

Thomson Planning Partnership Ltd  
9 Willow Drive, Bunbury, Cheshire  
CW6 9NY

Rob Haslam  
Head of Planning  
Economic Growth and Prosperity  
Trafford Council  
Trafford Town Hall  
Talbot Road  
Stretford, Manchester  
M32 0TH

**BY EMAIL**

26 November 2013

Dear Rob,

**RE: TRAFFORD COMMUNITY INFRASTRUCTURE LEVY: DRAFT CHARGING SCHEDULE WITH MODIFICATIONS SEPTEMBER 2013.**

I write further to the Trafford Community Infrastructure Levy Draft Charging Schedule – With Modifications and my objections to that of 29<sup>th</sup> October 2013. It is our intention to appear at the forthcoming CIL examination on behalf of Shell and the prospective purchasers of the site Langtree Group PLC.

At our meeting on 22 November 2013 with yourself, Helen Jones and the Langtree team, we agreed to set out our position for your further consideration prior to the CIL examination. The comments below are set within the context of our helpful discussions to move forward the Carrington Strategic Site to allow both for a comprehensive development solution but also early delivery on site.

- Allowing provision of infrastructure in lieu of CIL Payments

There is currently no reference within the Trafford Community Infrastructure Levy: Draft Charging Schedule with Modifications September 2013 in relation to the provision of land and / or onsite and / or offsite infrastructure that would be considered in lieu of financial payment with

regards to CIL liability of schemes. Whilst this is covered in relation to the payment of land in Section 73 of the CIL Regulations 2010 (as amended), we consider that reference should be included in the Trafford Community Infrastructure Levy: Draft Charging Schedule for transparency reasons. We consider that this is specifically applicable to the Trafford context and to the Strategic Sites in particular.

- Discretionary Relief for Exceptional Circumstances

Trafford Council originally proposed that relief would be made for exceptional circumstances which included circumstances of cost burdens rendering schemes to be unviable however this appears to have been omitted from the Trafford Community Infrastructure Levy: Draft Charging Schedule with Modifications September 2013 which is the subject of the forthcoming Examination in Public. Whilst this is covered in relation to the payment of land in Section 55 of the CIL Regulations 2010 (as amended), it is considered that reference should be included in the Trafford Community Infrastructure Levy: Draft Charging Schedule for transparency reasons. We consider that this is specifically applicable to the Strategic Sites where the extent of infrastructure necessary to bring them forward for development will mean that issues of viability need to be carefully considered.

- Instalments Policy

In cases where the total CIL liability is over £50,000, it was originally proposed that a CIL Instalments Policy would enable CIL payments to be paid through instalments relating to the commencement of development. However, this now appears to have been omitted from the Trafford Community Infrastructure Levy: Draft Charging Schedule with Modifications September 2013. Section 69 of the CIL Regulations 2010 (as amended) sets out that an instalment policy should be published and as such it is considered that reference should be included in the Trafford Community Infrastructure Levy: Draft Charging Schedule for transparency reasons. Such an instalments policy should reflect the cashflow issues for large developments and relate payment of CIL to the rate of development delivery. We consider that this is specifically applicable to the Strategic Sites where large scale planning applications are likely to be progressed which will then be implemented in phases to reflect the extent of infrastructure necessary to bring forward each phase of development to ensure their overall viability.

- Review Mechanism

It is understood that the Council will monitor CIL through the Local Plan Annual Monitoring Report (AMR). In the event of significant changes in circumstances, the Council will assess the need to review the CIL charging schedule and will internally review infrastructure delivery and economic viability at least biennially. A new charging schedule will be produced if the evidence so requires, and as a minimum the charging schedule will be re-examined by April 2017. The CIL Guidance (para 79) outlines that the Government “strongly encourages” reviews to ensure that CIL is fulfilling its aim and responds to market conditions. If the CIL is set at too high a rate, the delivery of development will be put at risk and subsequently have a detrimental impact on the wider Trafford economy. Regular monitoring is required to ensure that any detrimental impact of the CIL on delivery is noticed and remedied. We consider that monitoring should initially take place on a 6 monthly basis.

We are seeking to ensure that the Carrington Strategic Site can come forward to realise its development potential and we know that Trafford are fully supportive of this. We are committed to working with the Council with regard to an Infrastructure Delivery Plan both for the Authority area and for the Carrington Strategic Site to understand exactly what infrastructure is to be covered by the CIL schedule and what is specifically necessary to facilitate development of the Carrington Strategic Site. To this end, we would be grateful if you can confirm your position in relation to the above points as soon as possible given that the Examination is to commence on 9 December 2013.

Should you require any further information or clarification then please do not hesitate to contact us on the attached details.

Yours sincerely

Andrew Thomson

Head of Planning  
**Rob Haslam**



1<sup>st</sup> Floor, Waterside House, Sale  
Waterside, Tatton Road  
Sale M33 7ZF  
Tel: 0161 912 3149  
[www.trafford.gov.uk/planning](http://www.trafford.gov.uk/planning)

Andrew Thomson  
Thomson Planning Partnership Ltd  
9 Willow Drive,  
Bunbury,  
Cheshire  
CW6 9NY

When calling or telephoning on this matter  
please ask for: Rob Haslam

Our ref: CIL  
Your ref:

Date: 27 November 2013

Dear Andrew,

### **Trafford Community Infrastructure Levy**

It was good to meet with you and the team last week, and thank you for your letter of the 26 November 2013.

As I detailed at our meeting, the Trafford CIL Examination is scheduled to commence on the 09 December 2013 and there are a number of matters that I would hope we would be able to address so that we can establish areas of common ground before the CIL Examination commences.

In relation to the provision of land and/or infrastructure to be considered in lieu of financial payment with regards to CIL liability of schemes, you rightly state that this is covered by regulation 73 of the CIL Regulations, as amended. As such, it is our view that it is not necessary to reiterate this part of the legislation and instead would anticipate entering into negotiations with developers in respect of qualifying schemes.

With regard to discretionary relief for exceptional circumstances, it is correct that the Council has removed reference to this from the Charging Schedule. However it should be noted we have not removed the commitment to offering discretionary relief and its removal from the schedule merely reflects best practice in terms of where such information should be published. The Council's policy on discretionary relief for exceptional circumstances will be published alongside the Charging Schedule and will apply to qualifying schemes as set out in the Draft Charging Schedule. <http://www.trafford.gov.uk/about-your-council/strategies-plans-and-policies/strategic-planning/docs/draft-charging-schedule-consultation.pdf>

Similarly with regard to the instalments policy, its removal from the schedule merely reflects best practice in terms of where such information should be published. The instalments policy is being reviewed in light of comments received to the Draft Charging Schedule consultation to ensure that the CIL liability trigger point, payment periods and amounts form an appropriate mechanism which is fit for purpose and ensures development can come forward viably. We intend to publish the instalments policy alongside the Charging Schedule and it will apply to qualifying schemes, as set out in the Draft Charging Schedule.

As you state, the Council is committed to carrying out regular reviews of the Trafford CIL. This review process will consider the Charging Schedule, the Infrastructure Delivery Plan and the Regulation 123 List. This monitoring will be carried out as part

of the continuous review of the wider Trafford Local Plan and necessary changes will be put to the Council's Executive for approval. Given the continuous nature of this monitoring work, I do not consider that it would be appropriate to stipulate six monthly review deadlines – but we will reflect on what a reasonable monitoring period will be.

For additional clarity, the Regulation 14 Balance Statement that has been submitted as part of the documentation for Examination clearly sets out our approach and is available to view at:

<http://www.trafford.gov.uk/residents/housing/planning/development-control/docs/trafford-community-infrastructure-levy-draft-charging-schedule-regulation-14-balance-statement.pdf>.

Paragraph's 5.12 & 5.16 are most relevant to your letter.

I hope the above information addresses your concerns and I would be grateful if you could advise if the above information provides you and your client with sufficient comfort at this point in time and whether or not you would now be in a position to put a statement in to the CIL Examination to this effect?

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Rob Haslam', with a stylized flourish at the end.

Rob Haslam  
Head of Planning

Thomson Planning Partnership Ltd  
9 Willow Drive, Bunbury, Cheshire  
CW6 9NY

Rob Haslam  
Head of Planning  
Economic Growth and Prosperity  
Trafford Council  
Trafford Town Hall  
Talbot Road  
Stretford, Manchester  
M32 0TH

**BY EMAIL**

4<sup>th</sup> December 2013

Dear Rob,

**RE: TRAFFORD COMMUNITY INFRASTRUCTURE LEVY: DRAFT CHARGING SCHEDULE WITH MODIFICATIONS SEPTEMBER 2013.**

I write further to my letter of 26<sup>th</sup> November and your response of 27<sup>th</sup> November in respect of the Trafford Community Infrastructure Levy Draft Charging Schedule – With Modifications.

In terms of Common Ground, I understand from your letter and Regulation 14 Balance Statement (September 2013) that Trafford accept that:-

- the Council will accept the provision of land and / or infrastructure in lieu of financial payments;
- the Council are committed to offering discretionary relief for exceptional circumstances;
- the CIL Charging Schedule will publish an Instalments policy (para 5.15 of the Balance Sheet);
- The Council is committed to carrying out regular reviews of Trafford CIL and whilst you do not accept that this should be through six monthly review deadlines, you will reflect on what a reasonable monitoring period should be.

It would have been more helpful if these matters could have been included within the Charging Schedule itself rather than being relied upon as part of Government Regulations or part of documents that will be subsequently published. However, this is helpful clarification and addresses some of our concerns, and hence will allow us to focus upon the areas of difference between us and will save time at the Examination next week.

We trust that this clarification assists the Examination. Should you require any further information or clarification then please do not hesitate to contact us on the attached details.

Yours sincerely

Andrew Thomson

C.c. Yvonne Parker – Programme Officer.