

Trafford Community Infrastructure Levy: Preliminary Draft Charging Schedule & Infrastructure Note – Summary of Responses



TRAFFORD
COUNCIL

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Preliminary Draft Charging Schedule & Infrastructure Note –
Summary of Responses

If you need help to understand this information, please ask someone to phone 0161 912-2000 to let us know how we can best provide this information.

إذا كنت في حاجة إلى مساعدة لفهم هذه المعلومة الرجاء طلب من شخص الاتصال برقم الهاتف: 0161 912-2000 لأخبارنا عن كيفية تقديم هذه المعلومة بأحسن طريقة.

ARABIC

如果您需要帮助才能看懂这份资料，可以请人致电：

0161 912-2000，告诉我们如何最好地给您 提供这些信息。

CHINESE

Si vous avez besoin d'aide pour comprendre ces informations, veuillez demander à quelqu'un de téléphoner au 0161 912-2000 pour nous informer de la meilleure façon pour fournir ces informations.

FRENCH

જો આપને આ માહિતીની સમજણ માટે મદદની જરૂર હોય તો કૃપા કરી કોઈને કહો કે, આ માહિતી અમે કેટલી સારી રીતે પૂરી પાડી શકીએ તે બાબતે અમને જણાવવા માટે, 0161 912-2000 નંબર પર ફોન કરો.

GUJARATI

Jesli potrzebujesz pomocy aby zrozumieć ta informacje, popros kogos, aby zadzwonił pod numer 0161 912-2000 aby nas poinformował, w jaki sposób najlepiej mozemy ci ja przekazac.

POLISH

ਜੇ ਤੁਹਾਨੂੰ ਇਹ ਜਾਣਕਾਰੀ ਸਮਝਣ ਲਈ ਸਹਾਇਤਾ ਚਾਹੀਦੀ ਹੈ ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਕਿਸੇ ਨੂੰ ਸਾਨੂੰ 0161 912-2000 ਨੰਬਰ ਤੇ ਟੈਲੀਫੋਨ ਕਰਕੇ ਇਹ ਦੱਸਣ ਲਈ ਕਰੋ ਕਿ ਅਸੀਂ ਇਹ ਜਾਣਕਾਰੀ ਸਭ ਤੋਂ ਅੱਛੇ ਢੰਗ ਨਾਲ ਕਿਸ ਤਰ੍ਹਾਂ ਦੇ ਸਕਦੇ ਹਾਂ।

PUNJABI

Haddii aad dooneeyso in lagaa taageero garashada maclumaadkaani, fadlan qof uun ka codso inuu waco telefoonka 0161 912-2000 oo noo sheego sida ugu fiican oo aanu maclumaadkaani kuugu soo gudbin karno.

SOMALI

اگر آپکو یہ معلومات سمجھنے میں مدد کی ضرورت ہے تو براو میربانی کسی سے کہیے کہ وہ ہمیں 0161 912-2000 پر ٹیلیفون کرے تاکہ ہمیں معلوم ہو سکے کہ آپکو یہ معلومات فراہم کرنے کا بہترین طریقہ کیا ہے۔

URDU

Community Infrastructure Levy: Preliminary Draft Charging Schedule

Consultation Responses: Summary

A total of 32 responses were received to the Preliminary Draft Charging Schedule consultation during August and September 2012.

No.	URN	Name	Company	Agent	Comments
1	1051	Alan Hubbard	National Trust		<ul style="list-style-type: none"> Note the confirmation that development by charitable institutions and/or for charitable purposes is exempt from CIL The exclusion of conversions where there is no increase in floorspace is noted and supported
2	1023	Andrew Thompson	Morris Homes		<ul style="list-style-type: none"> Support comments made by Drivers Jonas Deloitte, especially in relation to the L&M site Have concerns with the CIL and how it is applied
3	1026	Andrew Thomson	Shell	Thomson Planning Partnership Ltd	<ul style="list-style-type: none"> Strongly object to the proposed rates applicable to retail and residential uses, they are unrealistic and unviable and will have a significant impact upon the viability of schemes and the potential to secure major investment in Trafford Object to the proposed omission of discretionary relief. Discretionary relief should be available for major developments involving substantial on and off site highway works, decontamination/demolition, transport infrastructure improvements etc., so they can be assessed on a case by case basis to ensure investment is not deterred Major developments can involve substantial on and off site highway works and improvements

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					<p>controlled by Section 106 and 278 Agreements, the CA should recognise this and acknowledge that in such circumstances, there will be a relief from the levy and Section 106 agreements will be used instead</p> <ul style="list-style-type: none"> • Where it can be demonstrated that edge of centre or new locations are required to meet the 'need' of new retail facilities (outside of a defined centre) that will benefit the role and function and vitality and viability of the defined centre, the CA should recognise such development opportunities as a possible exception to the levy or set a lower rate for edge of centre and new retail development • There is no evidence to suggest different viability exists between locating retail and other types of town centre development in centres as opposed to edge of centre or new locations • CIL is only payable for schemes comprising >280sqm retail floorspace and comparison retailing outside of defined centres, this is seeking to 'differentiate' between retail uses contrary to Regulations • The imposition of inflexible CIL rates could seriously prejudice the delivery of a range of development and the imposition of 'standard' rates upon strategic development areas where large mixed use developments are proposed needs to be considered in more detail,

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					particularly the timing and scale of payments should be balanced against the infrastructure required to service and deliver the development
4	1097	Anna Ortega	National Grid	Indigo Planning	<ul style="list-style-type: none"> • Serious reservations with the content of the schedule, in particular the proposed base rate charge and the lack of exceptions and instalments policies • Common Lane site comprises a significant proportion of the Borough's employment land need, the base rate charge would have a severe detrimental impact on the viability of industrial and warehouse development, which is contrary to Regulation 14
5	1282	Bobby Williams	Persimmon Homes North West		<ul style="list-style-type: none"> • Have serious concerns over all market areas in respect of sales values • Support the approach of employing a simple framework consisting of differential charge rates, based on the identifiable market sub-areas • To better secure the deliverability of the Core Strategy, it is logical for the Strategic Locations to be included within the sub-area employing the least viability-challenging level of Levy rates • Any opportunities to ease the burden CIL places on viability should be pursued e.g. New Homes Bonus Scheme and CIL payments channelled to local communities could be used to facilitate new housing delivery • The approach to affordable housing should be

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					<p>flexible in terms of requirements and conditions regarding phasing of delivery, helping to ease viability issues and facilitate the delivery of new homes</p> <ul style="list-style-type: none"> • Highlight serious concerns relating to the assumptions that have informed the formulation of the PDCS including landowner premium, residual developer's margin, land values, build costs, density and sensitivity testing • Would like viability assessments to be undertaken of examples within the housing land supply from both greenfield and PDL sites to create a more accurate picture of viability within Trafford • Would encourage the incorporation of a phased payment or installation policy, in accordance with the CIL Regulations • Consultation is limited without the publication of the infrastructure planning evidence referred to in paragraph 4.7 of the EVS • A significant amount of the housing land supply in Trafford is PDL for which the true costs of land preparation are considered not to have been accurately reflected in the supporting evidence
6	1284	Brett Harbutt	Capital Shopping Centres Group PLC		<ul style="list-style-type: none"> • Disappointed the CA has not used this opportunity to issue a Regulation 123 list. The early publication of this information provides clarity and transparency and demonstrates that

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					<p>the proposed charging rates are appropriate having regard to estimated costs of key infrastructure</p> <ul style="list-style-type: none"> • Consultation fails to make it clear as to when and how the existing Planning Obligations SPD will be revised to ensure that there will be no duplication between the CIL charges and S106 obligations relating to infrastructure provision • It is essential that the CA is in a position to publish its Regulation 123 list and a consultation draft of a revised Obligations SPD at the next stage of consultation • There is a need for a clear statement from the CA as to how the extension of the Metrolink and other similar unimplemented infrastructure are to be dealt with under the CIL/residual S106 regimes, this should be addressed in the next consultation draft of the Charging Schedule • Support the recognition that CIL payments for larger developments will be paid in instalments, however reserve the right to comment upon the detail of the instalments policy when it is consulted upon • Consider it essential that the CA retains the opportunity to introduce a discretionary exemptions policy in particular circumstances, this policy should be draft and consulted on at the next stage of consultation • Consider that the appropriate evidence is not

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					<p>sufficient to demonstrate that the proposed CIL rate is reasonable and justified in respect of retail development, particularly in relation to the differential rate proposed to be applied to comparison and convenience retail development (over 280sqm) outside of a defined centre</p> <ul style="list-style-type: none"> • The viability study supporting the CIL is based on a very limited number of retail examples that are not considered to be reflective of the complexity of the retail market in Trafford and therefore insufficient to support the proposed geographical zones • Without more fine grained evidence, the CA should amend this aspect of the Charging Schedule to include a single flat rate for all retail development, and taking into account the findings of the viability work this should be set at a much lower level than that currently proposed • It is unclear as to what the position would be for edge of centre retail development, which does not appear to be covered by the categories included in the PDCS • Applying a standard rate to all other chargeable development does not reflect the viability evidence and in the absence of robust evidence to support any alternative proposal, all other forms of chargeable development not specified in the schedule should be set at a zero rate

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7	1285	Carl Dyer	Asda Stores Limited	Thomas Eggar LLP	<ul style="list-style-type: none"> • Object to the approach taken to assessing the charging schedule, and to the disproportionate loading of CIL upon retail development • The decision to apply differing rates to out-of-centre retail developments, depending upon the size and type of the proposed scheme, falls outside of the scope of the rate differentials permitted in the CIL Regulations and is not justified by the viability evidence put forward • Current proposals will potentially result in two different CIL rates being charged on additional floor space within the same retail development, such an approach adds undue complexity to CIL • No planning permission is needed to switch between convenience and comparison retailing, which may present enforcement and collection difficulties • The assumed S106 costs for convenience stores are too low • The viability report should have considered the impact of CIL on the viability of conversion/regeneration schemes involving vacant units • Would strongly encourage the CA to adopt an exceptional circumstances relief policy • Intention to draft a staged payments policy is welcomed, it should take into account the fact that many major development projects are implemented in phases

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					<ul style="list-style-type: none"> • The CA should formulate its staged payments policy to ensure that developers are not disadvantaged by submitting an application for full, rather than outline planning permission • The Charging Schedule proposed exhibits a fundamental disconnect between the CIL charges proposed and the infrastructure requirements of the developments upon which they are levied • Trafford is proposing one of the highest levels of CIL for convenience retail in the country so far, with proposed charges exceeding those proposed in Newcastle, Gateshead and the vast majority of London Boroughs by a significant margin • The CA should adopt a single flat rate levy across all development within its boundaries • The CA should apply a single rate to all retail uses, regardless of the size of development proposed • The CIL charges for out of centre convenience retail units should be reduced to £75 per sq m i.e. to the same level proposed for out of centre comparison retail
8	1211	Dan Mitchell	Royal London Asset Management (RLAM)	Barton Willmore	<ul style="list-style-type: none"> • Consider the viability study and the assumptions applied to be broadly robust and a sound basis upon which to determine the charges which will be viable in the Borough • Note that whilst the 40% site coverage

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					<p>assumption for a Business Park is broadly realistic, the number of storeys may vary significantly and could in turn impact on viability</p> <ul style="list-style-type: none"> Whilst the Charging Schedule appears to have regard to additional costs typically associated with bringing forward a large commercial scheme, consider that it should build in additional provisions to allow for the relaxation of these charges if it can be demonstrated through a viability appraisal that the CIL charges would preclude a particular development It does not appear at this stage that the CA has taken account of or provided for infrastructure requirements at Davenport Green, these works and their associated costs should be taken into account in the formulation of the CIL Charging Schedule
9	1286	Dave Walker	Wigan Council		<ul style="list-style-type: none"> Consider that the proposals are reasonable and appear to be based on sound background evidence
10	1019	Dave Watson	United Utilities		<ul style="list-style-type: none"> The definition of public/institutional facilities should be broadened to include the operational buildings of utility providers or statutory undertakers, these are buildings into which people do not regularly go and are exempt from charging as defined by the Regulations
11	1019	David Sherratt	United Utilities		<ul style="list-style-type: none"> If a dwelling is connected to the public water and/or sewerage assets, then the developer pays an infrastructure charge to UU PLC. These

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					charges are payable when properties become connected for the first time to the water supply and sewerage systems for domestic purposes. Developers may see it as a double charge if CIL is used to address water and sewerage infrastructure issues and therefore there is a risk of the process becoming unsound
12	1045	Diana Richardson	Peel Holdings (Management)	Turley Associates	<ul style="list-style-type: none"> • There is a need for clarity as to what is included in the list of infrastructure projects to be funded or part funded from CIL. This clarity would be greatly assisted if the CA was to publish a draft Regulation 123 list alongside the next (formal) consultation Draft Charging Schedule • Because no draft Regulation 123 list has yet been issued, and because the consultation papers do not make it clear as to when and how the existing Obligations SPD will be revised so as to ensure that there will be no duplication between the CIL charges and S106 obligations, there is a lack of clarity to the overall costs that any future development project might be required to incur • The Red Rose Forest contributions need to be deleted from any revised Obligations SPD, this and any similar wider public realm programme falls clearly outside the definition of a “site specific mitigation measure”. Any further development and implementation of the Red Rose Forest and any similar initiatives should

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					<p>be included in the Regulation 123 list and no further contributions should be sought by means of S106 obligations, once the Charging Schedule has been adopted</p> <ul style="list-style-type: none"> • There is a need for a clear statement as to how the extension of Metrolink and other similar, as yet unimplemented, infrastructure works, are to be dealt with within the CIL/ residual S106 regimes, again to avoid any uncertainty to overall costs and cost burden on new development schemes submitted for planning permission after CIL is brought into effect • There should be a form of CIL “claw back” provision such that a private sector funder of a major piece of infrastructure (e.g. WGIS) which has such wider benefit should receive some contribution to (reimbursement of) the costs of its construction from those developments which will in future be facilitated or made possible because of the extra highway capacity which this (GIS) creates • Regulation 69B (2) sets out the specific requirements to be included in an instalment policy. Paragraph 1.14 of the draft Charging Schedule sets out that the CA intends to allow CIL to be paid on the basis of an “agreed phased period” for larger developments. Assume that the CA intends to prepare its own instalment policy for CIL payments in relation to

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					<p>larger developments and this approach is welcomed</p> <ul style="list-style-type: none"> • Consider that it would be simpler for the CA to manage its instalment policy by reference to the amount of CIL that is payable rather than by the quantum of the development • Would be pleased to discuss the wording of an appropriate instalments policy with officers in due course • The EVS makes reference to the opportunity to adopt a policy which would provide for the CA to offer discretionary relief from the CIL payments, suggest that this policy needs to be drafted and consulted upon at the next stage of consultation • Contend that the proposal in the PDCS to set different charging rates for retail development on the basis that the floorspace proposed is either above or below 280 sq m net is inappropriate and is not consistent with the Regulations • The CA should reconsider this aspect of the PDCS and amend it to include one rate only for all retail development. Given the findings of the EVS this would clearly need to be at a much lower level than that currently proposed for out of centre development • There is no logic to the classification of Trafford Park as a moderate market area, contrary to the comment made at paragraph 5.9 of the EVS,

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					<p>there is no sales evidence on which to assess whether it is at all similar to Urmston or any other part of the district to confirm its classification as a “moderate area”</p> <ul style="list-style-type: none"> • Contend that the rational approach is that the Trafford Park area must be classified as a “cold” area in the initial Charging Schedule • It seems unlikely that sites in ‘cold areas’ could support a CIL charge and the rate should, therefore, be set at zero. If the charge proposed in the PDCS is maintained this is likely to render developments unviable or, alternatively, developers will seek a reduction in the affordable housing contribution (as the only negotiable element of development contributions), thereby undermining the Council’s Affordable Housing policy • Under prevailing market conditions there remains downward pressure on (office) rents and a healthy supply of available space. These wider market conditions, mean landlords are prepared to offer space at reduced rents and at greater incentives to mitigate holding costs. Whilst the existing stock may not be suitable for all occupiers (and not subject to CIL charges) it does create a “rental tone” in the market place meaning the higher rents suggested and quoted in the EVS are unlikely to be met by many occupiers as they are regarded as ‘above

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					<p>'market'</p> <ul style="list-style-type: none"> • The build cost assumptions as set out in the EVS are also considered to be too low • It is not transparent what evidence has informed the choice of yield • Whilst the EVS makes reference to inducements there appears to be no acknowledgment of the relationship between the length of lease term and the inducements which may need to be offered. No evidence is provided to substantiate the assumptions underpinning inducement levels which have been used in the viability calculations • Consider that the uncertainties in the evidence base need to be reviewed and the evidence base updated in order to ensure that the proposed CIL rates accurately provide for the threshold 20% return which the EVS seeks to achieve • The charge on 'all other forms of development' contradicts the viability evidence, which clearly demonstrates that certain forms of development (e.g. town centre offices, business parks, industrial, warehousing and town centre retail development) are not viable • The rationale for proposing a (£10 per sq m) charge on uses which have clearly been demonstrated as non-viable does not appear to have been set out or justified in terms of the

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					<p>potential impact on development activity</p> <ul style="list-style-type: none"> • In the absence of an adequate evidence base to support any alternative proposal, all other forms of development not specified in other parts of the schedule should be set at a zero rate
13	1106	Diana Richardson	Sainsbury's Supermarket Ltd	Turley Associates	<ul style="list-style-type: none"> • It is understood that the intention is to revise the Obligations SPD and consult upon and adopt this updated version alongside CIL, request confirmation of this approach prior to next round of consultation • It is only through reviewing both the proposed CIL Charging Schedule and Obligations SPD alongside each other that an informed decision can be made as to whether the proposed CIL charges would be likely to have a detrimental impact upon the viability of future development • In order for the requirements of CIL not to affect the viability and deliverability of major development projects, consider it essential that an instalments policy is adopted under Regulation 69B, if the CA is willing to allow developers to pay CIL in instalments • Suggest that an instalments policy is prepared and adopted which makes reference to the amount of CIL that is payable rather than by the quantum of the development • Suggest the CA prepare an exceptions policy to offer discretionary relief from the CIL payments to consult upon at the next round of consultation

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					<ul style="list-style-type: none"> • Suggest the proposal to set different charging rates for retail development on the basis that the floorspace proposed is either above or below 280 sq m net is inappropriate and is not consistent with the Regulations • The proposed discrimination between convenience stores potentially offers a selective financial advantage or state aid to the smaller store. State aid needs to be objectively justified and there is no adequate evidence supporting the PDSCS on this point, the issue of state aid does not appear to have been considered either in relation to retail or residential development • To be compliant with the Regulations, the Charging Schedule should be amended to include only a single rate for all retail development. Given the findings of the EVS this needs to be much lower than that currently proposed for out of centre development • In light of the lack of evidence to support the adoption of a £10 charge 'for all other development' and concerns over how such a charge would significantly impact the viability of future development, recommend it is removed • Encourage the CA to publish a draft Regulation 123 list alongside the next (formal) consultation on the DCS, in order to help clarify what infrastructure projects might be funded by CIL

No.	URN	Name	Company	Agent	Comments
14	1018	Graeme Scott	Trafford Housing Trust		<ul style="list-style-type: none"> • Support the CIL levy not being charged where an organisation is providing wholly affordable housing schemes • There may be schemes which affordable housing providers are trying to develop that need a small element of private sale/rent to make them financially viable in the long-term, would like to know whether such a scheme could be including as an exemption, as this may help to promote the delivery of affordable housing in Trafford • Altrincham probably has 3 distinctive residential market areas and assuming the same CIL rates across this area could be detrimental to any developments planned in Broomwood or Broadheath • The build costs included within the report seem to reflect the current prices that are being paid • The common assumptions used for the cost of sales, professional fees etc. all seem in line with the market at present • In terms of land costs, there may be some scope to say the hot market sites for residential seem to be slightly undervalued and the ones in the cold market areas overvalued
15	1146	J C Williams			<ul style="list-style-type: none"> • Evidence base is not robust • The rates as currently conceived could put the overall development of the area at serious risk • Do not agree with differential rates for

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					<p>residential development in the South of the Borough</p> <ul style="list-style-type: none"> • If a differential charging approach is to be justified and implemented, Land Registry evidence should be used • There should be no boundaries unless they are based on robust evidence • Unable to demonstrate a coherent and justifiable rationale for a base rate charge
16	1288	J Morrison	Morrison Property Services		<ul style="list-style-type: none"> • Representation challenges the underlying viability assessment assumptions in relation to developer profit and social housing provision • Do not agree with the supposition that the risk/value of development will not be affected by the cost of a CIL • Charging zones are unfair • Do not agree with the base rate charge
17	1037	Jamie Melvin	Natural England		<ul style="list-style-type: none"> • Note that NPPF paragraph 114 requires LPAs to set out a strategic approach in Local Plans for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure. Expect CIL to play an important role in delivering this approach • Advise that careful consideration is given to the role of CIL in meeting this aspect of NPPF, to ensure the Local Plan is consistent with NPPF
18	1235	Jill Stephenson	Network Rail		<ul style="list-style-type: none"> • Developments on railway infrastructure should be exempt from CIL or classified as payment in kind

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					<ul style="list-style-type: none"> • Railways to be included on Regulation 123 list • Clear definition of 'buildings' required • Line-side infrastructure (e.g. sheds, depots, buildings etc.) should be exempt • Confirmation required that rail development over 100 sq m undertaken using PDR will not be CIL chargeable
19	1193	John Coxon		Emery Planning Partnership	<ul style="list-style-type: none"> • Charging schedule only appears to take account of viability, without the infrastructure list and an assessment of the funding gap it cannot comply with Regulation 14 • It appears that the CA is seeking to set the rate as essentially the maximum amount that would be viable in each area • Impossible to determine how the Draft Charging Schedule complies with NPPF, as it unclear where the money accrued through CIL will be invested • It is unclear which infrastructure projects would be charged for under CIL, and which S106 contributions will still be required under Policy L8 • Question the accuracy of the assumed figure of £1,000 per unit for S106 contributions • Request the right to be heard by examiner should the Draft Charging Schedule be submitted for examination
20	1152	Jon Suckley	Nikal	How Planning LLP	<ul style="list-style-type: none"> • Clarification is required on whether the comparison and convenience retail element of

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			Developments Ltd		<p>Altair will be subject to the retail charges in the PDCS, or as it is within the defined centre, will it fall within the 'other chargeable development' category and be subject to the £10 per sq m charge. Clarity is also sought in regard to the charge in relation to office provision within the defined centre</p> <ul style="list-style-type: none"> • Confirmation is required as to whether leisure and hotel development will be subject to a charge as part of the emerging CIL proposals • A standard charge could render large scale mixed use regeneration schemes such as Altair unviable, therefore flexibility is required to ensure that such developments are not stifled • Flexibility should be introduced into the CIL proposals to enable (on viability grounds) the standard charge to be reduced where necessary to enable development • Important that a phased approach is agreed to the payment of CIL charges so that large upfront costs are not required prior to the development being delivered and ensure the viability of developments is protected
21	1289	Laura Fern	Wm Morrison Supermarkets Plc	Peacock and Smith	<ul style="list-style-type: none"> • Strongly object to the proposed CIL rate of £250/sq m for convenience retail outside a defined centre and above 280 sq m • Suggest the proposed CIL rate for all retail development is set at £100 per sq m for all retail developments over 100 sq m

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					<ul style="list-style-type: none"> Concerned that the current charge will put undue additional risk on the delivery of foodstore proposals and will be an unrealistic financial burden
22	1157	Lorna Jackson	McCarthy and Stone Retirement Lifestyles Ltd	The Planning Bureau Ltd	<ul style="list-style-type: none"> The proposed Charging Schedule would effectively be prejudicial against the development of specialist accommodation for the elderly in Trafford, the need for which is set out in the Core Strategy and supported by the Trafford SHMA Concerned with the appropriateness of the methodology used in the Charging Schedule that does not account for variations across different 'apartment' unit types Specialist housing providers have to pay additional CIL costs for communal areas, which are provided at an additional cost to the developer, as opposed to other residential developments that will only pay on 100% saleable floorspace Suggest the CIL is solely applied to saleable areas for specialist accommodation for the elderly Request a nil CIL rate on specialist accommodation for the elderly No reference to any charges which would be sought for a C2 use (e.g. 'Extra Care' accommodation) within the proposals and would like clarification on this

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					<ul style="list-style-type: none"> • In line with the joint advisory note 'Sheltered Housing for Sale' (1998), have concerns that the residential sub-areas as set out in the PDCS, will discourage specialist accommodation for the elderly in the places where there is an evidenced existing and urgent need for it • By using the same CIL for urban and rural areas, there is no differentiation between brownfield and greenfield development and this is at odds with NPPF and the concept of sustainable development • Consideration should be given to creating a lower, intermediary CIL rate for urban areas, which acknowledges the higher costs associated with redeveloping PDL and recognise that brownfield land is a sequentially preferable location for development
23	1088	Megan Lewis	Taylor Wimpey	Nathaniel Lichfield & Partners	<ul style="list-style-type: none"> • Supportive of the identification of separate charging zones for residential development • Hot market area stretching across the south of Urmston and Stretford is more a reflection of local policy rather than actual sales prices, it should be included within the Moderate market area • Based on average residential sales price data, Stretford should be included within the Cold market area to better reflect its existing residential property market

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					<ul style="list-style-type: none"> • Do not consider the EVS has accurately assessed the viability of residential development • Challenge the evidence for the assumptions used in the viability assessments and request this is made available to properly gauge accuracy • Consider the proposed CIL charge for Hot market sub-areas is disproportionately high in comparison with other sub-area charges and the reason for this is not clearly set out in the EVS, should be in a preferred range of 50-60% of the identified theoretical maximum • Relying on only sales values to test potential CIL charges does not provide a realistic test for establishing viable CIL rates, rising development costs should be tested, further work is required • Consider that Trafford should adopt a scheme of relief, so that in exceptional circumstances of economic viability, developments that meet all the essential criteria can be exempted from paying CIL • Support the decision to accept payments 'in kind' • Strongly recommend that Trafford uses its powers as CA to set flexible payment deadlines to allow CIL to be paid in a series of agreed instalments from commencement date of development

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					<ul style="list-style-type: none"> • May want to consider specifying the definition of 'commencement', this could be achieved by excluding works such as remediation and demolition from the TCPA 1990 S56 definition • Consider Trafford should include a policy for large developments which are phased to allow payments to be made on the commencement of construction for each phase
24	1036	Michael Barrett	L&M Limited		<ul style="list-style-type: none"> • EVS lacks clarity and justification underpinning a number of the viability assessment assumptions • The allowance of £1,000 per unit for on-site secondary infrastructure is unlikely to be able to absorb these costs (especially on PDL sites) • Assumptions regarding land values (based on VOA, 2011) do not provide for a suitably robust evidence base • Regard should have been had to the RICS published guidance on financial viability in planning
25	1244	Michael Sparks	Canmoor and Harbert	Michael Sparks Associates	<ul style="list-style-type: none"> • The proposed imposition of a £10 charge for 'all other chargeable development' will be detrimental to the targets for commercial development set out in the Core Strategy • The CIL charge at this maximum level will slow the pace of development • Undertaken some initial calculations of likely CIL payments, in all cases for industrial and warehouse development as well as

No.	URN	Name	Company	Agent	Comments
					<p>convenience retail and comparison retail outside a defined centre the CIL payments are greater than the current planning obligations (SPD1)</p> <ul style="list-style-type: none"> • Likely that any impetus for new growth is going to be undermined by excessive CIL charges
26	1243	Michael Sparks	Legal and General Property Partners Ltd	Michael Sparks Associates	<ul style="list-style-type: none"> • The proposed imposition of a £10 charge for 'all other chargeable development' will be detrimental to the targets for commercial development set out in the Core Strategy • The CIL charge at this maximum level will slow the pace of development • Undertaken some initial calculations of likely CIL payments, in all cases for industrial and warehouse development as well as convenience retail and comparison retail outside a defined centre the CIL payments are greater than the current planning obligations (SPD1) • Likely that any impetus for new growth is going to be undermined by excessive CIL charges
27	1041	Moira Percy	TfGM		<ul style="list-style-type: none"> • Would welcome opportunity to aid Trafford in production of infrastructure planning evidence and the production of the Regulation 123 list • Clarification is required as to whether new public transport infrastructure would be liable for the proposed CIL base charge rate of £10 per sq m
28	1080	Paul Daly	Sport England		<ul style="list-style-type: none"> • Keen to ensure that Trafford's CIL captures funding for sport and recreation infrastructure that is needed as a result of development

No.	URN	Name	Company	Agent	Comments
					<ul style="list-style-type: none"> Main concern is that weaknesses in the LDF evidence base in relation to sport and recreation might limit the ability to capture contributions towards such infrastructure (see Land Allocations response)
29	1073	Sion Owen-Ellis	Highways Agency		<ul style="list-style-type: none"> No comment
30	1290	Stephen Ashworth			<ul style="list-style-type: none"> Although there are multiple graphs in the RTP viability analysis that show the effect on value thresholds of various levels of CIL, there is no obvious evidence that quantifies this effect in terms of the number of houses, or the level of commercial or other development floorspace, that are likely to be affected. Nor is there any analysis of the spatial consequences of CIL – will it have a greater effect in some areas than others, if so are there equality consequences? In the absence of this evidence it is difficult to see how a Regulation 14 balance can properly be drawn The viability assessment makes it clear that affordable housing will, potentially, be prejudiced by the chosen CIL rate, particularly in the upper value areas. Unfortunately, the effect is never quantified Only if the CA had a clear idea about the level of prejudice to affordable housing will it be possible to make a sensible balanced Regulation 14 judgment

No.	URN	Name	Company	Agent	Comments
					<ul style="list-style-type: none"> • The Regulation 14 exercise requires a balance, one part of which relates to the “estimated total cost of infrastructure required to support development”. The analysis seems only to be based on an assessment of the cost of part of the total cost. A proper balancing exercise cannot be carried out in the absence of this essential appropriate evidence • It is best practice for viability assessments to review the impact of CIL on large sites, particularly those which are of borough wide (or regional) significance since they will often be expected to make a significant on-site/enabling infrastructure cost. The RTP report deals with this in a broad-brush way, by assuming higher on-site S106 infrastructure costs for large proposals • It would be far better to review the major sites/areas of opportunity in order to be able to test properly the balance that should be drawn. There is no evidence that the CA have carried out this analysis. Given the importance of potential development in Trafford Park and Carrington (and the need for renewal in Partington), this seems odd. This is of particular concern given the very clear differences in the viability characteristics of Trafford Park and Carrington • Although the duty to co-operate does not apply

No.	URN	Name	Company	Agent	Comments
					<p>directly to the preparation of CIL charging schedules, there is a disappointing lack of reference to the progress being made by other authorities on charging schedules or, critically, to the potential effects of the chosen CIL rate on schemes that have a more than local significance. The potential redevelopment of Carrington (and crossings over the Ship Canal) and at Trafford Park, have implications which make it sensible to look at CIL rates likely to be charged elsewhere</p> <ul style="list-style-type: none"> • Regulation 13 only permits differentiation by location and intended use. As a matter of law, it is not considered that it is possible to differentiate, as proposed, between convenience retail facilities above and below 280 sq m • There is no clear division between convenience and comparison retail uses. Stores do not simply sell one set of goods. They often offer a range of both comparison and convenience goods. The suggestion in the RTP report that a CIL charge should be levied on the "predominant" use is risible because of the lack of definition and also because the split is unlikely to be known at the date which CIL will be charged • The distinction, and different charge, drawn between "apartments" and private market

No.	URN	Name	Company	Agent	Comments
					<p>houses is similarly opaque, and risks other forms of housing falling between the two classes. As with retail, there is also little genuine evidence to support the distinction</p> <ul style="list-style-type: none"> • Regulations 122 and 123 use the same formula to set out limitations on the way in which planning obligations should be considered. The regulations indicate that obligations cannot “constitute a reason for granting planning permission” unless certain tests are met. A great part of the PDCS (and the supporting RTP analysis) mis-state the law on this • Outside the CIL examination process, in order to be able to understand the effect of CIL on schemes it is important to understand the CA's position on both exceptions and instalments. These should be set out in detail so that their effect on viability can be considered. For large sites, particularly, this can have a significant effect • Potential CIL payments are meant to influence planning decisions. Care will need to be taken, and development plan policies may need to be prepared, to ensure that CIL payments are material considerations. If the planning authority wishes to take a CIL payment into account then it will probably have to give a commitment that the resulting CIL will be spent on infrastructure related to the development. The Plymouth case

No.	URN	Name	Company	Agent	Comments
					<p>indicates that the relationship does not need to be strong – “more than tenuous” was the language used. However, in the absence of that link any committee report treating a payment as material will raise a potential ground for challenge</p> <ul style="list-style-type: none"> • Paragraph 1.1 suggests that "the remit of section 106 will be limited to section 278 of the Highways Act, site specific mitigation measures and the provision of affordable housing". This is not strictly true. Planning obligations are not quite so limited. What is limited is the ability for the CA to take into account a planning obligation as a reason for approval • This error is repeated in paragraph 1.2, which suggests that planning obligations can only be taken into account in determining planning applications where they meet various tests. A non-compliant obligation can still be taken into account (and may need to be taken into account) as a reason as a material consideration • In paragraph 1.3 the Regulation 123(3) restriction relates to "five or more" obligations not "more than five" • Care will need to be taken about the way in which CIL monies are spent. Clearly, section 216 of the Planning Act 2008 is not exclusive. However, care will need to be taken in relation

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					<p>to "green" facilities (mentioned in paragraph 1.4); a large number of facilities described as green infrastructure do not really fall within the meaning of "infrastructure"</p> <ul style="list-style-type: none"> Paragraph 1.14 suggests that CIL only relates to permissions where new floorspace is created. Paragraph 1.15 compounds this, by saying that there will be "no charge for change of use applications". This is not correct. For example, a change of use from commercial to residential on an existing but unused building will be liable for CIL. Regulation 41(2) is clear on this Paragraph 1.21 is inaccurate. Even if infrastructure is on the Regulation 123 list, contributions can still be sought towards it. They can be done so where a failure to provide the infrastructure would justify a reason for refusal – effectively, it is an on-site requirement. The planning obligation can then be taken into account as a material consideration although it cannot, as Regulation 123(2) indicates, be a reason for the grant of permission There are multiple instances where the effect of the CIL legislation, regulations and guidance has been mis-stated. There are also many areas of the viability analysis that could be strengthened
31	1291	Stephen Nicol	Altrincham	Regeneris	<ul style="list-style-type: none"> Altrincham town centre area should be treated differently as with retail, CIL for new residential

No.	URN	Name	Company	Agent	Comments
			Forward		build should be set at a moderate or cold market sub-area rate
32	1096	Sylvia Whittingham	Environment Agency		<ul style="list-style-type: none">• Happy in principle with the charging schedule and wish to discuss in more detail future flood defence requirements

NB: An additional late response was received to the Preliminary Draft Charging Schedule from DPP on behalf of Barratt David Wilson Homes on 24 April 2013. This response has been noted and DPP have been advised to review the Trafford CIL: Draft Charging Schedule and submit any further comments (or resubmit these comments) during the consultation period.

Community Infrastructure Levy: Infrastructure Note

Consultation Responses: Summary

A total of 11 responses were received to the informal Infrastructure Note consultation during February 2013.

No.	URN	Name	Company	Agent	Comments
1	1026	Andrew Thomson	Shell	Thomson Planning Partnership Ltd	<ul style="list-style-type: none"> • The Council are seeking to push forward with their CIL proposals in the absence of detailed work to assess the nature, phasing and infrastructure requirements on the strategic sites • Without a definitive assessment or knowledge of the infrastructure in each strategic location the size of any so called funding gap must be seriously questioned • Appears that the Council's estimate of infrastructure is based upon a wish list and not the infrastructure that will be required to deliver the strategic sites • Allowance needs to be made for the New Homes Bonus as this could be significant having regard to the scale of development proposed in the strategic locations and, the ability of the Council to recycle CIL monies to fund future infrastructure as each strategic site is delivered through the plan period • The metrolink extension adds some £290m to the identified funding gap of £85.94m, this will have no benefit to the Carrington strategic location, which already has a £22m funding gap, and it appears it will be expected to bear an

No.	URN	Name	Company	Agent	Comments
					<p>additional £58m to deliver this metrolink which benefits the other 4 strategic locations</p> <ul style="list-style-type: none"> • Difficult to see how any of the strategic locations will be delivered against such a massive funding gap when the assessment of infrastructure required for each site has yet to be undertaken • Carrington could result in a CIL/S106 cost of £15m for housing as well as the proposed employment and other ancillary development in addition to the infrastructure required to develop the site identified as £22m, or £80m if the metrolink is included – the scale and payment of such sums could call in question the viability of the strategic sites • At this stage in the Development Plan process and without a full and complete assessment of the infrastructure requirements to deliver the strategic sites over the Plan period, the Council should be in discussion with landowners rather than proceeding to publish CIL proposals
2	1284	Brett Harbutt	Intu Properties plc (formerly Capital Shopping Centres Group PLC)		<ul style="list-style-type: none"> • The infrastructure note is based on the March 2010 guidance and needs to be revised to ensure that it meets the requirements contained within the latest guidance (December 2012) • The note should include detailed cost information produced by an independent quantity surveyor for the infrastructure schemes listed • The requirement for up to 25% of all CIL

No.	URN	Name	Company	Agent	Comments
					<p>receipts to be passed to Parish Councils to support development in their areas needs to be addressed within the infrastructure note</p> <ul style="list-style-type: none"> • Although the LIP was listed as a key document submitted to the Core Strategy EIP, it was not tested as part of this examination, nor has it been independently examined as part of any other process to our knowledge • LIP is almost 3 years old and there are significant differences between this and the infrastructure note in terms of infrastructure projects identified, costs and sources of funding • It is not considered that there is sufficient information in the infrastructure note to enable the examiner or consultees to be sure that it is robust and in order to confirm the infrastructure funding gap and the total target amount the authority proposes to raise through CIL • It is not clear whether the infrastructure is required to support new development within the Borough or if it is sought to 'make good' existing deficiencies • Further evidence should be provided to show how the infrastructure is directly related to new development to give developers certainty and ensure the process is as transparent as possible • No commitment or explanation is given to when or how the existing Planning Obligations SPD

No.	URN	Name	Company	Agent	Comments
					<p>will be revised, the Council's approach to future use of section 106 contributions will need to be made clear</p> <ul style="list-style-type: none"> The note clearly demonstrates the future intention to significantly reduce reliance on S106 payments to fund infrastructure, providing CIL charge is set at a realistic and viable level this is generally welcomed Due to the very loose wording in the note, the latest guidance which seeks to prevent actual or perceived 'double dipping' does not come through An example of potential 'double dipping' includes the several town centre improvement schemes, where no allowance seems to have been made for the payments Barton Square Limited are committed to making to town centre improvements under applications 79105/VAR/2012 and 79106/VAR/2012 The note currently suggests the extension to Metrolink through Trafford Park will be funded almost entirely from CIL, this appears to ignore other sources of funding that may be available and would place a substantial burden upon future development proposals which is likely to make all development unviable
3	1211	Chris Edge	Royal London Asset Management	Barton Willmore	<ul style="list-style-type: none"> Supportive of the Council's intention to introduce a CIL which will fill the identified funding gap for new infrastructure works in

No.	URN	Name	Company	Agent	Comments
			(RLAM)		<p>Trafford</p> <ul style="list-style-type: none"> • At this stage, have concerns that the infrastructure requirements for the Borough do not take account of the need to replace Thorley Lane Bridge, which is a critical piece of infrastructure needed to ensure the delivery of the Davenport Green site • A weight restriction has been applied to this bridge because of concerns over the structural soundness of the bridge which will restrict construction traffic across the bridge severely restricting the ability of RLAM to access the site • Currently understand that there are no other sources of funding available for the replacement of the bridge either from Manchester or Trafford Council or from the Highways Agency, leaving a significant gap in the funding for this bridge • Without reference to the replacement of this bridge, consider that the infrastructure requirements are not properly reflected in the note and it should be amended accordingly
4	1286	Dave Walker	Wigan Council		<ul style="list-style-type: none"> • No comment. • The document appears to be based on sound evidence
5	1096	Helen Telfer	Environment Agency		<ul style="list-style-type: none"> • Flood defences are infrastructure that could be included for CIL contributions • There appears to be no flood defence projects listed in appendix 1, although acknowledge that the list is not exhaustive

No.	URN	Name	Company	Agent	Comments
					<ul style="list-style-type: none"> EA has a short to medium term plan for flood infrastructure projects where additional contributions are required, would like to suggest that the schemes planned within Trafford are included as part of CIL
6	1019	Jenny Hope	United Utilities		<ul style="list-style-type: none"> No comment with regards to content at this stage in relation to UU operational undertakings and constraints Would like to take this opportunity to highlight the need to allow certain types of development to be exempt from paying CIL Would support a system of relief for 'exceptional circumstances' to be adopted Such 'exceptional circumstances' within which CIL would not be required should include the development of operational buildings which are demonstrated to be necessary as a means to deliver wider infrastructure for the borough, e.g. the development of buildings by utility providers and statutory undertakers UU considers it unviable to be liable for any such future payments, particularly when the need for the creation of new operational facilities will be vital for ensuring the successful delivery of economic and residential growth in Trafford
7	1152	Jon Suckley	Nikal Developments Ltd	How Planning LLP	<ul style="list-style-type: none"> Clarification is still required as to whether town centre retail development would fall within the "other chargeable developments" use as listed

No.	URN	Name	Company	Agent	Comments
					<p>on the draft charging schedule and therefore subject to the £10 per sq. m charge</p> <ul style="list-style-type: none"> • In addition the same clarification is sought in regard to whether office development falls within the “other chargeable developments” use as listed on the draft charging schedule and therefore subject to the £10 per sq. m charge • Neither the PDSC or the Infrastructure Note relate to leisure development or hotels, in order to fully understand the Council’s proposals in relation to CIL it is requested that confirmation is provided as to whether these uses will be subject to a charge as part of the merging CIL proposals • Concerned over the flexibility of the proposed CIL charging schedule; each planning application should be considered on its own merits as each individual site has its own characteristics and constraints • Dangerous to impose a standard charge for a particular use as it could render large scale mixed use regeneration schemes unviable, therefore flexibility is required to ensure that developments are not stifled • Important that a phased approach can be agreed to paying CIL so that large upfront costs are not required prior to the development being delivered, which is equally important to ensure the viability of development is protected

Informal Infrastructure Note Consultation: Summary of Responses – May 2013

No.	URN	Name	Company	Agent	Comments
8	1036	Michael Barrett	L&M Limited		<ul style="list-style-type: none"> • Pleased that the Council is revisiting the evidence base • This document does not interrogate the issues previously raised regarding the methodology and assumptions in the Draft Charging Schedule • An overwhelming proportion of the grand total CIL funding gap is to provide an extension of the Metrolink through Trafford Park • It is appropriate to assume that a project of this nature would receive funding from other sources and therefore it is unreasonable that the Council should seek to fund the scheme entirely through CIL
9	1041	Moira Percy	TfGM		<ul style="list-style-type: none"> • Appreciated that this is not intended to be a comprehensive list of all required infrastructure projects • The following transport requirements of the SLs are identified in Trafford's Core Strategy and LIP and expect them to be included in any estimation of the CIL funding gap: <ul style="list-style-type: none"> ○ SL5 requirement for significant improvements to public transport infrastructure ○ SL4 requirement for a direct pedestrian link across Trafford Boulevard • It is unclear if any WGIS infrastructure requirements are included

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10	1045	Paul Singleton	Peel Holdings (Management)	Turley Associates	<ul style="list-style-type: none"> • Infrastructure note needs to be updated to reflect December 2012 guidance and will need to be reviewed in light of the amended Draft CIL Regs laid before parliament in February 2013; expected to be adopted in April 2013 • The proportion of money to be given to the neighbourhood (25% or 15%) should be taken into account when identifying the funding gap and potential revenue from CIL monies • Suggest that it would be prudent to include all infrastructure which is known to be required to deliver growth identified in the Core Strategy • Whilst the note correctly states that the Reg 123 list can change from the draft proposed at Examination (subject to suitable consultation), the guidance is clear that the Charging Schedule should be based on the draft list • Emphasise the need for any developer or land owner to be able to assess the likely total cost of CIL and S106 or other contributions that are likely to be required when taking forward any of the development sites/areas identified in the development plan • Noted a number of inconsistencies such as lack of school provision required for Pomona and the inclusion of site specific infrastructure (e.g. junction improvement schemes), which would appear directly contrary to the CIL Regs and guidance in seeking both CIL and S106

Informal Infrastructure Note Consultation: Summary of Responses – May 2013

No.	URN	Name	Company	Agent	Comments
					<p>contributions</p> <ul style="list-style-type: none"> • Suggest a list of infrastructure is produced and included in the next round of consultation, which details those schemes which were considered, but not included, in the Reg 123 list and the reasons why each has been excluded from the list • Concerned that WGIS is not included on the draft Reg 123 list, this is a key infrastructure project required to help deliver future development in several of Trafford's strategic locations and has wider benefits within Trafford and Salford • Understand that WGIS was omitted in error as the Council believed funding had been secured; this is only the case for WGIS Phase 1 and no funding has been confirmed for future phases • Given the very substantial cost of Metrolink, request clarification from the Council as to how the balance of necessary funding would be made up as it is clear it could not possibly be funded by CIL revenues • Question the certainty of 'big ticket' elements of infrastructure even if they appear on the Reg 123 list and the possibility of contributions still being sought via S106 which would be contrary to the Regs and constitute 'double dipping' • Red Rose Forest project is identified as being site specific, consider that this project and any

No.	URN	Name	Company	Agent	Comments
					<p>other similar wider public realm programme falls outside of the definition of 'site specific mitigation measure'</p> <ul style="list-style-type: none"> • Note the explanation that RRF contributions are sought in lieu of on-site contributions but would question whether this is actually how the policy has been applied in practice by the LPA and hence the basis of that justification • Any further development and implementation of the RRF project and any similar initiatives should be included on the Reg 123 list and no further contributions sought by means of S106 once the CIL charging schedule is adopted
11	1073	Shaun Reynolds	Highways Agency		<ul style="list-style-type: none"> • Interested in meeting with the Council to better understand the proposals for the Levy and how this may interact with highway infrastructure needs on the Strategic Road Network