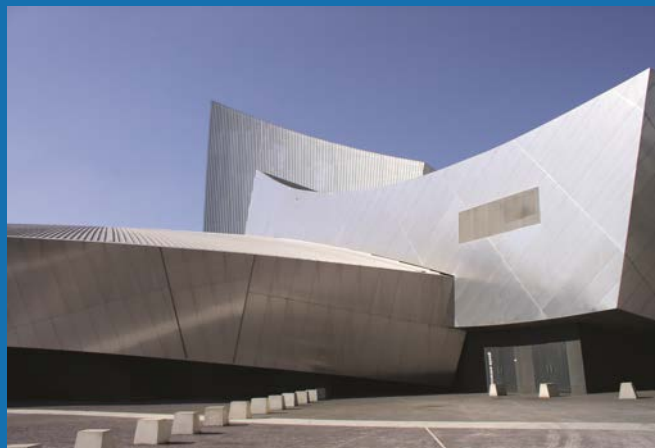


# Trafford Supplementary Planning Document: Revised SPDI – Planning Obligations Consultation Document



May 2013



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## 1. INTRODUCTION

### Background

- 1.1 This draft Revised Supplementary Planning Document 1 (SPD1) sets out Trafford Council's approach to seeking planning obligations for infrastructure or environmental improvements required as a result of new development, when considering planning applications in Trafford. It is aimed at developers, planners, stakeholders and local residents, and seeks to provide clarity regarding the basis on which planning obligations will be sought once the Community Infrastructure Levy (CIL) is adopted in Trafford; the expected implementation date is 1 April 2014.
- 1.2 The Council has prepared a CIL draft charging schedule and associated documentation which is available to view alongside this draft Revised SPD on its website: [www.trafford.gov.uk/cil](http://www.trafford.gov.uk/cil).
- 1.3 All development has the potential to impact on the environment and place pressure on local infrastructure and services. This 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. The planning system can be used to ensure that new development contributes positively to the local environment, and helps to mitigate against any adverse impacts on infrastructure.

### Purpose

- 1.4 This draft Revised SPD therefore aims to provide developers, agents, planners, stakeholders, local residents and applicants with:
- An overview of the Council's approach to securing mitigation through planning conditions, planning obligations (Section 106 agreements) and CIL
  - Clarification on the relationship between planning obligations and CIL
  - Guidance on the type and nature of planning obligations that may be sought, and the basis for the charges.
- 1.5 This SPD forms part of the package of Local Development Documents (LDDs) which comprise the Trafford Local Plan, 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.

### Consultation

- 1.6 This document has been produced for consultation purposes and is expected to be adopted and implemented alongside the CIL charging schedule. It is intended to replace the previous version of the SPD, which was adopted by Full Council on 26<sup>th</sup> February 2012.
- 1.7 The consultation on this draft Revised SPD will run for 6 weeks between Monday 13<sup>th</sup> May 2013 and Monday 24<sup>th</sup> June 2013. The draft Revised SPD

and the Trafford CIL Draft Charging Schedule are available to view on the Strategic Planning pages of the Council's website: <http://www.trafford.gov.uk/cil>.

1.8 Please submit your written comments, no later than Monday 24<sup>th</sup> June 2013 either by post or email to:

Strategic Planning & Developments  
Waterside House  
Sale Waterside  
Sale  
Greater Manchester, M33 7ZF  
Email: [strategic.planning@trafford.gov.uk](mailto:strategic.planning@trafford.gov.uk)

## **2. MECHANISMS TO BE USED**

### **Planning Conditions**

2.1 A planning condition may be placed on a grant of planning permission by local planning authorities. Such conditions permit development to go ahead only if certain circumstances are satisfied. Conditions may cover the appearance or size of new development and can also help to mitigate the impact of development. They are the usual mechanism for essential on-site design requirements and critical infrastructure such as street lighting, sewers, roads and amenity space.

### **Planning Obligations**

2.2 Section 106 of the Town and Country Planning Act 1990 (as amended) allows the drafting of planning obligations between developers and the Council. These legal agreements allow the Council to control the impact of development, beyond that which can be achieved via planning conditions. Planning obligations are an established mechanism to secure the delivery of services or facilities needed as a result of new development. Contributions to infrastructure are delivered by way of physical works (on or off-site), land transfer, or financial contributions.

2.3 Planning obligations are typically secured towards various matters, including affordable housing, open space, community facilities, transport improvements and environmental mitigation measures. In some circumstances, the applicant for planning permission may be able to submit a 'unilateral undertaking', where they agree to provide a planning obligation without the involvement of the local planning authority.

2.4 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.

2.5 Guidance on seeking and negotiating obligations is provided in the National Planning Policy Framework (NPPF), March 2012. This document sets out three statutory tests for the scope and appropriateness of seeking developer contributions:



- Necessary to make the proposed development acceptable in planning terms
- Directly related to the proposed development, and
- Fairly and reasonably related in scale and kind to the development.

2.6 The CIL Regulations (2010) also specify that local authorities can only pool planning obligations from up to five planning permissions towards any particular infrastructure project or infrastructure type (Regulation 123) after 6 April 2014, or before if a local authority adopts a CIL charging schedule.

2.7 Trafford Council as the Local Highway Authority may also use Section 278 of the Highways Act 1980 to secure private sector funding of works to the highway network where necessary to serve the proposed development (an alternative form of planning obligation).

### **Community Infrastructure Levy**

2.8 CIL allows local authorities to raise contributions from developers to help pay for infrastructure that is needed as a result of development. A charging schedule must be produced setting out the CIL rates for the area – expressed as pounds (£) per square metre (sq. m), as CIL will be levied on the gross internal floorspace of the net additional liable development. CIL provides a more predictable and flexible funding stream so that strategic infrastructure projects can be delivered more effectively, as well as providing greater certainty for developers regarding development costs.

2.9 Trafford Council consulted on a preliminary draft charging schedule for a 6-week period during August and September 2012. This set out standard charges that would be levied on residential, retail and all other chargeable development schemes within the Borough. Following consideration of the comments received to this consultation and the most recent update to Government guidance on CIL in December 2012, the Council is now consulting on a CIL draft charging schedule alongside this draft Revised SPD.

2.10 Further information relating to the CIL draft charging schedule can be found on the Council's website: <http://www.trafford.gov.uk/cil>. Details of the draft Regulation 123 list setting out infrastructure projects which CIL monies may be spent on, can also be viewed via the website.

2.11 For the purpose of clarity, affordable housing remains outside of the remit of CIL and will therefore continue to be required as a planning obligation.

## **3. TRAFFORD'S APPROACH TO DEVELOPER CONTRIBUTIONS**

### **Introduction**

3.1 This section sets out Trafford Council's approach towards seeking planning contributions from development schemes. It considers the interaction between planning obligations and CIL, the process for seeking planning obligations, and the Council's approach to viability considerations.

### Interaction between planning obligations and CIL

3.2 CIL payments will be sought in line with the Council's CIL charging schedule, once adopted. In addition, developers will be expected to mitigate any impact on the environment or local infrastructure that arises directly as a result of the development. Affordable housing will also continue to be provided through planning obligations. Therefore, although the number of planning obligations will be scaled back, they will be sought in relation to the 4 main types of matter listed below:

- Affordable housing (as this falls outside of the scope of CIL)
- Infrastructure which is required as a result of specific development (and which is not included in the CIL Regulation 123 list)
- Commuted sums for the maintenance of facilities/infrastructure that the developer would like another body to adopt
- Mitigating the impacts of development (for example, relating to environmental mitigation, transport and access etc.)

3.3 Table 3.1 below sets out a summary of what may be required from a typical development scheme. This is provided as an illustration only, and there may be specific cases which vary from this for justifiable reasons. Applicants are advised to consult the Planning Department at an early stage in the process, to discuss the requirements relating to specific development proposals. The Council offers applicants a chargeable pre-application service, more details about this service are available on its website:

<http://www.trafford.gov.uk/environmentandplanning/planning/planningadviceandguidance/planningapplicationforms/>.

*Table 3.1 Potential contributions from development schemes (illustrative only)*

Type of development (indicative thresholds)	Standard CIL charge	Potential planning obligations
<b>Housing extensions less than 100 sq. m</b>	No	<ul style="list-style-type: none"> <li>• Possible mitigation of specific impacts but unlikely in most cases</li> </ul>
<b>Housing extension over 100 sq. m</b>	Yes	<ul style="list-style-type: none"> <li>• Possible mitigation of specific impacts but unlikely in most cases</li> <li>•</li> </ul>
<b>1 to 4 dwellings</b>	Yes	<ul style="list-style-type: none"> <li>• Possible mitigation of specific impacts but unlikely in most cases</li> </ul>
<b>5 to 14 dwellings</b>	Yes	<ul style="list-style-type: none"> <li>• Affordable housing</li> <li>• Mitigation of specific impacts if required</li> <li>• On-site provision of specific green infrastructure</li> </ul>
<b>15 to 100 dwellings</b>	Yes	<ul style="list-style-type: none"> <li>• Affordable housing</li> <li>• Mitigation of specific impacts if required</li> </ul>

Type of development (indicative thresholds)	Standard CIL charge	Potential planning obligations
		<ul style="list-style-type: none"> <li>On-site provision of specific green infrastructure</li> </ul>
<b>100 to 300 dwellings</b>	Yes	<ul style="list-style-type: none"> <li>Affordable housing</li> <li>Mitigation of specific impacts if required</li> <li>On-site provision of specific green infrastructure</li> <li>On-site provision of open space or contribution to off-site improvements and commuted maintenance sum</li> </ul>
<b>Over 300 dwellings</b>	Yes	<ul style="list-style-type: none"> <li>Affordable housing</li> <li>Mitigation of specific impacts if required</li> <li>On-site provision of specific green infrastructure</li> <li>On-site provision of open space or contribution to off-site improvements and commuted maintenance sum</li> <li>Other development-specific infrastructure (where need mainly created by development)</li> </ul>
<b>Non-residential development of less than 100 sq. m</b>	No	<ul style="list-style-type: none"> <li>Mitigation of specific impacts if required</li> </ul>
<b>Non-residential development over 100 sq. m</b>	Yes	<ul style="list-style-type: none"> <li>Mitigation of specific impacts if required</li> <li>Development-specific infrastructure (could include open space, transport infrastructure or other aspects)</li> </ul>
<b>Development of public/institutional facilities</b>	No	<ul style="list-style-type: none"> <li>Mitigation of specific impacts if required</li> </ul>

3.4 The Council will ensure that no ‘double counting’ takes place and that developers will not be charged twice for the same infrastructure (in line with the CIL Regulations). Table 3.2 below seeks to clarify the split between CIL and Section 106 agreements, by listing the key forms of contribution likely to be sought. It should be noted that this list of infrastructure types is not exhaustive.

Table 3.2 Infrastructure types delivered through CIL and Section 106

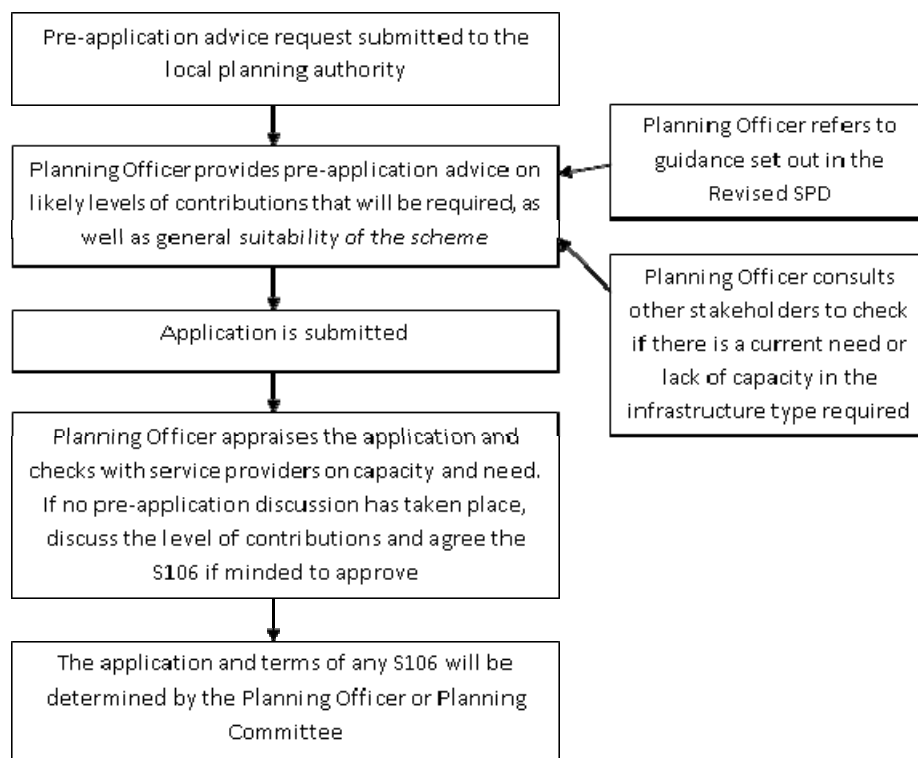
Type of Infrastructure	S106 infrastructure/mitigation	CIL funded infrastructure
<b>Affordable Housing</b>	Provision of units on-site or contributions towards off-site provision	-
<b>Transport (highways)</b>	Local site-related road/transport requirements	Other road and transport infrastructure projects
<b>Public transport</b>	Local site-related public transport requirements	Other public transport infrastructure projects
<b>Specific green infrastructure</b>	Site-related tree planting and landscaping	Strategic tree planting
<b>Spatial green infrastructure</b>	Provision of on-site or site related informal open space, land, play facilities and recreational equipment on large housing sites	Improvement of informal open space, land, play facilities and recreational equipment not on large strategic sites or related to a large strategic site  Improvements to strategic green infrastructure e.g. The Mersey Valley
<b>Sports facilities</b>	Development specific formal sports land and facilities on large housing sites	Formal sports land and facilities not on large strategic sites or related to a large strategic site
<b>Community facilities</b>	Development specific new community facilities within strategic locations	Improvement of existing community facilities not within strategic locations
<b>Education</b>	-	School and educational places/facilities
<b>Health</b>	Development specific new health facilities within strategic locations	Other healthcare provision
<b>Ecological/historical features</b>	Local site-related habitat/nature/heritage requirements	Other environmental/heritage provisions and infrastructure
<b>Flood defence</b>	Site-related flood defence infrastructure (such as SUDS)	Other flood defence infrastructure



### **Process for seeking developer obligations**

- 3.5 Developers are advised to enter into discussions with the local planning authority as early as possible in the process, e.g. prior to an application being submitted. The Planning/S106 Officer will consider the requirements for planning obligations as outlined in this document and/or CIL charges (if applicable). The Planning/S106 Officer may draw on advice from other infrastructure providers and stakeholders in relation to the need for planning obligations. When dealing with outline applications, the local planning authority will use the standard housing mix (as set out in Policy L2 of the Core Strategy) as an indicator for requirements for planning obligations. CIL charges only apply at reserved matters stage.
- 3.6 Where a CIL charge is applicable, developers will be required to follow the necessary legal steps, including the completion of a CIL Liability Notice. Further details in regard to this will be set out in a CIL Guidance Note for applicants, which will be prepared following the adoption of the CIL charging schedule.
- 3.7 In relation to planning obligations, Draft Heads of Terms for a legal agreement should be submitted alongside a planning application, setting out the type and extent of planning obligations. A 'Planning Obligations Pro forma Statement' will be prepared in due course and be available to download from the Council's website, in order to ensure the process is straightforward and timely.
- 3.8 In some limited circumstances cases, particularly where the payable contribution is relatively small, the Council may accept a direct payment in lieu of an agreement. The application should then include confirmation by the applicant that they will pay the required financial contributions prior to the granting of planning permission (i.e. within the 8 or 13 week target period for determining the application) by electronic transfer.
- 3.9 Figure 3.1 below summarises the process for seeking developer contributions required through planning obligations. However, if the developer believes that financial viability is an issue, this matter will need to be negotiated with the Council.
- 3.10 In the most part developer obligations will be delivered on site. These obligations will be imposed on sites that may require various elements of infrastructure, and will have an agreed timetable for their implementation. The timetable will have to be agreed with the local planning authority prior to work commencing on-site. If the obligations are not adhered to during the course of construction/completion of the development, it should be anticipated that enforcement action will be taken to ensure compliance.
- 3.11 The imposition of obligations on planning permissions will include provision of on-site open space, community facilities, emergency service provision, roads and accesses, and other essential infrastructure (for example, drainage), at a point in the development of the site where there would be a need for this infrastructure to be in use i.e. the trigger point. This will be in accordance with an agreed phasing programme.

*Figure 3.1 Process for consideration of planning obligations*



3.12 Also, at the agreed trigger point in the development of a site, the payment of maintenance for a new facility (e.g. open space) will be required, or if it is not being put forward for adoption by the Council, a private management scheme will need to be implemented. With regard to the adoption of highways, any separate S106 or S38 agreement (Highways Act 1980) should seek to ensure that the road network is open for use by the public at this same point in the development of the site.

3.13 The phasing and implementation of the infrastructure would normally be agreed during the course of pre-application discussions, and would therefore be a formal means of recognising a mutually acceptable timetable between the developer and the local planning authority.

3.14 The Council will use indexing in the planning agreement to take account of potential increase in costs of infrastructure over the lifetime of the planning permission. The RICS Building Cost Information Service (BCIS) all in tender Index will be used for this purpose.

**Monitoring, management and review**

3.15 The Council will monitor planning obligations to ensure that they are complied with. Legal action will normally be taken where planning obligations are not complied with. Payment of financial contributions will be required in line with the triggers in the agreements. Late payment of more than 3 weeks will trigger a reminder letter and the Council will consider pursue appropriate legal action to recover the unpaid amounts, including interest.

- 3.16 The Council will publish information on an annual basis on the scope of planning obligations and CIL monies received and how they have been spent. This will be available to view on the Council's website.
- 3.17 Legal agreements will specify timeframes for spending monies secured through planning obligations. If money has not been spent by the end of the relevant contribution period, the Council will make provision to refund it, on request. It is unreasonable for the Council to hold money in perpetuity, but for some projects a longer timeframe may be appropriate as the growth proposed in the Core Strategy covers the period to 2026. Delivery of infrastructure can take time and may also be delayed due to availability of funding from other sources. There is no timescale for the spending of CIL receipts.
- 3.18 Some developers may attempt to avoid a planning obligation by reducing the scale of their development to avoid a provision threshold. If it is considered that a proposed development is not maximising the use of a site, 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, the Council will for the purposes of a planning obligation, require that all the smaller applications be treated as part of the whole development proposal, subject to an appropriate timescale being established for bringing forward subsequent phases of development.
- 3.19 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.
- 3.20 A reasonable management fee of up to 5% of the contributions received will be used by the Council towards the collection, allocation, spending and monitoring of planning obligations. Legal costs for securing planning obligations will continue to be sought in addition to the inclusive management fee. These costs will be payable on completion of the agreement or if the agreement is not completed, within 28 days from the date of invoice. The long term maintenance of items of infrastructure must be secured through adoption agreements with an adequate commuted sum for maintenance in perpetuity with the relevant organisation, for example the Council for an open space.

#### **Development viability**

- 3.21 CIL is payable on all chargeable developments as outlined in the CIL draft charging schedule. In exceptional circumstances, the Council proposes to offer relief from charges, as set out in the Draft Charging Schedule. However, this will only be relevant in exceptional circumstances. Further guidance on the process for this relief will be set out in a CIL Guidance Note for applicants, to be prepared in due course.
- 3.22 Planning obligations are negotiated between the Council and developers, on a case by case basis. Where developers believe that viability is an issue,

applicants will need to make a submission to the Council, which should include the following:

- A financial viability appraisal setting out how they are not able to meet the full policy requirements (including the amount and tenure of affordable housing) deemed necessary to be secured through the Section 106 agreement and any payable CIL charges. This should utilise the Homes and Community Agency's Development Appraisal Tool, which is available to access via their website<sup>1</sup> and should include: a quantity surveyors cost assessment; market evidence of sales rate and site value; development and sales programme (where relevant); details of any exceptional development costs; and likely CIL charge showing payments required in accordance with the instalments policy.
- A statement outlining the benefits of not meeting the policy requirements and the site being delivered immediately.

3.23 The applicant should let the Council know at the earliest opportunity if they plan to raise the issue of viability, so that the process to deal with this can be established. This should be at pre-application stage, as it will be expected that the developer/applicant has already incorporated the impact of the contribution within their development costs. Early engagement provides the developer/applicant with the opportunity to present their case and provides adequate time to scope out the relevant viability issues, plan the programme of works, agree on an analytical approach/model, and table the delivery mechanisms that will be used (in the event that this is necessary). If the obligation or CIL contributions are to be challenged on viability grounds then the viability information must be received prior to validation of the planning application. An application will not be validated without the viability information as set out in the draft validation checklist. Viability information will not be accepted during the course of considering a planning application.

3.24 The issue of viability will normally be dealt with at application stage. However, applicants can request that the Council review the financial viability of a development following planning permission being granted. An example of which is where developments are expected to be phased over a number of years and circumstances may have changed since planning permission was granted.

3.25 The Council will seek independent advice to review the financial appraisal that has been submitted (the cost of which will be met by the applicant). The Council will consider potential benefits of a scheme by weighing these against the resulting harm from the potential under provision or delayed provision of infrastructure (including affordable housing).

3.26 Based on independent financial viability findings and other evidence, planning obligations may be deferred/phased or discounted, where this would not make the development unacceptable in planning terms. These are set out in more detail below.

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<sup>1</sup> [www.homesandcommunities.co.uk/ourwork/development-appraisal-tool](http://www.homesandcommunities.co.uk/ourwork/development-appraisal-tool)

#### Deferred timing/phasing of planning obligations

- 3.27 This option should be considered before reducing the quantum of contributions. The following may be considered to be justifiable, depending on the viability evidence:
- The provision of site-related infrastructure (including affordable housing) in phases with some on commencement and some at a specified trigger point
  - Deferral of financial payments due under a planning obligation to a later stage of development

#### Reduced quantum of planning obligations contributions

- 3.28 Reductions in contributions will be the minimum necessary to make the scheme financially viable. The Council will need to make a judgement as to whether a development would still be acceptable in planning terms with a reduced level of contributions where other funding sources cannot be found.
- 3.29 Where discounted contributions are agreed, these should be distributed between the identified requirements, depending on individual factors affecting the site and availability of mainstream funding and the Council's priorities.
- 3.30 In the case of applications for 100% affordable housing developed by or on behalf of Registered Providers (RPs), the Council will grant relief from developer contributions (sought through S106 agreements) as part of the planning application process. However, the Council 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.

## **4. PLANNING OBLIGATION GUIDANCE**

### **Overview**

- 4.1 This section looks in more detail at the main types of planning obligations that the Council is likely to seek from developers, and the basis for the charges. There may be other types of infrastructure sought through planning obligations (set out at the end of this section), to be determined on a case by case basis. There may also be cases where the full range of basic contributions may not necessarily be sought, for example, where there is capacity in infrastructure provision to cater for needs arising from new development schemes.
- 4.2 Each type of contribution is set out below (for example, affordable housing, transport improvements, specific green infrastructure, spatial green infrastructure and sports facilities), including information on the infrastructure requirements and the method for calculating financial and other contributions.

### **Affordable housing**

- 4.3 Affordable housing remains outside of the scope of CIL and will continue to be required as a planning obligation. Therefore, for the most part the affordable housing section remains unchanged from the previous SPD (along with the supporting Technical Note 1). It may be more appropriate to have this as a separate SPD and views on this are welcome as part of this consultation.



Context

- 4.4 There is an identified need for more affordable housing within Trafford as set out in the most recent Strategic Housing Market Assessment (SHMA) December 2008 and the SHMA Update Report May 2010. Data collected in these reports highlights that Trafford consistently exhibits the largest affordability ratio of income to house price, suggesting the greatest affordability problem in Greater Manchester.
- 4.5 The Council will seek to secure appropriate levels of affordable housing in accordance with Policy L2 of the Trafford Core Strategy (adopted January 2012). 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.
- 4.6 Affordable housing is defined in NPPF as '*social rented, affordable rented and intermediate housing provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision*'. Affordable housing will be required to remain affordable in perpetuity, except where subject to statutory rights such as Right to Acquire<sup>2</sup> and Right to Enfranchise<sup>3</sup>.

The requirement

- 4.7 Evidence gathered in the Trafford Economic Viability Study (TEVS) May 2009 and Update 2011 confirmed that Trafford does not perform as a single uniform property market. Instead it has a number of sub markets, each distinct from the other in terms of performance and offer.
- 4.8 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. Trafford was divided into 'hot', 'moderate' and 'cold' markets to reflect these spatial market performance distinctions as follows:

<b>Hot Market Locations</b>	<b>Moderate Market Locations</b>	<b>Cold Market Locations</b>
Altrincham Rural Countryside	Sale Stretford Urmston	Carrington Old Trafford Partington

- 4.9 In line with advice from PINS, Policy L2 of the Trafford Core Strategy assumes normal market conditions, as defined within the TEVS. 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.

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<sup>2</sup> Right to acquire allows most housing association tenants to acquire their homes at a discount  
<sup>3</sup> Right to enfranchise allows tenants to buy 100% of the shared ownership lease

- 4.10 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.
- 4.11 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.
- 4.12 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.
- 4.13 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%.
- 4.14 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?

- 4.15 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.
- 4.16 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).

- 4.17 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.
- 4.18 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?

- 4.19 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).
- 4.20 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.
- 4.21 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.

- 4.22 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?

- 4.23 The 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.

- 4.24 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 the Trafford Core Strategy Policy L2 and will not be altered to reflect changing market conditions.

- 4.25 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.

- 4.26 The artificial sub-division of a site will not be permitted to circumvent this policy.

What design principles will be applied?

- 4.27 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 the Trafford Core Strategy Policies L5 – Climate Change and L7 – Design.

- 4.28 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.

- 4.29 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.

- 4.30 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.

4.31 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.

4.32 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.

4.33 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.

4.34 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?

4.35 Policy L2 of the Trafford Core Strategy 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.



- 4.36 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.
- 4.37 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

- 4.38 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?

- 4.39 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.
- 4.40 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?

- 4.41 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 Trafford Core Strategy requires developers to demonstrate that units will be “affordable” to subsequent occupiers.

- 4.42 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.
- 4.43 Nomination rights will be in line with prevailing nominations with Registered Providers (RPs) or other relevant providers.

Who will provide the Affordable Housing?

- 4.44 The Council has a strong preference for the involvement of a RPs 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.
- 4.45 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.
- 4.46 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 expects 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.
- 4.47 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.

4.48 Where affordable rented properties are concerned, rental charges should not exceed the equivalent costs of intermediate home ownership for similar units.

4.49 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.

4.50 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.

4.51 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.

4.52 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.

4.53 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.

4.54 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.

4.55 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.

4.56 The Council will review its joint commissioning arrangements at regular intervals.

4.57 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.

4.58 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.

4.59 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

4.60 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).

4.61 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 RP 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 HCA or its successor.

4.62 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.

4.63 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 =  $16 + 32 = 48$ .

4.64 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.

#### Off-site provision

4.65 The options for delivery for off-site provision are the same as those given for on-site provision above.



- 4.66 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.
- 4.67 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.
- 4.68 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.
- 4.69 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.
- 4.70 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:
- 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<sup>4</sup> = £3,600,000*

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<sup>4</sup> 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.

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

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

*Total Commuted sum = £1,260,000*

- 4.71 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.
- 4.72 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
- 4.73 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
- 4.74 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 Trafford Core Strategy Policy L2.

## **Transport improvements**

### Context

- 4.75 New growth will put further pressure on the roads and transport networks and create demand for strategic and local transport infrastructure and service improvements in the Borough. There is a need for this to be addressed through site specific planning obligations for transport infrastructure and service improvements in relation to walking and cycling networks, public transport services and roads/highways. It also includes measures to reduce

travel demand, for example through travel planning and demand management.

#### The requirement

- 4.76 New developments generate additional demand for travel by a range of modes, and will be required to provide the necessary transport infrastructure to mitigate the impact of the development. Any alterations to the transport network within or in the vicinity of new development which are required should form part of the design of developments. Planning applications will generally be refused where applicants are unable or unwilling to provide the necessary improvements.
- 4.77 New development can also have wider impacts and may increase demands on the transport network that at certain times already operates above capacity. Planning obligations may be needed to address localised impacts, for example relating to road safety, congestion or the need to encourage walking, cycling and public transport use. This will be particularly relevant to larger developments and those which are expected to generate more intensive traffic movements and parking demand (therefore many smaller developments are unlikely to require planning obligations of this nature). Examples of planning obligations secured may include junction improvements, a new bus service or improved pedestrian and cycle connectivity. Agreement with Trafford as the Local Highway Authority on the timing of such infrastructure should also be secured as part of the S106 or S278 agreement.
- 4.78 Wider, less direct, impacts arising from development will be addressed through the use of CIL funds. Transport related improvements to address less direct impacts will be named on the Regulation 123 list.

#### Preparation of Travel Plans

- 4.79 Policy L4 of the Trafford Local Plan: Core Strategy also requires proposals to be submitted with a Travel Plan where developments are likely to have significant transport implications. A Travel Plan is a way of managing and monitoring how users of a particular site or area travel to that location, with a particular emphasis on encouraging the use of sustainable modes, particularly walking, cycling and public transport. Applicants should seek advice from the Council to determine whether a Travel Plan needs to be submitted with a planning application.
- 4.80 The expectation is that Trafford as the Local Highway Authority will undertake the monitoring of approved travel plans within the Borough. Planning obligations will be sought, where appropriate, to fund the monitoring of Travel Plans by the Local Highway Authority.

### **Specific green infrastructure**

#### Context

- 4.81 Green infrastructure (GI) sets the context for how various green and blue spaces across Trafford combine to provide a multifunctional network delivering benefits for people, the economy and the environment.

4.82 The Trafford Forest Plan has been prepared to guide the implementation of Green Infrastructure in the Borough. It maps the key green infrastructure resources and tree cover and identifies with assessments where green infrastructure can make the greatest contribution to improving health, biodiversity, quality of place and climate change needs in the Borough.

The requirement

4.83 Specific green infrastructure 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.

4.84 Provision will usually be required by all development and will be in the form of on-site enhancements such as tree planting, to the guide standards set out below, or in line with the opportunities identified on The Trafford GI Plan. The GI scheme will vary on a site by site basis and will directly mitigate the impact of the development. In exceptional circumstances where it is not possible to implement a GI scheme on site, a S106 contribution would be sought to implement a scheme close to the development to make the development acceptable in planning terms. More strategic opportunities for new GI and semi natural greenspace may be identified later in the Land Allocations Plan but will be funded by CIL.

4.85 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. Measures such as green roofs or other habitats may be more relevant in particular areas and reference should be made to Biodiversity Action Plans to guide decisions.

4.86 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 could fulfil part or all of the requirements under specific and spatial GI.

4.87 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.

4.88 Where a specific GI scheme is not proposed or identified the amount of planting likely to be sought for typical developments to provide for site specific GI needs is set out below:

*Table 4.1 Guide to suitable levels of Tree Planting to meet specific GI Provision*

<b>Development Type</b>	<b>Use Class</b>	<b>Number of trees Required</b>
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

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

4.90 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 but could be part of a landscaping scheme. The willingness of applicants to plant trees will not however be a factor that would lead in itself to permission being granted. Trees would be planted on site and required only to mitigate site specific requirements of the development.

### **Spatial green infrastructure**

#### Context

4.91 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. National and local planning policy 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 are valued by communities.

4.92 The Council’s Green and Open Spaces: An Assessment of Need June 2005 (updated June 2009) identified that the available open space provision across the Borough was sufficient, but when compared by Ward, many were found to be deficient in open space. The assessment also identified that many of the open spaces were poor in quality and not fit for purpose.

4.93 The Trafford Greenspace Strategy 2010 provides a framework for the improvement of Council owned and managed greenspace assets. The approach has established 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 areas have been mapped, local standards set and gaps in quantitative and qualitative provision identified.

#### The requirement

4.94 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.

4.95 Spatial green infrastructure is the open and natural green space functions of GI associated with the needs of residents of the development. Cumulative impacts arising from smaller development will be addressed through the use of CIL funds. Improvements required to local open space, semi natural green space, children's play equipment and outdoor sports facilities to address these less direct impacts will be named on the Regulation 123 list.

4.96 For large scale residential developments specific site requirements integral to the design of the development are set out in more detail below. Large scale developments are seen to be in the region of 100 units. However, in determining the specific needs of an application to provide onsite provision the impact on sufficiency and accessibility of existing provision in the area will be taken into account, together with the standards set out in Policy R5 of the Core Strategy.

#### *Local Open Space (LOS)*

4.97 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.

#### *Semi Natural Green Space*

4.98 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.

4.99 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.

4.100 Only very large developments (in the region of 300 units and above) that impact on the existing strategic green infrastructure network would be required to provide site specific mitigation measures.

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

4.101 Although a feature of many parks and open spaces, this relates to the network of equipped areas for play and landscaped areas currently in Trafford, measured against the Fields in Trust "6 Acre Standard" (<http://www.fieldsintrust.org/>). For clarity, provision will be made for children's equipped play on large developments only. 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, for example for 1 bedroom dwellings.

4.102As 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 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.

4.103Similarly, 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. The specific requirements of play facility to meet the needs of different numbers of residents for a, LEAP and NEAP play facility are available on the Fields in Trust (FIT) website: <http://www.fieldsintrust.org/>.

4.104For developments of approximately 100 units that provide homes for 300 people or more, provision for local open space and/or play space will usually be onsite.

4.105In exceptional circumstances, it may be more appropriate to pay a commuted sum towards the provision of open space. For example, where development is phased so the provision can be delivered as part of a later phase, or where appropriate to provide the required provision on land outside of the boundary for planning permission, but close to the development. A calculation will be made to assess the financial contribution as set out below:

Type	Quantity Cost	Unit
Local open space	£161.59*	Per person
Provision for children/young people	£378.95*	Per person

\*Includes estimated maintenance costs at 30%

#### How/Where Contributions will be spent

4.106Contributions will normally be payable on commencement of development. Sums will be paid into a capital account and used for the provision of facilities to meet the needs of residents in the new development.

#### Maintenance

4.107Where provision is made for a new facility, for example new open space, provision for the maintenance of the site in perpetuity 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.

## Sports facilities

### Context

- 4.108 Sports facilities are essential to the health and well-being of local communities. This contribution considers the need for the provision of outdoor and indoor sports facilities, including pitches for football, cricket and rugby, tennis and netball courts, bowling greens and multi-use game areas, indoor sports halls, health facilities and swimming pools.
- 4.109 The Trafford Outdoor Sports Facilities Study March 2009 identified that the majority of areas within the Borough had good access to facilities, except for tennis. Community provision for tennis was found to be of poor quality and in some areas such as Old Trafford lacking in provision, although on the whole provision was generally more limited in the south of the Borough. Football pitches and changing facilities were also highlighted for quality issues requiring improvements in terms of standard. The study also identified that there was an increase in demand for pitches by girls team, which could be addressed through greater use of school sites.
- 4.110 The Trafford Leisure Management Key Issues Report March 2009 identified slight deficiencies in the pay and play provision of swimming pools and health and fitness facilities. Areas in the north and west of the Borough were found to have poor access to public swimming facilities and that the public swimming pools at Stretford, Sale and Altrincham Leisure Centres are in need of refurbishment. Improvements to swimming pools and health and fitness facilities will be made through CIL.

### The requirement

#### *Outdoor Sports Facilities*

- 4.111 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.
- 4.112 Very large developments in the region of over 300 units will need to provide on-site facilities, in line with the deficiencies and needs identified as part of the Outdoor Sports Assessment of Need Study and/or in line with the deficiencies and needs identified as part of any future needs assessments.
- 4.113 In exceptional circumstances, it may be more appropriate to pay a commuted sum towards the provision of outdoor sports facilities. For example, where development is phased so the provision can be delivered as part of a later phase, or where appropriate to provide the required provision on land outside of the boundary for planning permission, but close to the development. A calculation will be made to assess the financial contribution as set out below:

Type	Quantity Cost	Unit
Outdoor sports	£520*	Per person

\*Includes estimated maintenance costs at 30%

How/Where Contributions will be spent

- 4.114 Contributions will normally be payable on commencement of development. Sums will be paid into a capital account and used for the provision of facilities to meet the needs of residents in the new development.

Maintenance

- 4.115 Where provision is made for a new facility, for example new open space, 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.

**Flood Defence Infrastructure**

- 4.116 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.
- 4.117 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.
- 4.118 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 and will be required if assessed to be needed for site specific measures. However the use of 'hard' flood defences, such as embankments, walls, weirs, sluices and pumping stations, may also be required but these will be part of CIL. 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.
- 4.119 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 will be caused by the development elsewhere and why it is not feasible.
- 4.120 In addition, the Council will encourage partnership working between developers, local communities and the Environment Agency on wider flood management initiatives within the Borough.

### **Other planning obligations**

4.121 Trafford Council may also seek planning obligations for the following types of infrastructure and benefits. This list is not exhaustive but provides a number of potential areas:

- Biodiversity/natural habitats – works to protect or reinstate habitat features, enhance existing features, create new features or to undertake habitat creation.
- Historic environment – maintenance of heritage asset(s) which are located within or close to the site, investigation and the preservation or archaeological remains and public interpretation/display of heritage assets and archaeological sites.
- Burial land – provision of additional burial land or a cemetery may be required for large scale housing developments where there is an identified need for additional burial space within the locality. Planning obligations will be used to ensure that an area of land is made available on a suitable site.
- Allotments – provision of additional allotment grounds or upkeep of allotments located within or close to the site, may be required for large scale housing developments where there is an identified need within the locality. 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.
- Community/youth facilities – for large scale developments that will result in increased pressure on existing, or create a demand for new community facilities, additional provision will be sought through planning obligations taking into account evidence including neighbourhood and locality data.
- Public art – 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.
- Sustainable Energy Systems – for large scale developments where local opportunities exist to connect to decentralised energy generation.
- Skills development – for large scale developments the Council will seek to ensure that employment and training/skills development opportunities (including apprenticeships) are provided to local people which will be secured through planning obligations. Planning conditions will also be used to require the preparation of workplace skills strategies for new businesses.
- Delivery of jobs on mixed use sites – to secure the delivery of jobs or employment areas within mixed use schemes, at the same time as the residential parts of a site come forward.