations and with regard to the presumption in favour of sustainable development as set out in the Ministerial Statement of 23<sup>rd</sup> March 2011.

- 2.9.16. In addition, where there is robust evidence of market failure in relation to delivery of development, the Council may introduce measures to stimulate the market's recovery. These will be clearly publicised at the time, and for example may include the 'capping' of certain planning obligation requirements, temporary discounts or exemptions from the TDC rates and flexibility in the phasing of TDC payments.
- 2.9.17. While the Council recognises that there are instances when the development contribution may cause projects to become less viable, it also requires developers to provide evidence that ensures agreements are the result of an engagement process that has integrity. Otherwise, there is a risk that some developers contribute to the Borough's infrastructure needs while others unfairly avoid it.

## **2.10. How will it be monitored?**

- 2.10.1. The monitoring and management of planning obligations will be undertaken by the Council to ensure that all obligations entered into are complied with on the part of both the developer and the Council, and that all financial contributions are spent in accordance with the Agreement.
- 2.10.2. Planning obligations may be tied to specific schemes where they are necessary to overcome a planning objection to a development or pooled where planning obligations are sought from a number of smaller developments, towards the provision of an objective or scheme, for example from the Council's Community Strategy, Local Infrastructure Plan or another identified strategy. Potential benefits towards which funds may be used are listed in the relevant sections of this document. Contributions and interest accrued will be allocated to the implementation of projects specified in the agreement in a way that accords with the guidance in Circular 05/2005 and any subsequent amendments.
- 2.10.3. Enforcement action will be taken by the Council where conditions or planning obligations are not being complied with. The costs of monitoring planning obligations will be covered by the management fee.
- 2.10.4. Monitoring information detailing the agreements and the progress of agreements will be kept on a database maintained by the Council. The process will provide assurance that obligations have been spent in full and appropriately.
- 2.10.5. The Trafford Developer Contribution system will be closely monitored and updated as necessary, having regard to its overall effectiveness, macro and local economic conditions, the emerging national and local policy and

financial context, best practice, and the infrastructure delivery requirements of the borough.



### 3. Specific Contributions

3.1.1. This section sets out, for each individual contribution, why the contribution is being sought, how it has been calculated and how it fits with the three tests in the CIL regulations.

#### 3.2. Meeting Housing Needs

3.2.1. Trafford Borough Council is committed to meeting the housing needs of residents and aims to ensure that everyone has the opportunity of a decent, safe, secure and affordable home. The availability of decent affordable housing has a significant impact on quality of life, building sustainable communities and the ability of the Borough to retain and attract skills and talent that are vital to the local economy.

3.2.2. The main objective of this contribution is to assist in the creation and maintenance of sustainable, inclusive and mixed communities to meet the Borough's identified affordable housing needs by assisting in the achievement of the target split of 60:40; market : affordable housing, as set out in the Trafford Core Strategy.

3.2.3. In order to achieve this overall objective this element of the SPD aims to provide:

- certainty and guidance about the requirements for affordable housing;
- guidance on the amount, type and size of affordable housing required;
- guidance on the design, appearance and layout of affordable housing provision;
- guidance on ensuring the delivery of affordable housing;
- guidance on financial viability matters

3.2.4. There are 8 main forms of Affordable Housing:

- *Social Rented* - housing is owned and managed by local authorities or registered providers of affordable housing, for which guideline target rents are determined through the national rent regime.
- *Shared Ownership* - properties are where a percentage (normally 25%, 50%, or 75%) of the property is in the ownership of an RP or other suitable body, with the shared owner paying an affordable rent on the remainder. The individual has the option to staircase up to buy out the RP share of the property.
- *Do It Yourself Shared Ownership. (DIYSO)* - Through this scheme the individual can buy property suitable for the family's needs on a shared ownership basis with an RP. It is similar to the above although the choice of areas may be wider and not limited to a housing associations own development.
- *Rent to Buy*- Certain newly built properties can be rented at an affordable rate – 80 per cent (or less) of the market rent. The property is rented for up to 5 years and the tenant has the option to purchase the property at any time during the tenancy or at the end.
- *Discount on Open Market* - Discounted Low Cost Market Housing is where properties are sold at a defined level below normal market value which enables them to be purchased by people who would otherwise be unable to buy on the open market. House types should reflect the local housing need, and not just be smaller cheaper houses or flats.

Covenants should be imposed to retain the discount for future purchasers. Low cost market housing without a substantial subsidy is unlikely to be affordable to those in housing need, and will not be considered to fulfil Trafford's affordable housing requirements.

- *Fixed equity schemes* - These require a minimum of 10% of the equity to be retained by the developer through an RP, or a trust.
- *Home buy* - This is based on part ownership. The home seeker would have a mortgage or lump sum for a percentage, typically 75% of the purchase price. The remaining amount would be funded by a housing association; unlike shared ownership no rent is repayable on the loan. The loan is repayable on the sale of the property when the funder will receive a percentage of the sale price of the property on disposal equivalent to the percentage of the original price loaned to the home seeker. Alternatively the loan can be repaid at any time.
- *Affordable Rent* - This is the newest form of tenure which was included within the definition of affordable housing in June 2011(PPS3 Annex B). It is rented housing, let by registered providers of affordable housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80 per cent of the local market rent.

3.2.5. In accordance with the DCLG Strategic Housing Markets Assessments Practice Guidance Version 2, August 2007 document the Council has adopted the following definitions for affordability:

- A household can be considered able to afford to buy a home if it costs 3.5 times the gross household income for a single earner household or 2.9 times the gross household income for dual income households;
- A household can be considered to be able to afford market house rental in cases where the rent payable is up to 25% of the gross household income.

### **Justification for the Contribution**

3.2.6. The national policy context for delivering affordable housing is set out in **Planning Policy Statement 3** (PPS3) - Housing and its companion guide, *Delivering Affordable Housing*, both published in November 2006.

3.2.7. Paragraph 9 of PPS3 states that the Government's key housing objective is to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live. In order to achieve this, the Government is seeking to:

- Achieve a wide choice of high quality homes, both affordable and market housing, to address the requirements of the community;
- Widen opportunities for home ownership and ensure high quality housing for those who cannot afford market housing, in particular those who are vulnerable or in need;
- Improve affordability across the housing market, including by increasing the supply of housing;
- Create sustainable, inclusive, mixed communities in all areas, both urban and rural.

- 3.2.8. Through Local Development Documents, PPS3 expects local planning authorities to:
- Set an overall (i.e. plan wide) target for affordable housing to be provided;
  - Set separate targets for social rented and intermediate affordable housing;
  - Specify the size and type of affordable housing;
  - Set out the range of circumstances in which affordable housing will be required. The national indicative minimum site size threshold is 15 dwellings. However local planning authorities can set lower minimum thresholds where viable and practicable.
  - Set out the approach to seeking developer contributions.
- 3.2.9. Annex B of PPS3 provides the definition of affordable housing that this Council will use in applying this guidance, the relevant extract of PPS3 Annex B is provided in Section A of supporting Technical Note 1. This element of the Technical Note will be updated in response to changes in national guidance (e.g. the National Planning Policy Framework), as appropriate.
- 3.2.10. Affordable housing is that which is provided at a cost low enough to meet the needs of eligible households, having regard to local incomes and local house prices; will be retained at an affordable price for future eligible households; or if not any subsidy will be recycled to provide alternative affordable housing provision.
- 3.2.11. **Trafford's Housing Strategy 2009 - 2012** represents the Council's response to delivering against its role and responsibilities regarding housing and housing services. Addressing affordability issues represents a core theme of the Housing Strategy and a number of objectives are set out within the document to achieve the Council's objective of delivering more affordable homes. The key objectives relevant to the SPD are as follows:
- Develop an affordable housing target through the LDF which addresses affordable housing need (annual affordable shortfall of 541 units<sup>1</sup>) while taking account of development viability issues;
  - Recognise the impact of current market implications on the timing of larger developments within policy by seeking affordable housing on sites with fewer than 15 units in those parts of the Borough where identified need is greatest and site viability is strongest;
  - Develop policy which will ensure the delivery of affordable accommodation which meets the needs of families based on the findings of the HMA (2006). In particular this highlights the need to deliver appropriate affordable housing within the southern parts of Trafford where the affordability issues are most acute.
- 3.2.12. **The Trafford Sustainable Community Strategy (March 2010)** "Trafford Vision 2021: A Blueprint states that by 2021 there will be better housing choice with more new affordable homes. It also includes two relevant priority outcomes:
- Priority Outcome BH1: More new homes

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<sup>1</sup> Trafford HMA (2006), Fordham Research

Priority Outcome BH2: More affordable homes

- 3.2.13. **The Trafford Core Strategy** Policy L1 identifies the scale and distribution of new housing provision in the Borough up to 2026. In line with this Policy the Council will release sufficient land to accommodate a minimum of 11,800 new dwellings (net of clearance), including an uplift of 20% on the annualised housing land target until 2018 (from 578 units to 694 per annum) to reflect the Borough's Housing Growth Point status.
- 3.2.14. Core Strategy Policy L2: Meeting Housing Needs, sets out the Council's policy to ensure that there is an adequate mix of housing types and sizes to meet the needs of the community. The Policy sets a target split of 60:40, market:affordable housing, with 50% of the affordable housing provision required to be accommodation suitable for families. This will be achieved through the application of geographically variable site thresholds and contribution levels.
- 3.2.15. The 2006 **Trafford Housing Market Assessment** (HMA) was commissioned to give a robust and credible evidence base for housing and planning policy. The HMA examined all tenures, not just affordable housing. The HMA found that house prices in Trafford, which are the highest in Greater Manchester, have put considerable pressure on existing social housing provision.
- 3.2.16. The Trafford HMA (2006) concluded that Trafford had an annual affordable shortfall across the Borough of 541 units. When split between the two Trafford sub-markets (north Trafford and south Trafford), there is a greater need for affordable housing provision in the southern sub-market, at 371 units per annum, than in the northern sub-market at 169 affordable units per annum.
- 3.2.17. When analysis is undertaken of those demographic groups within Trafford most likely to fall into affordable housing need, the most acute need is for lone parent households and other households with one child. In total, households containing children make up a shortfall of 296 units of affordable housing per annum, this represents over half of the net need estimate of 541.
- 3.2.18. Based on the annual housing target of 578 dwellings per annum (see TCS Policy L1), the identified need of 541 affordable units per annum equates to more than 90% of provision. When considered against the uplift of 20% to accommodate the Borough's Housing Growth Point status, affordable housing need represents just below 80% of provision.
- 3.2.19. It is clear therefore that there is need for affordable housing, with the greatest need being for accommodation suitable for families.
- 3.2.20. The **Strategic Housing Market Assessment** (SHMA) December 2008 compares the housing situation across the 10 Greater Manchester authorities. Data collected in this report highlights that Trafford consistently exhibits the largest affordability ratio of income to house price, ending the period at 8.68, suggesting the greatest affordability problem within Greater Manchester.
- 3.2.21. High average house prices also result in large deposits being required to access the market. For example in Trafford to purchase the average

house would require a 5% deposit in excess of £7,000 (p134 SHMA, 2008).

3.2.22. In terms of access to rented accommodation (social and private) the following are assumed:

- A household is considered able to afford market housing in cases where the rent payable would constitute no more than 25 per cent of their gross household income;
- 'Rent payable' is defined as the entire rent due, even if it is partially or entirely met by housing benefit;
- In terms of annual social housing rents these have been calculated from an average taken of local authority and RP rental levels; and
- Private rental levels have been sourced from Local Reference Rents calculated by the Rent Service.

3.2.23. Looking at the income required to purchase lower quartile (entry-level) market properties it is evident that there is notable variation between the authorities within Greater Manchester. A significantly higher income level is required to access this tenure in Trafford (over £40,000).

3.2.24. The significant gap in incomes required between private rented (average properties) and entry-level owner-occupier housing in Salford, Stockport and Trafford suggests the need for the further introduction of new intermediate products to address this issue.

3.2.25. Private rented property in Trafford is the most expensive in GM at £123 per week. Trafford requires a household income of just over £25,000 compared to the cheapest authority, Salford, where an income of only £16,640 is required to access the market.

3.2.26. The ***Strategic Housing Market Assessment Update Report – May 2010*** provides an update of the 2008 SHMA, documenting the changes that have been recorded nationally and in Greater Manchester since that time.

3.2.27. In 2008, 194,000 home loans were granted to first time buyers in England compared with 357,800 in 2007, while the average deposit put down by a new entrant to the market rose to 22% the highest level since 1974. The average multiple of income that first time buyers borrowed in 2008 was 3.1 times their earnings compared with 3.4 times in 2007.

3.2.28. In the 3<sup>rd</sup> quarter 2009 the Southern HMA (within which Trafford sits) had the highest average house price at £187,960 and it remains the HMA with the highest values despite the overall downturn in house prices between 2007 and 2009. In terms of affordable housing completions in 2006/7 there were 100 units completed in Trafford this figure decreased to 85 units in the period 2007/8. In the Southern HMA as a whole there were 443 completions in 2006/7 and 409 in 2007/8 (Source: GMSHMA Update Report – May 2010)

3.2.29. Although it is recognised that the delivery of affordable housing via the planning system will not meet all the housing needs identified, the Council

is committed to using this system to influence the delivery of new units and to meet the corporate objectives in the Housing Strategy.

- 3.2.30. Currently (based on November 2011 figures), the average house price in Trafford is £182,202 compared to £160,780 for England and Wales. The median household income in Trafford is £27,872, which gives an income to house price ratio of 6:5. The current housing waiting list on the 1<sup>st</sup> April 2011 had on it 9,631 applicants with a total of 1,323 lettings being made between April 2010 and March 2011.

## **TDC1 - Affordable Housing**

### **Defining the Contribution**

- 3.2.31. Evidence gathered, as part of the Trafford Economic Viability Study (May 2009) and 2011 Update, on house price growth in Trafford confirmed that Trafford does not perform as a single uniform property market. Instead it contains a number of sub markets, each distinct from the other in terms of performance and offer.

- 3.2.32. The study distinguished 8 sub markets based on the locations presented within Trafford's Core Strategy these areas are as follows:

- Altrincham
- Carrington
- Old Trafford
- Partington
- Rural Countryside
- Sale
- Stretford
- Urmston

- 3.2.33. The sub-markets were linked where they share similar market performance characteristics. To ensure that spatial sub-market distinctions were accurately reflected in the economic viability assessment, locations were categorised by market performance. The authority was divided into 'hot', 'moderate' and 'cold' markets to reflect these spatial market performance distinctions, as follows:

- 3.2.34. Hot Market Locations:

Altrincham  
Rural Countryside

- 3.2.35. Moderate Market Locations:

Sale  
Stretford  
Urmston

- 3.2.36. Cold market Locations:

Carrington  
Old Trafford  
Partington

- 3.2.37. Section B of supporting Technical Note 1 illustrates these geographical areas. Advice on the definitive boundaries for these areas can be provided by the Strategic Planning Developments team as part of pre application advice.
- 3.2.38. In line with advice from PINS, Policy L2 of the Trafford Core Strategy assumes normal market conditions, as defined within the Trafford Viability Study. Any variance from normal market conditions will be considered when determining the appropriate level of contributions which would be triggered by qualifying applications for development.
- 3.2.39. As such a 40% affordable housing target will normally be applied within “hot” market locations. However under “good” market conditions this will be raised to a 45% requirement and maintained at 40%, or decreased as is deemed necessary on an individual site basis under “poor” market conditions.
- 3.2.40. Within “moderate” market locations, a 20% affordable housing target will normally be applied, with a flexibility to increase this to a 25% requirement under “good” market conditions and decreased to 10% under “poor” market conditions.
- 3.2.41. Within “cold” market locations no more than a 5% affordable housing target will be applied under normal market conditions, with a flexibility to raise this to a 10% requirement under “good” conditions. The supporting text of Policy L2 recognises that under poor market conditions a 5% contribution could inhibit development in cold market locations and therefore applications for development in such locations will not trigger a requirement to make a contribution to affordable housing.
- 3.2.42. In those parts of Trafford Park identified for residential development, or in areas where the nature of the development is such that, in viability terms, it will perform differently to generic developments within a specified market location, the affordable housing contribution will be determined via a site specific viability study, and will not normally exceed 40%.
- 3.2.43. At the time that the TEVS was completed it was acknowledged that market conditions were not “normal”, but instead reflected more closely “poor” market conditions. The return to “normal” conditions will be dependent on a number of interlinked factors including: increased stability in the macro economy and financial markets; availability of mortgage credit and debt-driven development finance; an improvement in housing market confidence and; an increase in house building. Following a similar approach to that adopted within the Trafford Economic Viability Study, the Council will monitor the state of housing market through data such as that provided by the Land Registry and “Rightmove”, but not necessarily exclusively. Therefore it is important that developers contact the Local Planning Authority at the earliest opportunity, before submitting a planning application, to agree the state of the economic market and therefore the required level of affordable housing.

*What type and size of dwelling?*

- 3.2.44. New residential developments should provide a balanced mix of properties in terms of size and type. There is an expectation that the



affordable units will reflect the overall mix of property type and sizes on the site as a whole. For example, on a development that contained a mixture of apartments and houses, it would not be acceptable to offer only apartments as the affordable housing provision unless the Council took the view this reflected local needs.

- 3.2.45. In order to encourage the provision of sustainable mixed communities, it is important that developments do not create an over-supply of smaller homes that do not reflect local needs. There is a demand for a range of affordable homes across the Borough, however the bulk of which is for two and three bedroom homes suitable for families. In certain areas there may also be demand for larger family homes to meet the needs of the local community including specific cultural and religious family needs, which may include the need for the development of larger family homes as identified in the Housing Strategy (2009).
- 3.2.46. Accordingly Policy L2 of the Trafford Core Strategy states that at least 50% of the affordable housing provision will be required to be accommodation suitable for families and that where there is a mix of both houses and apartments, the affordable housing element will need to reflect the overall mix of unit types on the site.
- 3.2.47. In line with Policy L2, any demand for one bedroom homes should be met through the provision of two bedroom homes, which are better suited to meeting changing needs and are therefore more sustainable as affordable housing in the long term. Policy L2 makes it clear that the provision of one bedroom accommodation, for general needs accommodation, will only be allowed in exceptional circumstances and that in all circumstances this type of accommodation will need to be specifically justified. Therefore where developers are proposing to make provision for 1 bedroom affordable housing, they will need to provide justification for this type of provision alongside their application and should include such negotiations in pre-application consultations.

What tenure is required?

- 3.2.48. The HMA concluded that in terms of the breakdown of affordable tenures, a ratio of 50:50 between intermediate (commonly shared ownership) and social rented housing should be sought in both North and South Trafford. The HMA concluded that the stock is dominated by social rented, and therefore both parts of the Borough would benefit from an increase in intermediate affordable housing. This should be pitched at the 'usefully affordable' level (halfway between social rent and market entry level) rather than just below market entry (technically affordable).
- 3.2.49. The TEVS concluded that varying the split between intermediate and social rented housing would not make a substantial difference to the viability of schemes. However Policy L2 of the Core Strategy does acknowledge that in certain circumstances it may be necessary to vary this standard ratio, but such variations will need to be negotiated on a site by site basis.
- 3.2.50. The circumstances where, on specific sites, one form of tenure or type of housing may be more appropriate than another may include: -
- The need to diversify tenure, for example, to create more intermediate tenures;
  - The need to develop a more balanced and sustainable community and give more choice to local people;
  - The need to meet specific and identified local housing needs.
- 3.2.51. In such cases the Council will expect developers to provide evidence supporting their case as part of the planning application and to include these negotiations in pre-application discussions.

*What site size threshold will be applied?*

- 3.2.52. The Trafford Economic Viability Study (TEVS) acknowledged that the application of a site size threshold has a substantial impact on affordable housing delivery on economically viable sites within Trafford. The SHLAA indicates that Trafford has a large proportion of smaller sites, particularly in the “hot” and “moderate” market locations within the Borough. Applying a standard threshold of 15 units, as recommended by PPS3, would therefore discount a large proportion of the most economically viable smaller sites from triggering an affordable housing requirement.
- 3.2.53. The TEVS concluded that reducing the site size threshold to 5 units within the “hot” and “moderate” market locations in Trafford would maximise delivery against affordable housing targets by capitalising on the most viable smaller sites in the Borough. However it concluded that a threshold of 15 units in cold market locations should remain. These site size thresholds are reflected in TCS Policy L2 and will not be altered to reflect changing market conditions.
- 3.2.54. In considering whether a development meets the threshold for providing affordable housing, the Council will consider the net increase in the number of dwellings on site. This policy applies to the conversion of any building, whether already in residential use.
- 3.2.55. The artificial sub-division of a site will not be permitted to circumvent this policy.

*What design principles will be applied?*

- 3.2.56. It is important that developers enter into early pre-application discussions with the Council to ensure that affordable housing requirements are fully integrated into residential developments and that design standards for affordable housing are met, in particular developers will be required to ensure that their proposals meet the standards set out in TCS Policies L5 – Climate Change and L7 – Design.
- 3.2.57. As a matter of principle, the design standards for both market and affordable housing should be high, both in terms of the visual appearance of the development and also the standards of accommodation and built quality, including measures to deliver buildings that help to respond to the challenge of climate change, such as energy efficiency and resource consumption.
- 3.2.58. New developments should be tenure neutral so that affordable housing is indistinguishable in visual terms from market housing. Developers should avoid designs that result in high maintenance or service charges.
- 3.2.59. Affordable housing should be provided to the Homes and Communities Agency’s standards or the standards of any successor body charged with regulating social housing provision. This includes conformity to the Design and Quality Standards, or any replacement, including:
- External Environment – providing good places to live, with well-mixed and integrated communities and providing an appropriate balance between private and public open space;

- Internal Environment – providing comfortable and convenient homes, meeting the needs of intended user groups, including in terms of size, layout, future adaptability and service provision;
  - Sustainability – providing homes that better adapt to climate change, with lower running costs and incorporating features that will contribute to the creation of mixed and local communities.
- 3.2.60. Building for Life is a national scheme promoting well designed schemes and neighbourhoods. Developments of 10 or more dwellings that have been completed are assessed and scored against 20 criteria covering four categories of environment and community; character; streets, parking and pedestrianisation; and design and construction. Part of the environment and community category is the provision of a mix of housing tenures and properties, including affordable housing. Details of the 20 indicators can be found in Section C of Technical Note 1, associated with this SPD.
- 3.2.61. The Core Indicator categorises developments as very good, good, average and poor, with the very good category being schemes scoring 16 or more points out of 20. The HCA’s expectation for affordable housing schemes that are seeking social housing grant is that they score at least 12 against the Buildings for Life criteria. The Council, through the development management process, will be seeking to promote the use of the Building for Life indicators within the Borough to further improve the standard of development produced to at least achieve the standard the HCA will be expecting new affordable housing schemes to achieve.
- 3.2.62. The Council would usually require that the location of affordable housing is spread or “pepper potted” across residential developments. However, there may be circumstances where there is justification to group some social housing together to facilitate more efficient management on the part of the Social Housing provider. In such circumstances developers should include these negotiations in pre-application discussions and the Council will seek advice from our Partner Registered Providers.
- 3.2.63. The Design and Access Statement accompanying a planning application should set out clearly the design approach to the affordable housing element of the scheme.

*When Is Affordable Housing Required?*

- 3.2.64. Policy L2 of the TCS makes it clear that in respect of all qualifying development proposals, appropriate provision should be made to meet the identified need for affordable housing. In most cases it is clear when an application includes housing development, but there are some cases where clarification of the position is helpful.
- 3.2.65. The principle is that any residential use that involves individual units of self-contained residential accommodation, with their own front doors will be regarded as residential and Policy L2 will apply as appropriate. This includes sheltered or age restricted accommodation where it provides self-contained accommodation, even if there is a warden or administrator on site some or all of the time and limited shared facilities.
- 3.2.66. However, if the residential accommodation has shared facilities and is not therefore self-contained, for example supported housing and residential care homes that fall under Class C2 (Residential Institutions) of the Town and Country Planning (Use Classes) Order 1987 and its subsequent amendments, it is regarded as an institutional use and as such would be exempt from the requirement to deliver affordable housing. In cases of dispute as to whether accommodation represents “residential care”, rather than retirement/sheltered accommodation, the Council’s Community Services and Social Care Team (or similar) will be the arbitrator.
- 3.2.67. In the case of what are known as live-work units, this will need to be judged on a case by case basis. Where the development is predominantly residential, with offices incorporated or attached, but is essentially a residential development with a residential character, Policy L2 will apply. Only where the development is predominantly employment, with residential accommodation attached, but is essentially an employment development with associated residential development as a supporting feature, will Policy L2 not apply.

#### *Gypsies and Travellers*

- 3.2.68. Local authorities have a key part to play in the provision of accommodation for Gypsies and Travellers, whether as a provider themselves or as the authorities responsible for granting planning permission on other providers’ sites. Where development involves the use of gypsy and traveller land, there will be an expectation of a contribution towards affordable housing subject to individual viability assessments. However, in view of the fact that gypsy and traveller sites operate outside normal housing market conditions, it may be appropriate for this to be provided by way of an off-site contribution or a commuted sum, with an option included within any agreement that this money could be used for bricks and mortar buildings if suitable land is not identified in the time period.

#### *What Phasing Principles will be applied?*

- 3.2.69. The timing of the delivery of affordable housing is a key issue in securing mixed and balanced communities at all stages during the implementation of a development. Wherever possible, affordable housing should be phased to ensure that the delivery of the affordable units reflects the phasing of the scheme as a whole and in any event takes place prior to the completion of the development. This is particularly important in the

case of larger or major developments, where it can cause particular problems for a logical build out of a development and can lead to isolated pockets of development, be that affordable or market housing, within a building site with associated problems of infrastructure provision and the potential for a poor living environment for residents for some time until the rest of the housing comes forward.

- 3.2.70. The appropriate timing of delivery of affordable housing will be ensured through the legal agreement accompanying any planning application.

*Who will live in the dwellings?*

- 3.2.71. The Council considers it important to ensure that properties provided by developers as affordable housing will be made available to those in housing need, initially and in the long term. As such Policy L2 of the TCS requires developers to demonstrate that units will be “affordable” to subsequent occupiers.
- 3.2.72. Affordable housing will be open to those who are in housing need. People in housing need will comprise people nominated by Trafford Council from its Housing Needs Register or similar mechanism in line with its published Allocations Scheme (Housing Act 1996 Section 167 as amended), or those nominated by a Housing Association where Trafford Council does not have nomination rights (e.g. In respect of intermediate housing or specialist supported housing), and those nominated from other registers of housing need as agreed by the Council.
- 3.2.73. Nomination rights will be in line with prevailing nominations with RPs or other relevant providers.

*Who will provide the Affordable Housing?*

- 3.2.74. The Council has a strong preference for the involvement of a Registered Providers (RPRPs) in the provision of the affordable units. However, whatever mechanism for the delivery of the units is adopted, the arrangements must be adequate to ensure that the affordable units and / or any capital receipts from the unit continues, in perpetuity, to be applied to the provision of affordable housing within the Borough.
- 3.2.75. The aim in providing affordable housing is to secure long term continuing local benefit. Normally this can best be achieved through the involvement of an RP. If rented units are being provided without the involvement of an RP, the Council will seek to impose a S.106 agreement or planning condition to ensure that initial and subsequent allocations are made to local people in housing need. This may be achieved by accepting nominations from the Council or RPs housing registers or by ensuring that occupants fall within agreed categories of need.
- 3.2.76. It is recognised that where an RP develops a property for shared ownership funded by public subsidy, occupiers have the right to staircase to full ownership. On re-sale there will therefore be no subsequent benefit to future occupiers as the current occupier would be entitled to sell the unit at the full market value of the property. In these cases, the Council

expect any recyclable receipts arising to the RP from staircasing to be reinvested within Trafford for affordable housing provision and also to consider the potential for a right to buy back the property at full market value, perhaps recycling staircasing receipts so that the property can again be made available to people in housing need. The Council will also consider the use of Homebuy schemes as well as traditional shared ownership where purchasers are restricted to a 75% share in the property.

3.2.77. The Council will therefore support the following measures which will assist housing to remain permanently affordable:

- Involvement of an RP in the development and management of the scheme;
- Nominations agreements between the local authority and the RP;
- S106 planning agreements;
- Planning conditions;
- The provision of social rented accommodation;
- Recycling staircasing receipts;
- Shared ownership schemes or other equity share schemes approved by Trafford Council;
- Initial affordable rent followed by shared ownership, sometimes known as “deferred purchase” or “rent to buy”;
- Use of Homebuy;
- Development of schemes without public subsidy

- 3.2.78. Where affordable rented properties are concerned, rental charges should not exceed the equivalent costs of intermediate home ownership for similar units.
- 3.2.79. The provision of lower cost market housing will not normally be favoured as it is unlikely to be within the financial reach of the majority of those in the greatest financial need. While the Council may wish to encourage the provision of lower cost market housing as part of a development this should not be viewed as meeting the requirement for affordable housing provision.
- 3.2.80. The only circumstances where lower cost market housing for sale may be considered is where it is subsidised both on initial and subsequent sales. Where low cost subsidised housing for sale is proposed the developer must clearly demonstrate that there is a need for this type of provision in the area and that there will be a mechanism in place for securing control of occupation and future sales price both for initial and subsequent purchasers by people in housing need. The level of the subsidy and its application over time will need to be agreed with the Council prior to planning consent being granted and contained within the S106 agreement.
- 3.2.81. Where affordable housing is to be owned and retained (as opposed to managed) by a body other than an RP, equivalent safeguards concerning its long term nature and recycling of benefit will need to be secured by way of a legal agreement.
- 3.2.82. Affordable housing will be secured in the long term by planning obligation under Section 106 of the Town and Country Planning Act 1990 or an alternative form of equally effective provision.
- 3.2.83. Given that the Council's preferred method for the delivery of affordable units is through an RP, the Council wishes to encourage early negotiation with developers to discuss the involvement of one of the Council's preferred partners. In 2001, the Council adopted joint commissioning arrangements, in line with Homes and Communities Agency and Government policy, to ensure that new social housing developments are generally undertaken by one of the Council's preferred partners. This approach is also promoted in the Council's Housing Strategy and enables the Council to work with RPs in the Borough who have demonstrated that:
- - They have a proven track record in the development and management of schemes in Trafford;
  - Have a common interest in achieving the objectives in the Council's Housing Strategy;
  - Have a successful track record in design, development and the ability to deliver schemes.



- 3.2.84. Where a developer expresses a desire to work in partnership with an RP who is not a joint commissioning partner, the Council will give this consideration, however, it should be recognised that joint commissioning partners have the Borough's endorsement for development and will be in a better position to be supported in any funding bids.
- 3.2.85. Developers are encouraged to contact the Council's Housing Strategy team at an early stage in the process for advice on the most appropriate partner. The Council will, if appropriate, actively encourage developers to be involved in the selection of an RP partner from its preferred list on the basis of open and transparent criteria. This may particularly apply to larger scale developments.
- 3.2.86. The Council will review its joint commissioning arrangements at regular intervals.
- 3.2.87. The cost of affordable housing, whether rental levels or shared ownership costs, should be affordable to eligible tenants. The Council will, before granting planning permission, need to be satisfied that any agreement reached between a developer and Registered Provider for the on-site provision of affordable housing, will ensure that the rental levels or shared ownership costs will be affordable initially and in the long term.
- 3.2.88. Ground rents will not normally be acceptable in the case of affordable housing. Circumstances where they may be acceptable would include situations where there is an existing/historical agreement relating to ground rent.
- 3.2.89. Service charges and ground rent charges for dwellings should be set at levels which do not exceed the amounts needed to manage and maintain the properties to housing association standards, and should be fully transparent in their contents and calculation methods.

### **Calculating the contribution**

- 3.2.90. The Trafford Core Strategy makes it clear that the Council will expect affordable housing to be provided on site as part of a development proposal. However, in exceptional circumstances a financial or other contribution toward the provision of affordable housing on another site will be acceptable. These circumstances include:
- Where the affordable housing could be more effectively secured by bringing existing housing back into use (e.g. empty properties in the private sector);
  - Where providing the affordable housing elsewhere in the plan area is more likely to widen housing choice and encourage a better social mix (e.g. providing family homes in other areas of need).
- 3.2.91. On site provision can be made in several ways. A combination of the following types of provision will be agreed with the local planning authority on a site by site basis, to ensure that the preferred tenure split for specific sites can be met:
- i. Developer builds the housing and then transfers to a Registered Provider (RPRP) to provide either rented or intermediate housing.

- ii. Developer transfers the land to an RP at discounted value and the RP develops the housing to provide either rented or intermediate housing.
- iii. Developer builds the housing and then sells at below market price.
- iv. Developer builds the housing and then rents at an affordable rent with the property managed in accordance with standards set by the TSA or its successor.

- 3.2.92. The Council's preferred method of delivery would be for the transfer of the affordable units to an RP, however where it is agreed with the Council that it would be appropriate for the properties to be sold at a discounted market price the Council will need to be satisfied that the level of discount is equivalent to that which would be required to achieve an acceptable Net Present Value (NPV) for an RP, as set out in the calculation in paragraph 3.2.98 of this document. If this does not achieve a discounted sales price which meets the CLG criteria (or its equivalent), it would not be deemed to be an acceptable form of affordable housing in accordance with Policy L2 of the Trafford Core Strategy.
- 3.2.93. Where the Council agrees that exceptional circumstances exist for off-site provision, the amount of affordable housing required would be the same as that which would have been required had the affordable housing been provided on site. If the size of the alternative site is greater than the site size thresholds set out in Policy L2 then it should be remembered that a proportion of affordable housing would be required, as part of any development in addition to that required from the original proposal. For example, site A = 40 dwellings with 40% to be affordable = 16 dwellings. These will be provided on site B, which can accommodate 80 dwellings with 40% to be affordable = 32 dwellings. The total number of affordable dwellings to be provided on site B = 16 + 32 = 48.
- 3.2.94. The Council will need to be satisfied that the alternative is appropriate to deliver the identified requirement. In selecting/agreeing an alternative site, the Council will expect the site to be provided. The Council will also need to be satisfied that the site is located in a sustainable location and that the resultant development will meet an identified need. Alternative sites will normally be limited within the "Place". In exceptional circumstances the Council may consider off-site provision being provided in an alternative Place. Exceptional circumstances may include improving provision in areas of particular need.
- 3.2.95. The options for delivery for off-site provision are the same as those given for on-site provision above.
- 3.2.96. Where the Council agrees that exceptional circumstances exist, off site provision may be made in the form of a commuted sum paid to Trafford Council to be put into a ring fenced capital account to ensure that the money is used for the provision of affordable housing. The general approach to commuted sums will be to utilise them for new affordable housing schemes, programmes for bringing vacant properties back into use as affordable housing and improving or converting existing housing to make it suitable as affordable housing. These sums may be utilised either for an RP scheme or may be utilised in the private sector to improve dwellings for use by the Council's nominated tenants. The commuted sum should be equivalent to the amount it would have cost the developer to provide the affordable housing on site.
- 3.2.97. While the Council accepts that there may be reasons for seeking a financial contribution, the principle of in situ affordable housing secured through the planning process must not be compromised by offers of cash in lieu. Contributions to an affordable housing fund are a last option as the need to accumulate sufficient funds and the difficulties of finding

alternative sites can considerably delay the provision of affordable housing.

3.2.98. The payment of the commuted sum will be the subject of a Section 106 agreement between Trafford Council and the developer. Amongst other things this will specify the amount of the sum to be paid and when it will be paid, the use to which the sum will be put, time scale for spending the money and the appropriate sanctions if this undertaking is not honoured.

3.2.99. In the rare circumstances where it is accepted that a commuted sum is more appropriate than on site provision or provision on an alternative site, the commuted sum should ensure that there is no difference in the proportionate level of contribution towards affordable housing between an on, and off site option. An assumption will be made that 50% of the on-site provision would be low cost home ownership and 50% social rented tenure. The proportion of house types in the affordable housing element would reflect the overall unit mix across the whole site.

3.2.100. Once this has been established, it will be necessary to establish the value of on-site affordable housing provision within the market location of the planning application site i.e. what an RP would reasonably expect to pay for it in order to generate an acceptable Net Present Value (NPV). It will then be necessary to value the affordable units assuming they were sold on the open market. The difference between the open market value and the value of the affordable housing units will constitute the affordable housing commuted sum. The following example is an illustration of how a commuted sum would be established.

3.2.101. Number of developers units on site = 60

Number of affordable units = 24 (based on 40% target contribution)

Open Market Value (OMV) of affordable housing units\* = £3,600,000

Affordable Housing Value of units = £2,340,000

Difference between OMV and Affordable Housing Value = £1,260,000

Total Commuted sum = £1,260,000

\* The value of the affordable housing units will vary on a site by site basis and must achieve an equivalent acceptable NPV for the RP which will be agreed with the LPA at an appropriate time in the planning process.

3.2.102. In those cases where the developer is seeking to not provide the affordable housing on site, the Council will expect developers to provide evidence supporting their case as part of the planning application and to include these negotiations in pre-application discussions. This equally applies to off-site provision and commuted sums.

3.2.103. When considering proposals on sites where an element of affordable housing is likely to be required, applicants are encouraged to hold pre-application discussions with the development control officer at an early stage. The development control officer will consult with Housing Strategy and other Council officers as appropriate. The Councils Housing Strategy team will provide advice and assistance in relation to:

- The requirement for affordable housing on a particular site
- Local housing needs
- The involvement of an RP partner
- Maximum sales prices and target rents

- The acceptability of the form of provision required
  - Calculation of financial formulae
- 3.2.104. In order for the Council to validate an application above the thresholds for requiring affordable housing, an Affordable Housing Statement will be required. The statement should include the following information:
- The number of affordable residential units to be provided
  - The mix of affordable units in terms of type (intermediate/ social rented) and size (number of bedrooms and gross floorspace)
  - Plans showing the location of affordable housing units
  - How the affordable housing units are to be managed and, where this involves a social housing provider, their details
- 3.2.105. Where proposals do not incorporate the level of affordable housing required a full justification for such an approach must be provided. In the case of outline applications, where it is not possible to specify the amount of affordable housing in detail, a statement of intent should be submitted outlining how affordable housing will be provided and whether the site will comply with the provisions set out in the TCS Policy L2.

### **Assessment of the Contribution against the 3 CIL Tests**

- 3.2.106. The affordable housing contribution is **necessary** in order to support the delivery of a balanced housing offer in Trafford taking account of the findings of the Trafford Housing Market Appraisal (2006) the Greater Manchester Strategic Housing Market Appraisal (2008), the Trafford Economic Viability study (2009) and the policy statements and targets of the Trafford Housing Strategy (2009);
- 3.2.107. The affordable housing contribution is **directly related** to development in that the level of provision relates to housing need within the local area and the monies go towards the provision of affordable housing within that local area;
- 3.2.108. The affordable housing contribution is **fairly and reasonably related in scale and kind to the proposed development** in that there is a direct correlation between the amount of development being provided and the level of affordable housing provision/contribution which the developer will be required to provide.

### 3.3. Sustainable Transport and Accessibility

- 3.3.1. New development often creates a need for additional or improved transport facilities in order to make it as accessible as possible for all members of the community and to reduce congestion caused by more visitors to a site.
- 3.3.2. This element of the Planning Obligations SPD replaces SPD1: Developer Contributions to Highway and Public Transport Schemes, which was adopted in March 2007. It incorporates the outcomes and recommendations of Phase 2a of the LDF Transport Modelling work and Greater Manchester Local Transport Plan 3 (LTP3).
- 3.3.3. The sustainable transport and accessibility section of the SPD has been prepared in consultation with relevant sub-groups of the Trafford Local Strategic Partnership, the Highways Agency and Transport for Greater Manchester (TfGM).
- 3.3.4. Contributions will be used to fund schemes that will improve the sustainability of transportation in Trafford. In general, developer contributions will be sought, which may include where appropriate **highway improvement works and walking and cycling schemes** for:
- New routes;
  - Existing routes;
  - Junction improvements;
  - Waiting and loading restrictions;
  - Residents parking schemes;
  - Traffic signals;
  - Traffic calming, and,
  - Traffic Regulation Orders
  - Cycle routes and facilities including cycle parking;
  - Pedestrian links, crossings and pedestrianisation schemes;
  - Streetscene improvements e.g. signage, town centre map/information, lighting, furniture, trees/landscaping, etc;
- 3.3.5. Contributions may also be appropriate to facilitate the development of **public transport schemes** and other accessibility improvements such as:
- Bus services and infrastructure improvements;
  - Metrolink services and infrastructure improvements;
  - Rail services including improvements to infrastructure and passenger facilities;
  - Park & Ride schemes;
  - Measures associated with the implementation of a Travel Plan (e.g. Car Clubs); and
  - Necessary education, training and publicity to encourage modal shift.
- 3.3.6. Where appropriate, contributions will also be sought to enable the continued maintenance of facilities and infrastructure.

#### Justification for the Contributions

- 3.3.7. National Guidance seeks to integrate planning and transport at the national, strategic and local level to promote more sustainable transport choices for the movement of people and freight. It also encourages policies to provide a clear basis for the use of planning obligations where appropriate.
- 3.3.8. The Local Transport Plan sets out major improvements to Greater Manchester's transport system, along with the costs and funding necessary for these improvements, and also how the highway network within the Greater Manchester conurbation can be managed in an effective, coordinated and integrated manner. The third Local Transport Plan (LTP3) was published in April 2011 and provides a long-term (15-year) vision for transport alongside more detailed proposals for the period to 2014/15. The developer contributions generated through the application of this SPD will help fund the improvements identified in LTP3 and the associated Local Area Implementation Plan (LAIP), with the aim of providing a sustainable integrated transport network in Trafford.
- 3.3.9. Policies L4 and L8 of the Core Strategy are the relevant policies to this element of the SPD. In particular, paragraphs L4.1 (a) to (h) set out the criteria to enable sustainable development, which includes the development and maintenance of a sustainable integrated transport network. Paragraph L8.4 also specifically makes reference to the Council seeking contributions towards "*highways infrastructure and sustainable transport schemes including bus, tram, rail, pedestrian and cycle schemes*".

### **Calculating the Contributions**

- 3.3.10. This section sets out the methodology used to calculate the total contributions required from new development across the borough. The methodology assesses how accessible a site is and enables a determination to be made as to whether it is adequately served by existing or planned public transport facilities. The methodology is based on the quality of the existing services and the distance of those services from potential development.
- 3.3.11. The methodology has been worked out by assessing the projected likely developments (by development type) in Trafford to 2026, and calculating how this SPD could contribute towards the shortfall in funding for public transport and highways schemes that have been planned over this period. Named schemes have been approved by the Council or TfGM.
- 3.3.12. Table 3.1 shows the amount of development in units or square metres planned to 2026. This has been calculated by projecting forward the last fifteen years actual development totals for each of the listed development types, except in the case of residential development where the projected development is based on Policy L1 of the Core Strategy (including the 20% uplift to accommodate the New Growth Point allowance to 2018).

**Table 3.1 - Projected Likely Development in Trafford 2011- 2026**

Development Type	Projected Floorspace (Gross Area) 2011 – 2026	Units (Gross Floor
Retail (food)	27,660 sqm (GFA)	
Retail (non food)	81,937 sqm (GFA)	
Office	100,811 sqm (GFA)	
Industrial / Warehouse	553,269 sqm (GFA)	
Leisure & Community	153,465 sqm (GFA)	
Hotel	1911 bed numbers	
Residential (66% of accommodation suitable for families)	11,800 units (minimum)	

## TDC2 – Highways and Active Travel Infrastructure

3.3.13. New development is likely to generate an increased traffic demand and potentially an increase in traffic growth adding pressure on the **highway** network, and an increased demand for active travel by walking and cycling. As a result the following improvements (listed in Table 3.2) are planned. These are in addition to requirements made under Section 278 of the Highways Act 1980. In exceptional cases if any works are funded through a complementary Section 278 Agreement, as a result of recommendations resulting from a Transport Assessment and/or a Travel Plan (or other traffic analysis work), the improvements made may result in a reduced Section 106 payment. However, this is only applicable where there is a clearly demonstrated wider public benefit for the scheme.

3.3.14. Table 3.2 lists the major schemes and their costs produced for 2011/12 to 2025/26. (More details of the schemes and cost breakdown are provided in Section B of the supporting Technical Note 2).

**Table 3.2 - Proposed Highway and Active Travel Network Schemes in Trafford (2011/12 – 2025/26)**

Scheme	Estimated Cost	Developer Contribution Required
Carrington-Irlam/Cadishead Link Phase 1 (Carrington By-Pass)	£16.0m	£1.4m
Carrington-Irlam/Cadishead Link Phase 2 (Canal crossing and link road)	£15.5m	£1.2m
Approved highway improvement and safety schemes throughout the borough.	£8.0m	£2.0m
Bridgewater Way (phases 4-8)	£4.6m	£0.8m
<b>TOTAL</b>	<b>£44.1m</b>	<b>£5.4m</b>

## TDC3 – Public Transport Schemes

3.3.15. To deliver a public transport system that can adequately meet the needs of new development and have the potential to increase the proportion of journeys taken by non-car modes, investment is needed both in enhancing and improving the capacity of existing systems, and in the creation of new schemes including new passenger facilities. Improvements will result in services that offer a real alternative to the car, and are specific to the potential developments coming forward. The cost of anticipated improvements to other public transport services and



infrastructure in Trafford (i.e. those not directly serving new developments) is not included in the figures within table B2. This is reflected through the allocation of the complete cost of these schemes to developer contributions.

3.3.16. Table 3.3 lists the potential major schemes and their costs for 2011/12 to 2025/26. (More details of the schemes and cost breakdown are provided in Section B of the supporting Technical Note 2). It should be noted that the inclusion of schemes in this SPD does not commit TfGM to providing specific levels of funding for particular schemes within the fifteen year period.

3.3.17. The proposed extension of the Metrolink to Trafford Park is a key priority for the Council. Contributions towards the cost of the scheme have been collected under S106 and are held in a holding account. Further contributions will continue to be collected for developments that would benefit from its delivery. In the event of the extension not going ahead the money collected will be spent on an alternative public transport scheme.

**Table 3.3 – Projection of Public Transport Costs For 2011 – 2026**

<b>Scheme</b>	<b>Total Cost</b>	<b>GMTF/ LTP</b>	<b>S106 collected to date</b>	<b>Other (e.g. QBC topslice)</b>	<b>Developer contributions required</b>
Altrincham Interchange	£19.0m	£18.0m	n/a	n/a	£1.0m
Rail Station Improvement Strategy	£0.3m	n/a	n/a	n/a	£0.1m
Flixton Rail Based Park and Ride	£0.5m	n/a	n/a	n/a	£0.2m
Interim Bus Priority Scheme through Trafford Park	£7.0m	n/a	£2.68m	n/a	£2.2m
Bus Stop Improvements	£3.0m	n/a	n/a	n/a	£3.0m
Bus service enhancements to improve accessibility	£5.0m	n/a	n/a	n/a	£5.0m
Other schemes	Not yet known	Not yet known	n/a	Not yet known	
<b>TOTAL</b>	<b>£34.8m</b>	<b>£18 m</b>	<b>£2.68m</b>	<b>£0m</b>	<b>£11.5m</b>

- 3.3.18. The total contribution to public transport and highway network schemes required from developments as set out in Table 3.2 and Table 3.3 is £5.4 million and £11.5 million respectively. The contributions have been calculated per 100m<sup>2</sup> proposed internal Gross Floor Area (GFA), or the number of units based on the projected internal GFA, or units up to 2026 and the likely Public Transport/Highway costs.
- 3.3.19. These costs need to be split using the total anticipated future development listed in Table 3.1. This has been done by assessing the impact of each different development type in terms of generating new 'people' trips (public transport users, cyclists, vehicle passengers, etc.) and new 'vehicle' trips (car drivers, motorcyclists, van drivers, etc).
- 3.3.20. This information can be found in Section C of the supporting Technical Note 2 and has been gathered by the TfGM Highways Forecasting and Analytical Services (HFAS) using the National Trip Rate Information System (TRICS) with local factors applied. This means the total cost of Public Transport/Highways costs can be apportioned appropriately between the different development types.
- 3.3.21. The requirement for contributions from new development will be in addition to highway infrastructure works required as part of planning conditions. However, the following circumstances may result in a reduced contribution:
- Where a Transport Assessment is provided and includes works that will benefit the wider highway network over and above highway infrastructure works required as part of planning conditions;
  - The works to be carried out are part of a Travel Plan and will mitigate against the impact of the development on the highway/public transport network.
- 3.3.22. The level of contribution required in respect of developments which are in less accessible locations will be higher than that required for developments in more accessible/sustainable locations. Section D of the supporting Technical Note 2 provides definitions of the 3 different zones of accessibility across the Borough. The accessibility criteria only apply to the contribution to public transport, and will not be applied to the highways scheme contribution.
- 3.3.23. It is anticipated that the majority of development will occur in the Most Accessible zone. The Council is aiming to bring all areas in the Borough up to an improved standard of public transport provision, which will contribute towards achieving the sustainability objectives.
- 3.3.24. In order to help achieve these objectives the contribution for developments in Accessible and Least Accessible zones has been uplifted by 25% and 50% respectively. This higher figure takes account of a contribution towards the increased cost of providing new infrastructure, (e.g. bus stops) and new bus services, to make these areas more accessible.
- 3.3.25. The calculations for different development types towards highway schemes and for sustainable transport schemes in the 3 different accessibility zones are set out in Section D of the supporting Technical

Note 2. The contributions required will be updated annually in line with inflation.

- 3.3.26. The contributions will be used by the Council and TfGM to implement public transport and highways improvement schemes within the locality of the new development. Where it is appropriate for contributions to go towards a specific named scheme, for example The Bridgewater Way, this should be detailed in a Section 106 agreement.
- 3.3.27. The Council and TfGM will allocate contributions to projects in the vicinity of the development site. This will ensure that the projects are relevant, will benefit the users of the development and mitigate the effects of the development on the existing highway/public transport network, in compliance with the requirements of Circular 05/2005 and the CIL Regulations (2010). Projects will contribute towards achieving the targets specified in LTP3 and the associated LAIP.
- 3.3.28. In exceptional circumstances, contributions may be allocated to larger projects covering a wider area. This would be most likely where the cumulative effect of several developments in an area results in such increased pressure on the existing network that by installing a scheme, such as Altrincham Interchange, there will be a benefit to a larger geographic area. In these cases, the Council would need to be satisfied that the benefits of a larger project under consideration could be clearly related to the development in question.
- 3.3.29. Systems will be put in place to monitor contributions obtained through this SPD to ensure they meet the requirements and tests set out in the CIL Regulations (2010). This information will be available from the Council's Traffic and Transportation team.

### **Assessment of the Contributions against the 3 CIL Tests**

- 3.3.30. The Highways and Sustainable Transport contributions are **necessary** in that they will mitigate the impact of development on existing highway and public transport infrastructure so ensuring that the reliability and usage of the network is not adversely affected.
- 3.3.31. The Highways and Sustainable Transport contributions are **directly related** to development in that the monies will go towards local infrastructure or other infrastructure that will benefit persons visiting the development or will mitigate against the impact that increased numbers of people visiting the development will have on the existing highways and public transport infrastructure and that will benefit the locality in a more strategic sense.
- 3.3.32. The Highways and Sustainable Transport contributions are **fairly and reasonably related in scale and kind** to the development in that they are based on the existing accessibility of the area in which the development is located and on the impact of development in terms of number of trips it is likely to generate.

### **3.4. Climate Change – Mitigation and Adaptation**

- 3.4.1. Trafford Borough Council encourages the reduction of carbon emissions of new developments, via a range of measures including good design and where local opportunities exist connection to decentralised energy generation facilities. The Council is committed to managing the impacts which climate change is likely to have on flood risk and the water environment.
- 3.4.2. This part of the SPD provides guidance to applicants on measures and technologies to help to reduce the impact of major new developments on the environment and achieve the low carbon emissions targets as detailed in Policy L5. Therefore, under this element of the TDC, there is no requirement for a financial contribution towards mitigating climate change although there may still be an obligation for development to link with existing infrastructure where appropriate, or support flood defence infrastructure.
- 3.4.3. This part will provide guidance on:
- Development design to reduce energy use;
  - Climate change adaptation measures (please see supporting Technical Note 3 – Section C);
  - Flood defence infrastructure and other aspects of the water environment (please see below and supporting Technical Note 3 – Section D);
  - Low Carbon Growth Areas as defined in the supporting Technical Note 3 Section E; and
  - Carbon Budget Statements (please see below and supporting Technical Note 3 – Section G).

#### **Justification for Reducing CO2 emissions from new developments**

- 3.4.4. The evidence base supporting the requirements for reducing CO2 emissions from new developments can be found in Section B of the supporting Technical Note 3.

## Design Advice

- 3.4.5. All new development in Trafford will need to take account of the need to adapt to the local climatic changes which are taking place as a result of global climate change, if they are to be sustainable. A number of measures and design principles exist to help developers ensure that their development is resilient to these changes in local climate.
- 3.4.6. To help applicants and as a step to minimising the use of energy by new developments, the Council encourages the use of good design principles to reduce the energy demand of the development. These include siting, passive solar gain, thermal performance and internal layout of rooms.
- 3.4.7. The Council supports the application of good practice design principles such as CABI Building for Life and Sense of Place. It is alongside these design principles that cost effective ways of cutting the carbon footprint of a new building can be made. It is advised that all new developments take steps to minimise total energy demand including electricity, hot water, space heating and cooling. This can be achieved by using appropriate low energy design techniques, energy efficiency measures and passive solar design.
- 3.4.8. Passive solar design is an approach to building design that utilises solar energy to provide some of the heating and lighting requirements of buildings and to assist natural ventilation. Design principles include:
- The orientation of road layout to allow for the optimum orientation of buildings for passive solar gain;
  - Ensuring a building broadly runs east-west and is south facing;
  - Ensuring that the roof structure includes south facing slopes to facilitate the installation of solar PVs;
  - Internal layout – rooms used most often for living and working should be positioned in the south facing part of the building with rooms that benefit less from sunlight (such as storerooms, bathrooms and toilets) on the north side; and
  - Avoidance of overshadowing - buildings should be carefully spaced on site to avoid the overshadowing of southern elevations, particularly during winter when the sun is low. Taller building should be located to the north of the site, or to the south of road junctions or open space. Car parking and garages in particular can be suitably located in over-shadowed areas, particularly to the north of housing.
- 3.4.9. The Adaptation Strategies for Climate Change in the Urban Environment Study (2006) reports that high density development areas can be 12C warmer than surrounding countryside. Passive design measures such as green roofs and green walls, and urban trees will help mitigate these temperature rises to reduce the Urban Heat Island Effect.
- 3.4.10. Energy efficiency measures to be considered include:
- Extra insulation in roofs, walls and floors;
  - Installation of high efficiency boilers;
  - Improved heating systems and controls;
  - Low energy lights and controls to switch off automatically when not needed;

- Use of advanced glazing systems; and
  - Installation of 'A rated' domestic appliances.
- 3.4.11. Further guidance on measures to help adapt to climate change can be found in Technical Note 3 Section C.

#### Flood Defence Infrastructure

- 3.4.12. Extensive areas within the Borough have been identified, in the Manchester, Salford and Trafford Level 2/Hybrid Strategic Flood Risk Assessment (SFRA), as being at risk of flooding. This flood risk arises from rivers, canals, sewers, surface water and groundwater.
- 3.4.13. In summary, Policy L5 of the Core Strategy requires developers to demonstrate that account has been taken of flood risk from all sources – as identified in the SFRA and that the proposed development incorporates mitigation and management measures appropriate to the use and location. Policy L5 also requires developers to improve water efficiency and reduce surface water run-off through the use of a range of Sustainable Drainage Systems (SUDs) appropriate to the various parts of the Borough.
- 3.4.14. Whilst the use of SUDs and 'soft' flood defences, such as green, open spaces where waters can be stored in times of flood, will often be the preferred means of managing flood risk in relation to new development. The use of 'hard' flood defences, such as embankments, walls, weirs, sluices and pumping stations, may also be required. A comprehensive flood defence strategy might use a combination of such measures, making use of both natural processes and engineering solutions, and bringing wider benefits to the local community in terms of habitat creation and provision of recreational opportunities.
- 3.4.15. Source control should be considered first. There may be opportunities to deliver sustainable urban drainage systems (SUDS) through integrated solutions for collections of strategic sites. The future ownership and maintenance of SUDS systems should be discussed at the planning application stage with the relevant sections of the local authority (including Planning, Highways and Drainage), United Utilities and the Environment Agency. If this approach is not undertaken, then the developer must demonstrate no adverse impact caused by the development elsewhere and why it is not feasible.
- 3.4.16. In addition, the Council will encourage partnership working between developers, local communities and the Environment Agency on wider flood management initiatives within the Borough.
- 3.4.17. Further guidance on flood risk issues can be found in Technical Note 3 Section D.

## TDC4 – Sustainable Energy Schemes

3.4.18. Core Strategy Policy L5 introduces a two tier policy approach to CO<sub>2</sub> reduction targets for major new development within Trafford where local opportunities exist to connect to decentralised energy generation. The actual target for each development is determined by the scale and location of the development. Areas of high development growth have been identified to deliver higher CO<sub>2</sub> emissions reduction targets. These are referred to as Low Carbon Growth Areas.

3.4.19. The process to identify the target that will be applied to a:

- **Residential development:**
  - Is to identify whether the scale of the development meets the set threshold of 10 or more residential units;
  - If the development does not meet this threshold then Policy L5.3 applies;
  - If the development meets this threshold, the next step is to identify its location and see if it falls within one of Trafford's Low Carbon Growth Areas. The plans for the three Low Carbon Growth Areas (LCGAs) of Altrincham, Carrington and Trafford Park are shown in Section E of Technical Note in Section 3;
  - Depending on whether the development is within or outside of a LCGA, a carbon emission reduction target is applicable as set out in Policy L5.5. To help deliver this target, a review of local decentralised energy opportunities needs to be undertaken jointly with the Council's Sustainability Manager.
- **Non-residential development:**
  - Is to identify whether the scale of the development meets the set threshold of above 1,000sqm in size;
  - If the development does not meet this threshold, then Policy L5.3 applies.;
  - If the development meets this threshold, the next step is to identify its location and see if it falls within one of Trafford's Low Carbon Growth Areas. The plans for the three Low Carbon Growth Areas (LCGAs) of Altrincham, Carrington and Trafford Park are shown in Section E of Technical Note in Section 3;
  - Depending on whether the development is within or outside of a LCGA, the carbon emission reduction target is applicable as set out in Policy L5.5. To help deliver this target a review of local decentralised energy opportunities needs to be undertaken jointly with the Council's Sustainability Manager.

3.4.20. In line with Policy L5, all new developments which meet the thresholds will be subject to a reduction in carbon emissions over and above current Building Regulations.

### Developments in Low Carbon Growth Areas ("LGCAs")

3.4.21. The LCGAs are based on the places within the Borough identified for large scale new development as detailed in Policies L1 and W1. The Low

Carbon Study Phase 1 outlined the boundaries for Carrington and Trafford Park. These are based on the Trafford Economic Viability Study. The Altrincham boundary is based on Super Output Area data available for the town centre and surrounding area.

- 3.4.22. For developments located in the LCGAs and where an opportunity may exist for the development to connect with local low carbon energy generation infrastructure, the target is up to 15% above current Building Regulations. The completion of a Carbon Budget Statement (see below) will help applicants determine the target percentage reduction in carbon emissions to be delivered by their development.

#### Development outside Low Carbon Growth Areas

- 3.4.23. For any development not located in one of the LCGA and where an opportunity may exist for the development to connect with a local low carbon energy generation infrastructure, the target is a reduction of up to 5% above current Building Regulations. The completion of a Carbon Budget Statement (see below) will help applicants determine the target percentage reduction in carbon emissions to be delivered by their development.

#### Carbon Budget Statements



- 3.4.24. If a local energy generating opportunity is identified, the completion of a Carbon Budget Statement (CBS) will help to assist the applicant and the Council in determining how the carbon emissions reduction target for the development will be met. Guidance for the CBS can be found in Section G of Technical Note 3.
- 3.4.25. The submitted CBS will detail which technologies will be employed to reduce the energy consumption of the development in line with the carbon reduction target. Some examples of technologies that can be used to reduce carbon emissions from a development can be found in Section F of Technical Note 3. To help applicants submit an appropriate level of detail for the CBS, a model CBS has been produced. A developer may alternatively use their own methodology following agreement with the Council (Sustainability Manager). An applicant should first consult with the Council at the pre-planning application stage to establish the actual carbon reduction target before preparing a CBS. If an applicant has any queries regarding the completion of the CBS please contact the Council (Sustainability Manager).
- 3.4.26. The CBS will also contain an element of viability testing, to help the developer and Council to ensure that the methods used to meet the carbon reduction target are technologically feasible and financially appropriate for the development.
- 3.4.27. The CBS submitted with the application should be regarded as a draft statement which may be subject to change during the application process if this is deemed to be necessary. Delivery of the development in line with the final agreed CBS will form a condition of the planning approval.

### **Assessment of the Contribution against the 3 CIL Tests**

- 3.4.28. The Sustainable Energy Schemes contribution is **necessary** in that development generates the emission of CO<sub>2</sub> into the atmosphere and it is necessary to reduce these emissions or offset the emissions elsewhere to reduce the impact of the development on local climate change;
- 3.4.29. The Sustainable Energy Schemes contribution is **directly related** to development in that it focuses on connection in to local decentralised energy infrastructure to reduce emissions in respect of each qualifying development;
- 3.4.30. The Sustainable Energy Schemes contribution is **fairly and reasonably related in scale and kind to the development** in that it is based on the actual potential to connect to existing decentralised energy infrastructure and also does not seek to mitigate the entire impact of development in terms of CO<sub>2</sub> emissions.

### 3.5. Green Infrastructure and Recreation

- 3.5.1. People's quality of life is very much influenced by access to a range of green spaces and experiences. Therefore, protecting and enhancing open spaces for current and future generations to enjoy is essential. Planning policy at all levels promotes the environmental, social and economic benefits to be gained from good quality, diverse and accessible open space and recreational facilities. These green and blue spaces represent the green infrastructure components that contribute to the character, image and effective functioning of places and as such are highly valued by communities.
- 3.5.2. Green Infrastructure (GI) sets the context for how the various green and blue spaces across Trafford combine to provide a multifunctional network delivering benefits for people, the economy and the environment.
- 3.5.3. This element of the SPD was developed in consultation with a number of internal and external stakeholders including the Councils Greenspace Strategy and Development Control teams, Red Rose Forest, Sport England and Natural England.
- 3.5.4. This SPD provides guidance and clarity for developers, planning officers, stakeholders and local people to implement Trafford's Core Strategy policies relating to green infrastructure, open space, sport and recreation. With this in mind, the SPD will seek to ensure the provision, use and maintenance of open space, sport and recreation facilities is consistent with planned levels of new development.
- 3.5.5. The objective of this SPD will be to provide the basis on which planning obligations for open space, sport and recreation schemes will be sought for new developments in Trafford. In particular it will:
1. Set standards for different types/categories of Green Infrastructure and Indoor Sports.
  2. Show areas of deficiency in quantity and quality for all facilities.
  3. Set out the circumstances, thresholds, and locations where contributions will be required for prospective development schemes.
  4. Set out a methodology to calculate fair and reasonable contributions from new development to the above facilities.
  5. Ensure that new facilities provided are appropriately designed to maximize amenity with green infrastructure that is of a high quality offering additional benefits and uses secured through careful planning.

#### Justification for the Contributions

- 3.5.6. **Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation** was published in 2001. PPG17 states that to ensure effective planning for open space, sport and recreation it is essential that the needs of local communities be known. In order to do this Local Authorities should undertake robust assessments of the existing and future needs of their communities for open space and recreational facilities.
- 3.5.7. AGMA commissioned The **Greater Manchester Green Infrastructure Framework** in 2008 to set out the strategic context for GI across the 10

Greater Manchester Authorities. This document sets out where the key assets and opportunities for GI are located. See Section A of Technical Note 4 which shows the Greater Manchester Green Infrastructure Framework Investment to Support growth. This information has then been used to set out a more detailed GI Plan for Trafford which connects into this wider network.

- 3.5.8. The **Greater Manchester Ecological Framework** is a strategic spatial model developed using the principles of landscape ecology to inform and guide habitat protection, creation and management in the Greater Manchester sub-region. It identifies broad areas of Greater Manchester that share similar ecological and land-use characteristics, thereby identifying areas that share a similar ecological context. Following this approach where significant enhancement work is needed a number of broad-scale 'Biodiversity Opportunity Areas' have been identified and this could be used to guide the most appropriate improvements to areas of green space in Trafford.
- 3.5.9. **Trafford Core Strategy - Policy R5 - Open Space, Sport and Recreation** sets out that the Council will secure the provision and maintenance of good quality, accessible open space, sport and recreation facilities. Development will be required to contribute on an appropriate level to this provision. The Policy is based on up to date evidence of need and updates information and requirements that formed the basis of the previous UDP policy.
- 3.5.10. **Trafford Core Strategy Policy R3 – Green Infrastructure** sets out that the Council, working with others, will facilitate the development of an integrated network of high quality and multifunctional green infrastructure that will improve a number of different social, environmental and economic priorities thus contributing to a more strategically managed green space resource across Trafford and Greater Manchester.
- 3.5.11. Policies R5 and R3 were informed by **Trafford's Green and Open Spaces an Assessment of Need (June 2005)**. Using robust and tested techniques the project sought to identify, consult users and assess the amount and quality of publicly accessible green space available across the Borough (all sites over 0.2 hectares). Overall when compared with this standard, the available open space provision across the Borough was sufficient. However, on a ward by ward basis, 10 of the 21 wards were found to be deficient. The Project also found the quality of many open spaces to be poor. The quantity and quality part of the study was updated in June 2009. Full conclusions can be found in the separate reports.
- 3.5.12. The **Trafford Greenspace Strategy 2010** has been developed to provide a framework against which prioritised improvement of Council owned and managed greenspace assets can take place. A crucial aspect of this approach is the establishment of a greenspace hierarchy on an area specific basis, along with associated targets for quality and accessibility in relation to the different types of greenspace and facilities identified in the typology. These have been mapped, local standards set and gaps in quantitative or qualitative provision identified.
- 3.5.13. The **Trafford Forest Plan** has been developed to guide the implementation of the Red Rose Forest Plan in Trafford. It maps the key

green infrastructure resources, and tree cover in Trafford together with assessments of where green infrastructure can make the greatest contribution to improving the health, biodiversity, quality of place and climate change needs in the borough. The Trafford Forest Plan will be regularly updated to use the best available data to identify priority interventions.

- 3.5.14. The **Trafford Outdoor Sports Facilities Study (March 2009)** found the majority of areas in Trafford had good access to facilities except for tennis where community provision is of poor quality and lacking in some areas altogether e.g. Old Trafford. Community provision generally in the south of the borough is more limited. Improvements in the standard of football pitches and changing facilities were also highlighted as particular quality issues. There is an increase in demand for pitches by girls teams and more use of school sites could help to address this issue.
- 3.5.15. The **Trafford Leisure Management Key Issues Report (July 2008)** found slight deficiencies in pay to play provision of swimming pools and health and fitness facilities. Areas to the north and west of the borough have poor access to public swimming facilities and 3 of the public swimming pools at Stretford, Sale and Altrincham are in need of refurbishment. This was identified in the Sport England North West Regional Strategic Facility Evidence Base (November 2008).

### **Defining the contributions**

- 3.5.16. All development will be expected to contribute to this SPD. However the exact type and range of planning obligations which may be sought for an individual site will depend upon the particular circumstances and development proposed, and its impact upon the local environment, local services and facilities. However in most cases obligations will be required as set out below:
- **All development** will be required to contribute to Specific Green Infrastructure with the exception of that which provides ancillary development to a green infrastructure facility as appropriate in line with guidelines set out below;
  - **In addition residential development only** will be required to contribute to Spatial Green Infrastructure such as open space, semi natural greenspace, play space (1 bedroom dwellings are exempt) and outdoor sports in line with the standards set out below;
  - **In addition major residential schemes only** will be required to contribute to Indoor Sports for swimming pools and health and fitness facilities in line with the standards set out below.

- 3.5.17. The following section details the standards required and a definition of the individual facilities, their purpose and particular features that Trafford Borough Council (TBC) requires developers to provide for its communities together with outline targets for their distribution and quality where relevant.
- 3.5.18. These standards have been developed through the adaptation of long established, widely used national standards to suit Trafford's geographical, demographic and socio-economic composition.
- 3.5.19. Standards have been calculated based on up to date audits of provision and take into account quantity, quality and accessibility where possible. In addition, where possible, standards take account of local needs. However, nationally recognised standards have been used to guide Trafford's local standards, particularly in terms of accessibility. More details on how standards have been arrived at can be found in Technical Note 4
- 3.5.20. Green Infrastructure (GI) is split into 2 different requirements:
- “Specific Green Infrastructure” which is associated with the development itself, its impact on the surrounding environment and the measures that can be taken to mitigate specific issues in that area. For example effects of urban heat, air quality, local surface water management needs and areas of poor environmental quality
  - “Spatial Green Infrastructure” which is the open and natural green space functions of GI associated with the needs of residents of the development

#### **TDC5 - Specific Green Infrastructure**

- 3.5.21. Trees have been taken as a basis and guide for the appropriate provision for GI due to their multi functionality and the multiple benefits they bring beyond simply improving an area's general appearance. Other habitats may be more relevant in particular areas and reference should be made to Biodiversity Action Plans to guide decisions. The supporting Technical Note 4 Section B contains more detailed information.
- 3.5.22. Requirements may vary depending on circumstances for particular developments. A development proposal may fulfil specific GI requirements in its provision of other open space requirements. For example, a green roof or sustainable drainage system designed in a particular way to provide local open space and semi natural greenspace could fulfil part or all of the requirements under specific and spatial GI.
- 3.5.23. These specific green infrastructure facilities planned as part of a development should be submitted as part of the planning application with a statement explaining their GI contribution to allow assessment of the suitability of the scheme to meet the GI needs of the development.
- 3.5.24. Where a specific GI scheme is not proposed or identified requirements will be based on the guidelines below. The amount of planting likely to be sought for typical developments to provide for specific GI needs is set out below:

#### **Table 3.4 Guide to Tree Requirements for all Developments**

Development Type	Use Class	Number of trees Required
Residential apartments	C3	1 per unit
Residential housing	C3	3 per unit
Industry and warehousing	B2 & B8	1 per 80sqm GIA
Retail	A1, A2, A3, A4, A5	1 per 50sqm GIA
Offices	B1	1 per 30sqm GIA
Hotels, other residential, Leisure and community facilities	C1, C2, C2A, C4, D1, D2	1 per 30sqm GIA

Any planting required will be of species appropriate to the setting.

3.5.25. Applicants are advised to discuss with the Council the details of their proposed planting scheme at an early stage in the development process. Trees planted are in addition to requirements covering replacement planting as a result of trees felled on the site and in addition to a landscaping scheme **unless this includes a sufficient number of trees to meet the Specific Green Infrastructure requirement for the development.** The willingness of applicants to plant trees will not however be a factor that would lead in itself to permission being granted.

#### **TDC6 - Spatial Green Infrastructure Requirements**

##### **TDC6a - Local Open Space**

3.5.26. This type of provision is the umbrella term covering open space provision in the form of country/ town parks, neighbourhood parks, local parks and open spaces with purpose built features such as footpaths, lighting, children's play, youth facilities and informal sports provision. Section C of Technical Note 4 contains more detailed information.

##### **TDC6b - Semi Natural Green Space**

- 3.5.27. Semi-natural greenspace includes areas of countryside close to residential areas, urban fringe, linear countryside routes, woodlands and nature reserves, the distribution of which has been assessed in line with Natural England's Accessible Natural Greenspace Standard.
- 3.5.28. Semi-natural greenspace offers a more natural recreational experience through contact with nature, whilst providing a greater range of ecological functions than more formal open space. Semi natural green space should be considered especially important where opportunity exists to enhance existing sites, provide improved habitat in identified biodiversity zones or to improve linkage between habitat patches. The Greater Manchester Ecological Framework will be especially important to consider in identifying opportunities for semi natural green space.
- 3.5.29. Provision towards improvements will be expected from developments in areas of deficiency against the standard where the quality of local provision is unsatisfactory. Further information is available in Section D of Technical Note 4 and Greenspace Strategy Area Plans. It is expected that larger developments will provide semi natural greenspace on site and this may include a spatial GI element within it.

#### **TDC6c - Children's Equipped Play Space Provision**

- 3.5.30. Although a feature of many parks and open spaces, this relates to the network of equipped areas for play and landscaped areas for play present in Trafford and measured against the Fields in Trust “6 Acre Standard”. For clarity, an additional contribution will be made for children’s equipped play. The provision of an area surrounding the play equipment for more informal play will be accounted for within the LOS standard. This allows for circumstances where LOS will be required but play space would not be.
- 3.5.31. As a guide to provision, Town and Neighbourhood Parks will be expected to feature a Neighbourhood Equipped Area for Play (NEAP) capable of scoring ‘excellent’ in the annual Royal Society for the Prevention of Accidents (ROSPA) play value assessment undertaken annually on the council’s behalf. Depending on local site constraints and community support, this standard of provision will include a Multi -Use Games Area (MUGA) and skate/BMX facility.
- 3.5.32. Similarly, Local Parks will be expected to accommodate a Locally Equipped Play Area (LEAP) standard facility scoring ‘excellent’ at annual inspection, whilst stand-alone play spaces and larger open spaces containing children’s play space will be expected to meet a standard appropriate for their size and location. This judgement will take into account factors such as the relationship to other parks (with play) provision in the vicinity, as in certain parts of the borough, large formal parks are more scarce, leading to greater deficiency in access to high quality play facilities. For smaller developments a Local Area for Play (LAP) may be more appropriate.
- 3.5.33. The specific requirements of play facility to meet the needs of different numbers of residents for a LAP, LEAP and NEAP play facility can be found in Section D of Technical Note 4.

#### **TDC6d - Outdoor Sports Facilities**

- 3.5.34. Provision includes accessible facilities for a variety of formal and informal sports, from traditional grass football, hockey and rugby pitches to artificial turf pitches for these sports as well as tennis, bowling and cricket. Provision will include not only the layout of grass and all weather pitches and courts but also changing facilities and ancillary features such as car parking, lighting and toilets.
- 3.5.35. Developments generating the need for on-site facilities will be required to make provision relating to the deficiencies and needs identified as part of the Outdoor Sports Assessment of Need Study. Section E in Technical Note 4 contains more information. The nature of off-site provision and upgrade of existing facilities by way of a commuted capital and maintenance contribution will be guided by the qualitative assessment component of the Study.

#### **TDC7 - Indoor Sports Requirements**



### **TDC7a - Swimming Pools**

- 3.5.36. Provision should include a pool size of 25 metres and either 4 or 6 lanes as appropriate to meet Amateur Swimming Association (ASA) standards. Existing pools need to be fit for purpose and meet satisfactory or good standards in relation to the Trafford Community Leisure Trust Customer Survey. More information can be found in Section F of Technical Note 4. New commercial facilities should seek to provide community access where appropriate.

### **TDC7b - Health and Fitness**

- 3.5.37. The gym area required will depend upon the anticipated number of users and mix of equipment. The minimum required space is 25sqm, although the majority of gyms occupy an area of 100-200sqm to ensure a range of options are given to users. Particular target groups are ladies only, young people, people with disabilities, elite athletes and 60 plus.
- 3.5.38. Further information on health and fitness provision and can be found in Section G of Technical Note 4 and the Leisure Review – Summary of Key Issues (July 2008).
- 3.5.39. When calculating public accessibility to swimming pools and health and fitness facilities, education sites have been calculated with a 65% accessibility factor for community use and commercial sector facilities have been calculated with a 55% accessibility factor. This covers the fact that they are only deemed accessible to a proportion of the population due to the nature of the facility being targeted at higher income groups.

### **Calculating the Contributions**

#### **TDC5 Specific Green Infrastructure**

- 3.5.40. Provision will be required by all development meeting the threshold criteria. This provision will be in the form of on-site tree planting to the standards set out above or in line with the opportunities identified on The Trafford GI Plan and would usually be required on site to make the development acceptable in planning terms. More strategic opportunities may be identified later in the Land Allocations Plan.
- 3.5.41. In exceptional circumstances, a financial contribution may be appropriate as outlined in the table below.

#### **TDC6 Spatial Green Infrastructure and TDC7 Indoor Sports**

- 3.5.42. In order for contributions to be worked out it must first be established what the needs are for the new development for each different type of contribution. This is done by calculating the number of residents living in the proposed development with regard to the residential capacity.
- 3.5.43. In order to establish if there is adequate provision of all the types of open space or sports facility in the vicinity of the development to meet the needs of the new residents the existing amount of open space or sports

facility is calculated. This has been calculated using catchment areas. These are the distances considered to be the maximum distance residents are prepared to travel to access facilities rather than the standards identified for new provision which represent a more ideal accessibility.

- 3.5.44. The population within these areas is then calculated using address point data and average household size.
- 3.5.45. The amount of provision per 1000 population is then calculated for that specific area and compared against the standards. If the amount is below the standard then the developer will be required to provide for or contribute towards new/improved provision within the vicinity.
- 3.5.46. The calculation will then take account of the number and type of dwellings proposed, population capacity. The following calculation is then used:

$$\text{Residential Capacity} \times \text{Standard Cost per Person/Tree} = \text{Contribution}$$

- 3.5.47. This calculation should be carried out for each of the 4 types of Spatial GI and 2 types of Indoor Sports as appropriate depending on thresholds and types of developments.
- 3.5.48. In providing new open space several types of space may be included on one area. For example a local open space area could include a play area and a semi natural greenspace area. This multi-functional use is acceptable and encouraged as long as the quality of each function is not affected. Alternatively it may be possible to provide some of the functions on-site but other types of open space or facility may be provided by means of a financial contribution.
- 3.5.49. Where development is located in areas that are sufficient in the quantity of open space or outdoor sports facility the development will be assessed against the quality of provision within the area. If the open space or sports facility within the catchment zone does not meet quality standards, a financial contribution will be collected towards improving the quality of provision within that catchment zone. Therefore a contribution will be expected towards quantity or quality, not both. However quality standard information is presently limited particularly for swimming pools and is absent for health and fitness centres. Information will be updated and individual assessments may be made for specific applications. However, where there is no available quality data there will be no requirement for a contribution.
- 3.5.50. Therefore following the assessment of the development firstly against quantity and then against quality the developer may be required to make a contribution made up of a number of different distinct parts.
- 3.5.51. For example, the developer may:
  - Provide a row of standard trees along the street verge of a housing development

- Provide a new play area within an area suitable for local open space on site
- Provide an area of woodland to improving the quality of a nearby semi natural greenspace
- Provide a financial contribution to outdoor sports, swimming pools and health and fitness.

#### On site

3.5.52. For developments that provide dwellings for 50 people or more provision for local open space, semi natural greenspace and/or play space will usually be onsite. This threshold rises to 1000 people for the provision of outdoor sports on-site. However where amounts of new greenspace are required that are not possible to provide on-site or the amount is too small to be usable/economically maintained a commuted sum will be payable (see section below) via a S106 agreement. This will be assessed on an application basis. Contributions may then be pooled with other contributions within the vicinity to provide new provision.

3.5.53. Where provision is made for a new facility, for example new open space, or semi natural greenspace, provision for the long term maintenance of the site must be provided by the developer either by way of handing the site over to a third party, by ensuring a maintenance contract with a management company or, where an acceptable commuted sum is agreed with the Council's operational staff. Where improvements are made to existing Council sites a maintenance provision has been costed into the financial contribution.

#### Off site

3.5.54. Where the provision is off-site a calculation will be made to assess the financial contribution using the methodology outlined above. Detailed costs for each facility can be found in Technical Note 4 Section H which will be updated regularly. The table below summarises these costs as of publication date:

**Table 3.5 Summary of GI, Sports and Recreation Costs**

Type		Quantity Cost	Quality Cost (75% of quantity cost)	Unit
TDC5	Specific Green Infrastructure	£310	N/A	Per tree
TDC6a	Local open space	£161.59*	£93.23	Per person
TDC6b	Semi-natural greenspace	£150.80*	£87	Per person
TDC6c	Provision for children/young people	£378.95*	£218.63	Per person
TDC6d	Outdoor sports	£520*	£300	Per person
TDC7a	Swimming pools	£102	£74.68	Per person
TDC7b	Health and fitness	£18	N/A	Per person

\*Includes estimated maintenance costs at 30%

### **How/Where Contributions will be spent**

- 3.5.55. Contributions will normally be payable on commencement of development. Sums will be paid into a capital account and used for the provision of GI and sports facilities as appropriate in line with the terms of the S106 agreement. They may be pooled to enable more effective use in making improvements to facilities. The Council will spend contributions in the catchment zone of the development for the benefit of the new residents. However where there are strategic sites/facilities e.g. Longford Park, Sale Water Park and Stretford Meadows outside the catchment area that will benefit residents, a proportion of contributions may be spent on these identified sites. Priorities for schemes will be identified in the Greenspace Action Plan, Leisure Review Action Plan and Trafford Forest Plan.
- 3.5.56. Where quantity provision is deficient in terms of swimming pools and health and fitness, contributions may be pooled and used to contribute to new provision within the vicinity, but may also be used to provide more community access to commercial and schools facilities in the area. This could include buying passes /vouchers to support community access to commercial facilities or payments to schools to enable them to open access up to the local community. Contributions towards health and fitness could also be spent developing new facilities or enhancing existing facilities or providing new equipment.

### **Assessment of the Contributions against the 3 CIL Tests**

- 3.5.57. The Green Infrastructure and Recreation contributions are **necessary** in that increased development puts pressure on existing green infrastructure and recreational facilities and creates demand for new facilities that would not exist without the development;
- 3.5.58. The Green Infrastructure and Recreation contributions are **directly related** to development in that they focus on the provision of infrastructure or facilities within the local area or other infrastructure that will benefit the locality in a more strategic sense;
- 3.5.59. The Green Infrastructure and Recreation contributions are **fairly and reasonably related to the development in scale and kind** in that they are based on the actual impact or level of new demand that the development generates;

### **3.6. Meeting Social Needs**

#### **TDC8 - Education Facilities**

- 3.6.1. All residential development, including conversions, has the potential to create demand for school places and the formula below will therefore apply to these developments. Existing surplus school place capacity, which varies across the Borough and over time, is required to accommodate the growth from increasing birth rates within the Borough.
- 3.6.2. It is recognised, however, that certain types of housing such as specialist housing for older people will not directly generate increased demand for school places, and therefore contributions towards educational facilities will not be sought by the Council in respect of such developments. Contributions will be sought from family homes, apartments and other residential units with 2 or more bedrooms.

#### **Justification for the Contribution**

- 3.6.3. Contributions from developments will help to address issues raised in the Council's School Capacity Collection and Asset Management Plan, in relation to the site's physical conditions, suitability of purpose, capacity and accessibility. In terms of tertiary education facilities, contributions will assist in meeting prioritised capital work programmes to expand and improve facilities. These Plans are committed to improving the quality of education and community buildings and their surrounds to provide a safe and welcoming environment for students, staff, parents and the community at large. It is not only a matter of increasing capacity in relation to new developments.
- 3.6.4. Policy L8 sets out in the justification that, "Community facilities could provide new education or health facilities to reduce locally identified inequalities, or for the promotion of community cohesion/wellbeing within a neighbourhood..."
- 3.6.5. Policy L3 also states that "within Trafford's Regeneration Areas the Council will secure.... Improved access to education, training and advice centres to/from the Regeneration Areas".

#### **Calculating the Contribution**

- 3.6.6. The following formula will be used to calculate payments due:

$$\begin{aligned} &\text{Number of each unit (by bed)} \times \text{Child Yield for that size unit} - \text{'discounted factor'} \\ &= \text{No. Children Generated} \times \text{average cost of new school place} \\ &= \text{contribution required.} \end{aligned}$$

- 3.6.7. Child Yield is the average number of children likely to be generated by new housing. From data collected by Trafford's Children's and Young Peoples Service (CYPS), it is possible to estimate the number of children likely to occupy housing of different sizes. These are set out below:

<b>No Bedrooms</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4+</b>
Market/Intermediate/Affordable Housing (Houses/Apartments)	0	1.0	2.0	3.0

- 3.6.8. A primary child factor of 24% and a secondary child factor of 28% are then applied to ascertain the number of children likely to be generated by new housing.
- 3.6.9. The school rolls show an even distribution across the nursery, primary and secondary phases. That assumption has therefore been carried over to calculations affecting new developments. The calculation includes children aged from 3 to 19.
- 3.6.10. The discount factor is applied in recognition that not all children of school age generated by a development will attend a maintained school in Trafford as some may take up alternative education provision or may not transfer to school at all.
- 3.6.11. As a general rule it is assumed that 80% of primary age children will transfer to a school closer to their new home and no more than 20% of secondary age pupils will wish to change schools when they move home; generally those moving from a considerable distance outside of the borough.
- 3.6.12. A Department for Education (DfE) (formally the Department for Children, Schools and Families) multiplier is used for calculating the cost of building new school accommodation. A location factor is added by the DfE to the basic multiplier to take account of local variations in building costs.
- 3.6.13. For 2009 the DfE cost multiplier for nursery and primary provision in Trafford, including the location factor is £12,257 per pupil. For secondary provision the DfE multiplier is £18,469 per student, and for Post 16 the DfE multiplier is £20,030 per student. The DfE location factor for Trafford is 0.92.

### **TDC9 - Health Facilities**

- 3.6.14. Residential development resulting in a net increase in the number of residents in an area will increase the need for local health care facilities. In many parts of the Borough, local health care facilities will already be at capacity or in accommodation which requires upgrading to accommodate additional demand. The Council will require developer contributions to maintain levels of health care facilities in the borough.
- 3.6.15. The Council will work with NHS Trafford to produce a Strategy which includes an overview of the current local health care facilities, the principles by which new developments must be driven, the pressures and opportunities influencing future plans, and as far as possible an outline of the future plans for development. This will then determine if a transparent

calculation can be formulated for contributions towards local health care facilities.

### **Justification for the Contribution**

- 3.6.16. Policy L8: Planning Obligations states that “In accordance with Circular 5/2005.....the Council will seek Planning Obligations for the delivery of environmental, economic and social infrastructure. .... Policy L8.4 details that contributions will be sought towards (amongst other things): education facilities; and health facilities. The justification further sets out that, *“community facilities could provide new education or health facilities to reduce locally identified inequalities or for the promotion of community cohesion/wellbeing within a neighbourhood....”*
- 3.6.17. Additionally Policy L3 Regeneration and Reducing Inequalities, seeks improved access to and/or the provision of community facilities for the communities within the Regeneration Areas.

### **Calculating the Contribution**

- 3.6.18. For all major development the Council will seek advice from NHS Trafford to assess if existing healthcare facilities are able to cater for more patients. Where this is not the case all major developments will be required to make a contribution towards healthcare facilities.

### **Assessment of the Contributions against the 3 CIL Tests**

- 3.6.19. The Meeting Social Needs contributions are **necessary** in that increased residential development puts pressure on existing schools and health facilities and creates demand for new facilities that would not exist without the development;
- 3.6.20. The Meeting Social Needs contributions are **directly related** to development in that they seek contributions towards places in local schools or health facilities;
- 3.6.21. The Meeting Social Needs contributions are **fairly and reasonably related to the development in scale and kind** in that they are based on the actual impact or level of new demand that the development generates;



### 3.7. The Negotiated Elements

- 3.7.1. In addition to the requirements of the Trafford Developer Contribution, there may also need to be additional elements to the planning obligation, particularly for larger developments. The Negotiated Element can include a variety of planning obligation areas dependent on the specific development and its impact.
- 3.7.2. The Negotiated Element will normally apply to larger developments (10 or more residential dwellings or bed spaces / 1,000sqm or more non-residential development). However, decisions about this element of planning obligations will be decided on a case by case basis, dependent on the identified impacts. The following paragraphs will take each negotiated planning obligation matter in turn, setting out the justification for its inclusion within the SPD.

#### NE1 – Reducing Inequalities

- 3.7.3. Trafford is a Borough where in some locations extremes of wealth and poverty continue to exist side by side. This brings with it mixed employment prospects and access to services. Although predominantly wealthy and prosperous, Trafford has a number of pockets of acute deprivation at neighbourhood level, which because of the surrounding prosperity go unrecognised in terms of being able to attract external funding in order to address these issues.
- 3.7.4. Development activity brings capital investment, creates new jobs during construction and new opportunities for employment. Traditionally, the jobs and benefits created by new commercial development have not always been accessible to those local people who need them. The Council wishes to maximise the benefits of development by encouraging developers, contractors and subcontractors to participate in voluntary agreements and provide other economic contributions that can positively address social exclusion. Such contributions can ensure the local community is supportive of, and involved with, developments and significantly enhance the long-term economic sustainability of the area.
- 3.7.5. The use of planning obligations is outlined in Government Circular 05/2005 and in PPS1 (2005, para. 5), which stresses the need for planning to "facilitate and promote sustainable and inclusive patterns of urban and rural development by contributing to sustainable economic development". PPS1 requires planning authorities to ensure that social inclusion, economic development, environmental protection and the prudent use of resources are at the forefront of policy making and implementation.
- 3.7.6. In addition, the Core Strategy sets out strategic objectives for Regeneration and Reducing Inequalities in Core Policy L3 which states that within defined Regeneration Areas, *"...the Council will support appropriate development(s) that will reduce inequalities, secure regeneration benefits; create truly sustainable communities and make positive contributions to achieving the Plan's Strategic Objectives and Place Objectives..."* as appropriate. NE1 Reducing Inequalities is also

consistent with Core Policies L8 Planning Obligations and W1 Economy, in particular

- 3.7.7. NE1 Reducing Inequalities will also help address many of the Priority Outcomes for Strong Economy, Strong Communities and Brighter Futures set out in Trafford Sustainable Communities Strategy: Vision 2021.
- 3.7.8. Contributions towards reducing inequalities will normally only be sought from larger developments, and from those that require an economic impact assessment. The level of contribution sought will reflect the scale and nature of the development and will be determined on a case by case basis.
- 3.7.9. Contributions will normally be appropriate in relation to development within the Priority Regeneration Areas of Old Trafford, Partington and Sale West and other Regeneration Areas in line with Core Strategy Policy L3.
- 3.7.10. The following list is illustrative of the wide range of initiatives that developers may be required to support in line with Trafford's Sustainable Community Strategy and Core Strategy:
  - Local labour initiatives to provide valuable local employment opportunities;
  - Apprenticeships, to assist young people into work and contributing to the future skills-pool in the Borough;
  - Training funds, to address the multiple barriers people may face in accessing work opportunities. These can be secured by a simple commitment to advertise vacancies in the local area, work with Jobcentre Plus and the local College, and guarantee an interview;
  - Childcare provision, which allows a return to work and a more easily achieved work-life balance through provision designed to suit local circumstances;
  - Flexible and affordable business premises, particularly small and start-up units on accessible lease terms. This provision ensures continuing opportunities for business start-up;
  - Community endowment funds, which can be established and accessed by local projects according to local priorities for social and economic facilities and services;
  - Affordable retail space for independents, by designing in smaller units and kiosks. This will benefit local people through easy access to services and the development will achieve a more diverse and interesting character;
  - Provision of business support for small firms across the Borough and specifically to assist businesses in that locality during the period of development work disruption to ensure a vibrant and successful business community is supported;
  - Retail and business area improvements, by improving security, reducing dereliction and blight and improving business trading environments. This will help attract new investment, support responsible behaviour and increase trade;
  - Company sponsorship schemes, including mentoring and 'buddy' programmes which allow employees opportunities to contribute to nearby communities as part of their personal training and development;

## **NE2 - Community Facilities**

- 3.7.11. Residential and some commercial developments that result in more people living and working in the borough will result in increased pressure on community and cultural facilities such as libraries, police and other emergency services, meeting places, youth centres, places of worship, local theatres, art galleries or local heritage facilities. Where existing facilities are unable to accommodate this increased pressure, contributions will be sought proportionate to the likely increased use caused by the proposed development. Examples could also include increased community safety measures such as increased CCTV coverage and enhanced Radiolink provision that can be integrated with the development.
- 3.7.12. Government Circular 05/05 (para. B15) is concerned with using planning obligations to mitigate the impact of a development. It states that: "Where a proposed development would, if implemented, create a need for a particular facility that is relevant to planning but cannot be required through the use of planning conditions it will usually be reasonable for planning obligations to be secured to meet this need".
- 3.7.13. NE2 Community Facilities will also help address many of the Priority Outcomes for Strong Communities and Brighter Futures set out in Trafford Sustainable Communities Strategy: Vision 2021.
- 3.7.14. Applications will be assessed individually to determine if they will place strain on existing, or create a demand for new facilities and therefore require a planning obligation to be negotiated. This is only likely to be the case with larger developments. In making its assessment the Council will have regard to its evidence, including its neighbourhood and locality data.

## **NE3 – Allotments and Cemeteries**

- 3.7.15. These multi-functional spaces perform a valuable role in terms of habitat, biodiversity value, linking other open spaces and providing space for low key exercise. Although there are no prescribed standards for the provision of allotments or burial and cremation grounds, a standard has been developed based on the cost of maintaining current provision, taking into account anticipated land requirements. Contributions will therefore be sought from all major developments towards the upkeep of allotments and burial grounds.
- 3.7.16. There are no definitive national or local standards for cemeteries, and therefore it is unrealistic to set quantitative standards or catchment areas. The current level of provision and capacity has been identified and application of standards will therefore focus on providing sufficient numbers of segregated burial grounds to accommodate different faiths and improving the quality of existing sites.



## **NE4 - Public Art**


























































































































































- 3.7.17. The provision of public art and artistic features and enhancements to public spaces to encourage cultural activities will be sought as an integral element to any development with a significant impact on its physical

environment and setting as defined in Core Strategy Policy R6. The Council will seek planning obligations to secure new provision in appropriate development proposals.

- 3.7.18. Policy R6 of the Core Strategy states that “Planning Obligations will be sought in line with Policy L8, where appropriate, to link new development to improvements to the cultural setting of the proposed development including the provision of public art....”
- 3.7.19. . A proportion of any public art provided is expected to be free standing from the development or independently commissioned art work, supporting local artists. The overall public art provision will be subject to consideration in light of other planning obligations sought, and the design and architectural merits of the proposed development.
- 3.7.20. As appropriate, the funding of art can be by means of a sum set aside to be spent by the developer or a financial contribution to the Council. A transparent process of commissioning public art work, involving professional art organisations and/or stakeholder community engagement will be expected.

**Appendix A – Trafford Developer Contribution Grid**

-  - indicates that the obligation as set out in the SPD will normally apply;
-  - indicates that the obligation as set out in the SPD will NOT normally apply.

Use Class	Required Element														Negotiated Element			
	TDC1	TDC2	TDC3	TDC4	TDC5	TDC6a	TDC6b	TDC6c	TDC6d	TDC7a	TDC7b	TDC8	TDC9	NE1	NE2	NE3	NE4	
	Affordable housing	Highways & Active Travel Infrastructure	Public Transport Schemes	Sustainable Energy Schemes	Specific Green Infrastructure	Local Open Space	Semi-natural Greenspace	Provision for Children / Young People	Outdoor Sports	Swimming Pools	Health and Fitness	Education Facilities	Health Facilities	Reducing Inequalities	Community Facilities	Allotments & Cemeteries	Public Art	
A1 Shops																		
A2 Financial & Professional Services																		
A3 Restaurants & Cafes																		
A4 Drinking Establishments																		
A5 Hot Food Takeaways																		
B1 Business																		
B2 General Industrial																		
B8 Storage or Distribution																		
C1 Hotels																		

		Required Element													Negotiated Element			
		TDC1	TDC2	TDC3	TDC4	TDC5	TDC6a	TDC6b	TDC6c	TDC6d	TDC7a	TDC7b	TDC8	TDC9	NE1	NE2	NE3	NE4
Use Class		Affordable housing	Highways & Active Travel Infrastructure	Public Transport Schemes	Sustainable Energy Schemes	Specific Green Infrastructure	Local Open Space	Semi-natural Greenspace	Provision for Children / Young People	Outdoor Sports	Swimming Pools	Health and Fitness	Education Facilities	Health Facilities	Reducing Inequalities	Community Facilities	Allotments & Cemeteries	Public Art
C2 Residential Institutions		✗	✓	✓	✓	✓	✗	✗	✗	✗	✗	✗	✗	✗	✓	✓	✓	✓
C2a Secure Residential Institutions		✗	✗	✗	✓	✓	✗	✗	✗	✗	✗	✗	✗	✗	✓	✓	✓	✓
C3 Dwelling Houses	1 bed unit	✓	✓	✓	✓	✓	✓	✓	✗	✓	✓	✓	✗	✓	✓	✓	✓	✓
	2+ bed unit	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
C4 Houses in Multiple Occupation		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗	✓	✓	✓	✓	✓
D1 Non-Residential Institutions		✗	✓	✓	✓	✓	✗	✗	✗	✗	✗	✗	✗	✗	✓	✓	✗	✓
D2 Assembly & Leisure		✗	✓	✓	✓	✓	✗	✗	✗	✗	✗	✗	✗	✗	✓	✓	✗	✓
Sui Generis		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Sui Generis Purpose built Student Accommodation		✗	✓	✓	✓	✓	✗	✗	✗	✗	✗	✗	✗	✗	✓	✓	✓	✓