

# Trafford Community Infrastructure Levy: Draft Charging Schedule – Statement of Modifications



September 2013



## **1. INTRODUCTION**

1.1 Under the provisions of Regulation 16 of the Regulations<sup>1</sup>, the Council is able to modify the CIL Draft Charging Schedule following Publication and consultation. Where changes are proposed the Council is required to produce a statement of modification, inform consultation bodies invited to make representations on the charging schedule, and provide an opportunity to request a right to be heard by the examiner in relation to these proposed changes.

### **Modifications to Draft Charging Schedule**

1.2 This Statement of Modifications sets out the modifications which have been made to the Council's Draft Charging Schedule since it was published for consultation on 13<sup>th</sup> May 2013. The Council received representations from 30 respondents to the CIL Draft Charging Schedule within the consultation period.

### **Publication**

1.3 As required under Regulation 19 of the Regulations, a copy of this Statement of Modifications has been sent to each of the persons that were invited to make representations under Regulation 15 and published on the Council's website at: <http://www.trafford.gov.uk/cil>.

1.4 This Statement of Modifications will also be made available at the Council's offices and in libraries across the Borough for inspection during business hours.

### **Requests to be heard**

1.5 Any person may request to be heard by the Draft Charging Schedule's examiner in relation to the modifications. This right to be heard applies only in relation to the modifications made as set out in this Statement of Modifications. Any request to be heard by the examiner in relation to these modifications must be:

- a. Submitted to Trafford Council in writing before the end of the period of four weeks beginning with the day (02 October 2013) on which the draft charging schedule is submitted to the examiner in accordance with Regulation 19 (1) i.e. before 30 October 2013; and
- b. Include details of the modifications (by reference to this statement of modifications) on which the person wishes to be heard.

1.6 Persons requesting to be heard should indicate whether they support or oppose the modifications and explain why.

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<sup>1</sup> In this Statement, "the Regulations" means the Community Infrastructure Levy Regulations 2010 (as amended).

1.7 In accordance with the Regulations, a copy of each request to be heard in relation to these modifications will be forwarded to the Examiner. Requests to be heard may be withdrawn at any time before the opening of the Examination by giving notice in writing to Trafford Council.

1.8 A request to be heard by the Examiner to these modifications must be made in writing by post or email to:

Strategic Planning & Developments  
Trafford Council  
Waterside House  
Sale Waterside  
Sale  
Greater Manchester  
M33 7ZF

Email: [strategic.planning@trafford.gov.uk](mailto:strategic.planning@trafford.gov.uk)

## 2. SCHEDULE OF PROPOSED MODIFICATIONS

2.1 The table below sets out the proposed modifications to be made to the CIL Charging Schedule following Examination:

<b>MODIFICATIONS</b>			
<b>Reference</b>	<b>Draft Charging Schedule text published May 2013</b>	<b>Proposed modification to text following examination</b>	<b>Reason for modification</b>
Scope of CIL	Development comprising 100 sq. m or more of new build floorspace	Development comprising 100 sq. m or more of new build floorspace ( <a href="#">including residential extensions</a> )	Clarification
Scope of CIL - footnote	Floorspace subject to demolition or resulting from change of use will only be disregarded where it has been in continuous lawful use for at least six months in the 12 months prior to the development being permitted	<del>Floorspace subject to demolition or resulting from change of use will only be disregarded where it has been in continuous lawful use for at least six months in the 12 months prior to the development being permitted</del> <a href="#">A building is in use if a part of that building has been in use for a continuous period of at least six months within the period of 12 months ending on the day planning permission first permits the chargeable development</a>	Drafting inaccuracy and representations on Draft Charging Schedule
Exemptions and Relief	Development of less than 100 sq. m of new build floorspace, provided that it does not result in the creation of a new dwelling	Development of less than 100 sq. m of new build floorspace, provided that it does not result in the creation of a new dwelling ( <a href="#">this covers the majority of residential extensions</a> )	Clarification
Exemptions and Relief	-	<a href="#">Self-build properties, including all extensions, family annexes and home improvements.</a>	Proposed CIL reform confirmed in a statement issued by DCLG.
Exemptions and Relief	This means that the existing floorspace in the building to be extended or demolished	This means that the existing floorspace in the building to be extended or demolished	Drafting inaccuracy

	<p>will be deducted from the total floorspace of the new development, when calculating the CIL liability. Similarly, mezzanine floors are not liable for CIL and any floorspace created by the addition of a mezzanine floor will be deducted from the net additional gross internal floorspace.</p>	<p>will be deducted from the total floorspace of the new development, when calculating the CIL liability. Similarly, <del>mezzanine floors are not liable for CIL, and any floorspace created by the addition of a mezzanine floor will be deducted from the net additional gross internal floorspace.</del> <u>mezzanine floors of less than 200 square metres are not liable for CIL, unless they are to be installed as part of a planning permission which permits other works as well. Where appropriate, the floorspace created by the addition of a mezzanine floor will be deducted from the net additional gross internal floorspace when the CIL liability is calculated.</u></p>	
<p>What is the evidence for the proposed CIL</p>	<p>The appropriate available evidence that informs the Trafford CIL DCS and the supporting documentation for the consultation is available on the Council's website <a href="http://www.trafford.gov.uk/cil">www.trafford.gov.uk/cil</a> and comprises the following documents:</p> <ul style="list-style-type: none"> <li>i. Trafford Local Plan: Core Strategy (adopted January 2012)</li> <li>ii. Trafford Local Infrastructure Plan (September 2010)</li> <li>iii. Trafford CIL: Economic Viability Study (July 2012)</li> <li>iv. Trafford CIL: Economic Viability Study – Addendum Report (March 2013)</li> <li>v. Trafford CIL: Infrastructure Note</li> </ul>	<p><del>The appropriate available evidence that informs the Trafford CIL DCS and the supporting documentation for the consultation is available on the Council's website <a href="http://www.trafford.gov.uk/cil">www.trafford.gov.uk/cil</a> and comprises the following documents:</del></p> <ul style="list-style-type: none"> <li><del>i. Trafford Local Plan: Core Strategy (adopted January 2012)</del></li> <li><del>ii. Trafford Local Infrastructure Plan (September 2010)</del></li> <li><del>iii. Trafford CIL: Economic Viability Study (July 2012)</del></li> <li><del>iv. Trafford CIL: Economic Viability Study – Addendum Report (March 2013)</del></li> <li><del>v. Trafford CIL: Infrastructure Note</del></li> </ul>	<p>Delete section as background information for consultation purposes</p>

	<p>(May 2013)</p> <ul style="list-style-type: none"> <li>vi. Trafford CIL: Infrastructure Funding Gap Statement (May 2013)</li> <li>vii. Draft Regulation 123 List (May 2013)</li> <li>viii. Statement on CIL and S106 (May 2013)</li> <li>ix. Draft Revised SPD1: Planning Obligations (May 2013)</li> <li>x. Trafford CIL: Preliminary Draft Charging Schedule (August 2012)</li> <li>xi. PDCS: Summary of Responses (September 2012)</li> <li>xii. Statement of Representations Procedure (May 2013)</li> </ul> <p>In setting the CIL rates, in accordance with Regulation 14(1) of the CIL Regulations 2010, Trafford Council considers that it has struck an appropriate balance between the desirability of funding infrastructure from the levy and the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across the area.</p> <p><b>Justification for introducing CIL</b> The Council has identified an infrastructure funding gap of over £226m at the time of writing this document. Based on the proposed rates set out in this Trafford CIL DCS. It is anticipated that CIL receipts over</p>	<p><del>(May 2013)</del></p> <ul style="list-style-type: none"> <li><del>vi. Trafford CIL: Infrastructure Funding Gap Statement (May 2013)</del></li> <li><del>vii. Draft Regulation 123 List (May 2013)</del></li> <li><del>viii. Statement on CIL and S106 (May 2013)</del></li> <li><del>ix. Draft Revised SPD1: Planning Obligations (May 2013)</del></li> <li><del>x. Trafford CIL: Preliminary Draft Charging Schedule (August 2012)</del></li> <li><del>xi. PDCS: Summary of Responses (September 2012)</del></li> <li><del>xii. Statement of Representations Procedure (May 2013)</del></li> </ul> <p><del>In setting the CIL rates, in accordance with Regulation 14(1) of the CIL Regulations 2010, Trafford Council considers that it has struck an appropriate balance between the desirability of funding infrastructure from the levy and the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across the area.</del></p> <p><del><b>Justification for introducing CIL</b></del> <del>The Council has identified an infrastructure funding gap of over £226m at the time of writing this document. Based on the proposed rates set out in this Trafford CIL DCS. It is anticipated that CIL receipts</del></p>	
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	<p>the Plan period will be approximately £41.5m which equates to £2.7m per year.</p> <p>The proposed rates are set between 50% and 70% of the theoretical maximum charge recoverable within Trafford, with evidence to show that they remain viable even if sales values were to fall, which is not expected in Trafford. The base rate, which covers the majority of all other development, is proposed at less than 1% of development costs, it is considered that this would not be the determining factor on whether a development takes place or not. However, the base rate will provide additional capital for the provision of infrastructure to support planned growth.</p> <p>As set out in the National Planning Policy Framework (NPPF), the ability to develop, viably, the sites and scale of development identified in the Local Plan should not be threatened. The proposed rates will contribute towards the implementation of the Local Plan and support development of the area by unlocking large development areas through investment in strategic infrastructure. This will be coupled with investment at a local level to bring forward infrastructure that will support future growth in existing communities. This may include investment at local junctions, where the</p>	<p><del>over the Plan period will be approximately £41.5m which equates to £2.7m per year.</del></p> <p><del>The proposed rates are set between 50% and 70% of the theoretical maximum charge recoverable within Trafford, with evidence to show that they remain viable even if sales values were to fall, which is not expected in Trafford. The base rate, which covers the majority of all other development, is proposed at less than 1% of development costs, it is considered that this would not be the determining factor on whether a development takes place or not. However, the base rate will provide additional capital for the provision of infrastructure to support planned growth.</del></p> <p><del>As set out in the National Planning Policy Framework (NPPF), the ability to develop, viably, the sites and scale of development identified in the Local Plan should not be threatened. The proposed rates will contribute towards the implementation of the Local Plan and support development of the area by unlocking large development areas through investment in strategic infrastructure. This will be coupled with investment at a local level to bring forward infrastructure that will support future growth in existing communities. This may include investment at local junctions,</del></p>	
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	<p>cumulative impact of development has meant the junction is at capacity, but by investing in an improvement scheme, this could open up future development prospect in the local area.</p> <p>Comments received to the preliminary draft charging schedule asserted that the Council should be transparent in regard to what developers will need to fund in addition to CIL payments. This issue has been addressed through the production of the supporting infrastructure note, the statement on CIL and S106 and the Draft Revised SPD1: Planning Obligations, which set out the Council's approach to CIL and S106 and clearly demonstrate the intention to significantly reduce the reliance on S106 payments to fund infrastructure.</p> <p>Clearly CIL cannot be expected to fund all of the infrastructure required to support future development. It should be considered as one part of a more complex blend of funding, and as such, securing funding from all potential sources will be fundamental in supporting the delivery of infrastructure to enable growth set out in the Local Plan.</p>	<p><del>where the cumulative impact of development has meant the junction is at capacity, but by investing in an improvement scheme, this could open up future development prospect in the local area.</del></p> <p><del>Comments received to the preliminary draft charging schedule asserted that the Council should be transparent in regard to what developers will need to fund in addition to CIL payments. This issue has been addressed through the production of the supporting infrastructure note, the statement on CIL and S106 and the Draft Revised SPD1: Planning Obligations, which set out the Council's approach to CIL and S106 and clearly demonstrate the intention to significantly reduce the reliance on S106 payments to fund infrastructure.</del></p> <p><del>Clearly CIL cannot be expected to fund all of the infrastructure required to support future development. It should be considered as one part of a more complex blend of funding, and as such, securing funding from all potential sources will be fundamental in supporting the delivery of infrastructure to enable growth set out in the Local Plan.</del></p>	
Changes to the PDCS	The CIL rates as proposed have been	<del>The CIL rates as proposed have been</del>	Delete section as



	<p>amended as a result of comments received to the preliminary draft charging schedule (PDCS) and further evidence base work. The main amendments are set out below:</p> <ul style="list-style-type: none"> <li>• Differential rates for residential – the CIL guidance states that where charge rates are proposed to vary by reference to viability zones, more fine grained evidence should be produced in order to define the boundaries of those zones. The proposed changes to the boundaries for the residential charging zones are considered to reflect the most appropriate available evidence. In order to address some of the comments received through the consultation on the PDCS, in particular in relation to Altrincham town centre and the Trafford Quays area, further analyses of sales values in Trafford was undertaken. As a result of these analyses a change is proposed to the levy rate covering the Trafford Quays area, but Altrincham town centre remains the same.</li> <li>• Revision to account for retail types – a number of responses received to the PDCS asserted that the intended use of retail floorspace does not change upon reaching a certain size of development. With reference to the Trafford CIL: Economic Viability Study – Addendum</li> </ul>	<p><del>amended as a result of comments received to the preliminary draft charging schedule (PDCS) and further evidence base work. The main amendments are set out below:</del></p> <ul style="list-style-type: none"> <li><del>• Differential rates for residential – the CIL guidance states that where charge rates are proposed to vary by reference to viability zones, more fine grained evidence should be produced in order to define the boundaries of those zones. The proposed changes to the boundaries for the residential charging zones are considered to reflect the most appropriate available evidence. In order to address some of the comments received through the consultation on the PDCS, in particular in relation to Altrincham town centre and the Trafford Quays area, further analyses of sales values in Trafford was undertaken. As a result of these analyses a change is proposed to the levy rate covering the Trafford Quays area, but Altrincham town centre remains the same.</del></li> <li><del>• Revision to account for retail types – a number of responses received to the PDCS asserted that the intended use of retail floorspace does not change upon reaching a certain size of development. With reference to the Trafford CIL:</del></li> </ul>	<p>background information for consultation purposes</p>
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	<p>Report, the DCS has been updated with the charges referring to the different intended uses of retail development (Appendix 1). The appropriate available evidence supports these charges being applied across the borough, therefore there are no proposed viability zones.</p> <ul style="list-style-type: none"> <li>• Supermarkets – the Council has chosen to take a more cautious approach to charges in relation to supermarkets and has reduced the proposed charge by 10 per cent, even though the appropriate available evidence supports the application of a higher charge.</li> </ul> <p>The implementation of CIL will be monitored closely and if necessary the Council will progress an early Charging Schedule review where appropriate.</p>	<p><del>Economic Viability Study—Addendum Report, the DCS has been updated with the charges referring to the different intended uses of retail development (Appendix 1). The appropriate available evidence supports these charges being applied across the borough, therefore there are no proposed viability zones.</del></p> <p><del>• Supermarkets—the Council has chosen to take a more cautious approach to charges in relation to supermarkets and has reduced the proposed charge by 10 per cent, even though the appropriate available evidence supports the application of a higher charge.</del></p> <p><del>The implementation of CIL will be monitored closely and if necessary the Council will progress an early Charging Schedule review where appropriate.</del></p>	
Levy Rates and Draft Charging Schedule Map	Cold sub market area	Cold <del>sub market area</del> <a href="#">charging zone</a>	Representations on Draft Charging Schedule
Levy Rates and Draft Charging Schedule Map	Moderate sub market area	Moderate <del>sub market area</del> <a href="#">charging zone</a>	Representations on Draft Charging Schedule
Levy Rates and Draft Charging Schedule Map	Hot sub market area	Hot <del>sub market area</del> <a href="#">charging zone</a>	Representations on Draft Charging Schedule
Levy Rates	Apartments in:	Apartments* in: <a href="#">*Apartments includes sheltered</a>	Clarification

		<a href="#">accommodation/retirement apartments</a>	
Levy Rates	-	Apartments in: <a href="#">Cold charging zone £10</a>	Clarification
Levy Rates	-	Apartments in: <a href="#">Moderate charging zone £10</a>	Clarification
Levy Rates	Public/Institutional Facilities as follows: education, health, community & emergency services.	Public/Institutional Facilities as follows: education, health, community & emergency services, <a href="#">public transport</a> .	Representations on Draft Charging Schedule
Levy Rates	-	<a href="#">Offices £10</a>	Clarification and representations on Draft Charging Schedule
Levy Rates	-	<a href="#">Industry and Warehousing £10</a>	Clarification and representations on Draft Charging Schedule
Levy Rates	-	<a href="#">Leisure £10</a>	Clarification and representations on Draft Charging Schedule
Levy Rates	-	<a href="#">Hotels £10</a>	Clarification and representations on Draft Charging Schedule
Levy Rates	All other chargeable development	All other <b>chargeable</b> development	Clarification
New Section	-	<a href="#">MONITORING AND REVIEW</a> The Council will monitor CIL through the <a href="#">Local Plan Annual Monitoring Report (AMR)</a> . In the event of significant changes in circumstances, the Council will assess the need to review the CIL charging schedule and will internally review <a href="#">infrastructure delivery and economic viability at least biennially</a> . A new charging schedule will be produced if the evidence requires so, and as a minimum the charging schedule will be re-examined by	Clarification

Appendix 1	<p>Supermarkets provide a very wide range of convenience goods, often along with some element of comparison goods also. Most customers use supermarkets for their main weekly shop, using a trolley to buy a large number of different products. The vast majority of custom at supermarkets arrives by car, using the large adjacent car parks provided.</p>	<p><u>April 2017.</u></p> <p><del>Supermarkets provide a very wide range of convenience goods, often along with some element of comparison goods also. Most customers use supermarkets for their main weekly shop, using a trolley to buy a large number of different products. The vast majority of custom at supermarkets arrives by car, using the large adjacent car parks provided.</del></p> <p><u>Supermarkets are large convenience-led stores where the majority of custom is from people doing their main weekly food shop. As such, they provide a very wide range of convenience goods, often along with some element of comparison goods. In addition to this, the key characteristics of the way a supermarket is used include:</u></p> <ul style="list-style-type: none"> <li><u>▫ The area used for the sale of goods will generally be above that applied for the purposes of the Sunday Trading Act of 280sq. m.</u></li> <li><u>▫ The majority of customers will use a trolley to gather a large number of products;</u></li> <li><u>▫ The majority of customers will access the store by car, using the large adjacent car parks provided; and</u></li> <li><u>▫ Servicing is undertaken via a dedicated service area, rather than from the street</u></li> </ul>	Representations on Draft Charging Schedule
Appendix 1	Neighbourhood convenience stores tend	<del>Neighbourhood convenience stores tend</del>	Representations on Draft

	<p>only to provide a limited range of convenience goods. They largely cater for 'top-up shopping' for a small number of items that can be carried by hand or in a small basket. The vast majority of custom will access the store on foot and as such there are no large adjacent car parks.</p>	<p><del>only to provide a limited range of convenience goods. They largely cater for 'top-up shopping' for a small number of items that can be carried by hand or in a small basket. The vast majority of custom will access the store on foot and as such there are no large adjacent car parks.</del></p> <p><u>Neighbourhood convenience stores are used primarily by customers undertaking 'top-up' shopping. They sell a limited range of convenience good and usually do not sell comparison goods. The key characteristics of their use include:</u></p> <ul style="list-style-type: none"> <li>▫ <u>Trading areas of less than the Sunday Trading Act threshold of 280 sq. m;</u></li> <li>▫ <u>The majority of customers will buy only a small number of items that can be carried around the store by hand or in a small basket;</u></li> <li>▫ <u>The majority of customers will access the store on food and as such there is usually little or no dedicated parking; and</u></li> <li>▫ <u>Servicing is often undertaken from the street, rather than dedicated service areas.</u></li> </ul>	<p>Charging Schedule</p>
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