

Salford City Council

Core Strategy

PINS FRONTLOADING VISIT: 24/02/10

Attendance:

R Punshon – Planning Inspectorate
G Gentry – Spatial Planning SCC
C Thorn – “
D Percival – “
C Hill - Observing
D Arstall – GONW
C Bamber – GONW

Purpose of visit:

The purpose of Frontloading visits is to consider what has been done so far in preparation of the Development Plan Document (DPD) and to identify those issues and questions which, at this stage, appear potentially problematic in terms of soundness.

No attempt has been made by PINS to reach any conclusions on the material submitted, to confirm the adequacy of the work done so far or to endorse any part of the DPD as sound. In any event, this would not have been possible in the time available. This note should not therefore be taken as pre-judging the likely outcome of the Examination of the DPD.

Any guidance provided by this Note will be specific to the Salford. It should not be assumed that it is necessarily applicable to other authorities in other circumstances.

The Note:

Current practise is that the Note will become a Public Document and will appear on the Core Document list. The Examining Inspector will be provided with a copy. It is stressed that the Note is advisory only and does not constitute a formal part of the Examination process. The Council should make the status of the Note clear to those persons to whom copies are provided.

Examination:

The Examining Inspector may seek an Exploratory Meeting or a Procedural Meeting with the Council, the relevant Government Office and other parties ahead of the Pre-Hearing Meeting and Hearing Sessions. The Inspector advised that the Council should take this as an early opportunity to identify areas where the Examining Inspector may require additional information or an explanation of various matters which he/she feels will need to be addressed. The Council is advised to make full use of the potential of such Meetings.

It is very rare that formal Inquiry sessions are employed in DPD examinations. Hearings sessions are the norm with the Examining Inspector taking a lead in exploring the issues. The more traditional process of cross-examination is only employed in exceptional circumstances, for instance where very technical evidence can only be

properly explored through cross-examination. While barristers can attend Hearing sessions and can provide useful input, their traditional role of cross-examining witnesses is not normally appropriate.

The Examining Inspector would be expecting to see the Main Issues, Objectives and Vision set out in the CS. Engagement with this process would, in the Inspector's view, clarify the Council's strategy and would allow the efficacy of individual DPD provisions to be more readily tested.

General Points

The Inspector had been provided with a copy of the Draft Core Strategy. The Council explained that this document had been consulted on and that exercise would inform preparation of a Publication version which would be reported to Committee in July 2010.

Consultation Responses

Certain provisions in the Draft CS had led to a large number of adverse representations. Clearly the Council needs to take these into account and, so far as is possible, it should seek to resolve the issues raised: public support for, and 'ownership' of, the CS is more likely to lead to deliverability. However, such adverse responses do not, in themselves, indicate that the strategy is not the best alternative available to the Council or that the DPD would necessarily be found to be unsound. Provided that the Council's evidence base clearly indicates that no better, deliverable alternative is available, the weight of opposition would not, in itself, lead to a finding of unsoundness.

Amending the Draft CS

In the Inspector's view consultation on a Draft CS had been a useful exercise in that it had drawn out representations on subject areas which may otherwise have only come to light after Publication when it would be more difficult to introduce changes to the DPD. Consultation at the Draft CS stage is not part of the statutory process: some Councils are proceeding directly from the Issues and Options stage to Publication. Introducing changes which have been subject to previous consultation and Sustainability Appraisal (SA) between the Draft and Publication versions should not therefore cause any difficulties in principle. However, the Council should be able to provide a clear 'audit trail' which demonstrates objectivity and a logical progression in its decision making processes. The overall aim is to produce a CS which embodies the best alternative strategy for the district. Having reached the Draft CS stage, it could reasonably be expected that the Council's view of what was the best alternative as derived from earlier parts of the process would be reasonably fixed. Major changes to the essential strategy between the Draft and the Publication version could, therefore, be taken to indicate that earlier stages of decision-making had been flawed. The Council should be able to provide sound reasons for making the changes to the Draft CS and should be able to justify any major changes with robust evidence. Otherwise the credibility of the decision-making process could be drawn into question.

The Council needs to avoid the accusation that the provisions contained in the Publication version of the CS do not represent the best alternative but

that it has merely responded to the weight of objections to the provisions set out in the Draft CS.

Where more minor changes are made to the Draft CS before Publication stage, this should not normally cause any major difficulty. Where policies are being made more detailed in the light of consultation responses or additional information this should be acceptable.

Updated information deriving from the Greater Manchester Decentralised Energy Study could lead to a revision of Draft Policy EG1. As it stands the Inspector was of the view that this policy did not appear to follow the advice in the Climate Change Supplement in that it did not make clear how the Council had taken into account opportunities for the use of 'clean' energy in locating development. He pointed out that any provisions which went beyond national timetables and programmes needed to be subject to viability assessment. Requirements that developments should use 'clean' energy should not refer to 'on-site' generation as the best option may involve generation off-site. As the Code for Sustainable Homes requirements were being made mandatory through the Building Regulations the Inspector queried whether such a policy requirement was necessary in the CS. The Inspector advised that up-dated national guidance was currently awaited.

The Council is awaiting the completion of a Retail Needs Study. It will be important to ensure that the results of this study inform proposals which determine the size and capacity of the town centres. Without this knowledge the Council will not have been able to fully consult on the retail provisions of the CS. The Council should consider whether there is a need to undertake a limited pre-Publication consultation and SA on the subject of retail provision based on its assessment of whether or not the results of the Retail Needs Study require any major changes to be made to the basic strategy which could come as a surprise to consultees. If the essential thrust of the strategy is substantially unaltered the need for pre-Publication consultation will be much reduced. Representors will be given the opportunity to make responses on the up-dated retail provisions as part of the Publication DPD consultation exercise in any event. However, the Council will need to consider whether SA is likely to be required.

Extension of the town centre may have been consulted on earlier in the process. If not, again representors will have the opportunity to make comments at Publication stage. However, the Council should consider whether SA is necessary.

The way in which the DPD provisions are presented in the DPD can be changed without any great difficulty arising. The use of diagrams is acceptable.

Regarding changes which could be made by the Examining Inspector, the Submission version of the CS should be sound. It is not the Examining Inspector's role to make an unsound DPD sound or to make an already sound DPD more sound. In circumstances where a DPD provision has been consulted on through the DPD preparation process and has been the subject of SA but has not been included in the Submission version of the CS it is possible that the Examining Inspector could direct that that provision should be included in the Adopted DPD. However, that power is likely to be used sparingly and within strict limits. There are no definitive guidelines on these matters and the Examining Inspector's decisions

would be made in the light of the particular circumstances applying to any given case. However, by way of example, where the Council's strategy involved urban extensions to deliver housing targets, in the Inspector's view an Examining Inspector may consider that an additional or alternative urban extension site may represent the best alternative. If such a site had previously been consulted on and had been subject to SA then he/she could direct that it be allocated. However, the Inspector considered that, where the Council's strategy involved only the allocation of sites within the urban area and an alternative involved the allocation of sites in the countryside, it would be unlikely that the Examining Inspector would direct such a change even if it had been consulted on and had been subject to SA as it would represent a move away from the essential strategy embodied in the DPD. In those circumstances the Examining Inspector would be more likely to find the DPD unsound rather than make such a change. In the Inspector's view the same would apply where, for instance, the Council's strategy was based on mainly urban sites with a necessary single site in the countryside but the alternative would involve multiple sites in the countryside. Again such a change would involve a substantial move away from the essential strategy.

Where the Inspector does direct changes to the CS, re-consultation and additional SA work may be necessary. To avoid legal challenge it is best that this should be carried out along lines similar to those involved in the main consultation exercises. This can sometimes lead to the need for additional Hearing sessions to hear any representors who have objections to the proposed change.

Regional Spatial Strategy (RSS) Process

The Inspector advised that it was not uncommon for CSs to be examined ahead of an emerging RSS. However, it would be unlikely in normal circumstances that the Examining Inspector would delay the examination of the CS to see the outcome of the RSS process.

In these circumstances the CS should contain contingencies which will allow the emerging RSS to be taken into account. This may involve an early review of the CS if the new RSS provisions are substantially different from those assumptions on which the CS was based. With regard to housing requirements, increased requirements could involve bringing forward identified sites in the programme of site delivery to make up a 5 year supply with a review to identify additional sites which could be allocated to make up the shortfall in the 5-10 and 10-15 year periods. In that way any necessary review should build on work that is already done.

National and Regional Policy

GONW provided a note from 4NW regarding the issue of housing requirements in the post 2021 period. The Council explained that extrapolating housing requirements as recommended by the RSS beyond about 2023 gave it particular problems in identifying sufficient sites. The Inspector's view was that the Council should try to comply with the RSS requirement. Even if it led to an 'over-allocation' of sites, it would be easier to remedy this by reducing allocations than it would be to find additional sites at a later date.

Various solutions were discussed. The Inspector suggested a statement which identified the problem and provided a very general direction to an

area of search for sites in the last part of the plan period without identifying specific sites. This could involve a 'warning' that greenfield sites may be required. The Inspector accepted that this could lead to some uncertainty amongst the general public and that very careful wording would be required. GONW suggested some reliance on 'windfalls' in the latter part of the plan period as suggested by PPS3 and PAS (FAQ) advice. The Inspector considered that the approach suggested by GONW could be sound but that, to support it, the Council would need clear evidence to demonstrate that capacity for 'windfalls' existed (N.B. many potential 'windfall' sites would have already been identified and allocated through the SHLAA process) and that there should be a policy encouraging 'windfall' developments in suitable areas.

If the Council decided not to extrapolate the housing requirements as suggested by RSS Policy L4 it would need robust evidence to support its position. It is a legal test of soundness that the CS should be in general conformity with the RSS. A significant shortfall of provision against these targets may prevent this test from being passed.

The Council indicated that it was seeking to reduce residential vacancy rates. The Council provided the Inspector with a letter from Richard McCarthy (DCLG). As the letter makes clear efforts to reduce vacancies should not count towards 'net additional dwellings' although efforts in that direction are worthwhile in themselves. In the light of this advice from DCLG, the Inspector was of the view that the Council should fall in-line with other Councils in Greater Manchester and should exclude contributions to housing figures which would arise from reducing vacancies.

In the Inspector's view the 'Regional Centre of Manchester City Region' (RCMCR) as identified in the RSS was more of an economic development designation and did not absolve the Council from a requirement to locate 'town centre' uses sequentially in line with PPS4. The Inspector did not see any inconsistency in this approach.

In the case of Salford, the Council was, effectively, creating a new 'town centre'. In these circumstances the Inspector was of the view that the 'town centre' boundary need not follow the definition set out in PPS4 but should enclose the area which WILL be the 'town centre'. It will be important to ensure that that defined area is large enough to contain the proposed quanta of floorspaces.

'Town centre' uses including offices should be located sequentially. If they are not then the Council would need to provide robust evidence to justify a departure from national policy. There may be instances (such as MediaCity) where such a case based on the special circumstances of the proposal and its accessibility can be made. However, proposals to allow some office development on existing industrial estates may be more difficult to justify. The Inspector suggested that Draft Policy TC1 should be re-examined as it could be employed to permit large office developments in local centres which would be contrary to the 'accessibility' thrust of sequential testing. He also suggested that Draft Policy TC4 should be re-examined as it could, as currently worded, be employed to allow out-of-centre office developments contrary to national policy.

The Inspector saw no major difficulty between the RSS requirement to identify sites and the identification of broad areas of search in the CS. The

CS should make clear that specific sites will be identified in these broad locations but that the identification of those sites will be made in the Site Allocations DPD. The Inspector accepted that this approach could be confusing to local residents but the CS should make absolutely clear that detailed sites would be chosen at a later date and that a full opportunity would be given for public participation in the process.

With regard to Waste and Minerals the Inspector suggested that the Greater Manchester authorities should agree a general policy which would be included in the CS and that the text to the policy should state that detailed provisions will come forward through the joint Greater Manchester DPDs which are to be prepared. The Council should ensure that nothing is included in the general CS policy which will inhibit the ability of the Waste DPD and Minerals DPD to develop a proper strategy.

If the use of the term 'district centres' would be confusing to local residents, the Inspector considered that the use of 'town centres' would be acceptable provided that the text of the CS made clear where these 'town centres' fell in the retail hierarchy.

Evidence Base

The Council explained the background to the employment land requirement figures – that these were based largely on past take-up rates and a Greater Manchester-wide figure derived from the RSS although this had never been broken down to a requirement for each individual Council. Against this somewhat imprecise requirement background, the Inspector was of the view that a cogent argument could be mounted which gave more weight to protection of the Green Belt than the meeting of employment land 'targets'. The ultimate decision would need to be based on clear evidence which showed that a Green Belt release was the 'best alternative'. The Inspector was of the view that Green Belt releases would be especially difficult to justify in circumstances where the Council was releasing 130 ha of existing employment land to other uses. However, the Council stated that it had clear evidence to show that this land was no longer suitable for employment purposes.

The Evidence Base should be objective. If representors disagree with any modelling evidence put forward by the Council then they will need objective evidence of their own to show that the Council's evidence is flawed. Where representors dispute the findings of the Council's studies, it would be prudent for the Council to revisit its model to ensure that the assumptions on which it is based are well-founded. GONW advised that the Council's consultants should attend any relevant Hearing sessions to defend the detailed methodologies employed. The Inspector agreed that this would be prudent.

The Inspector considered that the Council's approach to assessing the viability of affordable housing requirements appeared to be generally acceptable. The approach allowed the Council to give an indication of what the requirement is likely to be. The text should make clear that the final requirement should be arrived at by negotiation which should, amongst other things, take into account the actual viability of the requirement in the particular circumstances surrounding each site.

The Inspector also considered that the Council's approach to transport modelling appeared to be generally acceptable. The Council should liaise with the Highways Agency to ensure that it is in agreement with the way in which the matter will be dealt with in the CS.

With regard to the Policy T8 proposals, the Inspector was concerned that there was no indication that the Civil Aviation Authority (CAA) would support the proposal. Without the CAA's support, the proposal could be wholly undeliverable. The Inspector did not consider that such a proposal should be included in the CS unless there was a clear potential for it to be delivered. In his view leaving the CAA's support as a necessary condition to be satisfied was unacceptable. Similarly the Inspector did not consider that the condition regarding inappropriate development in the Green Belt was appropriate. The Council should have concluded on this point before drafting the policy. It should not be left as a hurdle to be passed at a later date.

With regard to Policy GB3 (Chat Moss), the Inspector could see no evidence to support the Council's position that no further extraction of peat reserves would be sanctioned. In his view this decision would be better made in the Minerals DPD when issues such as alternatives, alternatives sources and demand could be properly considered. This work does not appear to have been done yet and the Council should not seek to prevent further extractions in circumstances where it does not have the evidence to support its decision.

However, the Inspector considered that a policy which seeks to conserve and enhance nature conservation assets and to improve public access to Chat Moss would be acceptable.

In the Inspector's view there is a danger that Council's can become embroiled in a constant effort to produce an up-to-date evidence base. In circumstances where part of the evidence base was produced some time ago, the Council should take a pragmatic view on whether it recognises that anything has significantly changed in the meantime. Where there is evidence of some change and/or consultees are arguing that the evidence base is unreliable, the Council may want to address the issue by a very limited review of the evidence. In most circumstances it would not be necessary to completely re-examine the subject. Instead the Council should seek to up-date existing evidences bases where possible.

The Inspector was of the view that it was difficult in the Draft CS to establish from which part of the Evidence Base certain statements were drawn. He suggested that a more comprehensive referencing system would enable users to navigate through the CS more easily.

Other Issues

The Inspector's view was that the use of diagrams could be very useful in explaining the provisions of the DPD. Where criteria based policies apply to specific areas the plans should be sufficiently detailed to show where the boundaries of the affected area are. Developers need to know which tests they must pass to gain permission. The application of policies should not therefore be blurred by imprecise boundaries.

Changes to formal designations e.g. Green Belt, Town Centre, etc should be shown as an amendment on the Proposals Map. The Examining Inspector will not be able to direct changes to the Proposals Map and they should be put forward to the Examining Inspector during or before the Hearings for his/her endorsement. Where the precise extent of the change will not be known until the Site Allocations DPD stage, the change should be promoted as part of that Examination. The text of the CS should make clear that this will be the process adopted.

A number of Council's have employed a 'catch-all' policy in the CS to provide a 'hook' on which to bring forward other DPDs and SPDs.

The Council is not intending to bring forward a Development Management Policies DPD. In these circumstances, the Inspector considered that, unless there would be another DPD within which it would more comfortably sit, the Council's Draft Policy GB2 was acceptable in the CS. DPD policies should not merely repeat national guidance. However, the policy does more than that and is therefore acceptable.

The Council should bear in mind that the procedures involved in the preparation of DPDs and SPDs gives them greater credibility. Masterplans and other similar documents have their place but carry limited weight. GONW suggested that, where these are an essential part of the Council's overall planning, their elevation to SPD status should be considered. While PPS4 refers to the use of town centre strategies, it refers to these as part of a group of available 'tools'. The Inspector considered that it would be a mis-reading of PPS4 to suggest that they had any additional status or that they should be relied upon in the planning process.

Implementation Strategy

In the Inspector's view the CS should contain a much clearer Implementation Strategy. This should set out clear targets and trajectories for development, monitoring regimes, key triggers and dates against which progress can be assessed and contingencies which will come into play if there is any deviation from or shortfall against the targets and trajectories. Given that the CS contains a number of detailed development provisions, the Inspector suggested that a number of 'interim' targets should be included, such as 'development brief completed by X', 'planning application received by Y'. This would enable the Council to monitor more closely the progression towards delivery of development, to identify potential for non-delivery at an early stage and to put in place clear contingencies.

This could be set out in spread-sheet form in an Addendum to the CS.

Infrastructure Delivery Plan

The CS contains a number of major infrastructure projects. However, there is no suggestion that delivery of necessary infrastructure has been programmed to ensure that major developments are not held up. The Council should liaise with infrastructure providers to ensure that the 2 elements are properly timetabled.