

Trafford Community Infrastructure Levy: Statement of Legislative and Regulatory Compliance



September 2013



Statement of Legislative and Regulatory Compliance (September 2013)

Declaration under Section 212(4) of the Planning Act 2008	
<p>Trafford Council declare that as the charging authority we have complied with the relevant requirements of Part 11 of the Planning Act 2008 (as amended) and the Community Infrastructure Levy Regulations 2010 (as amended).</p> <p>Specific actions of compliance to note are as follows:</p>	
<p>Section 211 of Planning Act 2008</p>	<p>In preparing the CIL Draft Charging Schedule, Trafford Council has had regard to:</p> <ul style="list-style-type: none"> (a) actual and expected costs of infrastructure; (b) the economic viability of development; (c) other actual and expected sources of funding for infrastructure; (d) expected administrative expenses in connection with CIL; and (e) statutory guidance. <p>Trafford Council has consulted a range of stakeholders with consultations taking place as follows:</p> <p>Developer and Stakeholder workshop prior to PDCS 9 July 2012 Preliminary Draft Charging Schedule: 03 August to 14 September 2012 Infrastructure Note (informal consultation): 01 February to 25 February 2012 Draft Charging Schedule: 13 May to 24 June 2013</p>
<p>Section 212 of Planning Act 2008</p>	<p>Trafford Council has appointed the Planning Inspectorate to examine the Draft Charging Schedule, as an independent body that has appropriately qualified and experienced Examiners.</p> <p>All persons who have submitted representations about the Draft Charging Schedule have been given the opportunity to request to be heard by the Examiner.</p>
<p>Section 212 of Planning Act 2008</p>	<p>Trafford Council used the following appropriate available evidence to inform the Draft Charging Schedule:</p> <ul style="list-style-type: none"> • Trafford Core Strategy (adopted January 2012) • Trafford CIL: Infrastructure & Economic Viability Assessment (July 2012, Roger Tym & Partners) • Trafford CIL: Economic Viability Study – Addendum Report (March 2013, Roger Tym & Partners) • Trafford CIL: Economic Viability Study – Addendum Report (September 2013, Peter Brett Associates) • Local Infrastructure Plan (September 2010) • Trafford CIL: Infrastructure Note (May 2013) • Infrastructure Funding Gap Statement (May 2013) • Draft Regulation 123 List (May 2013) • Draft Regulation 123 List (September 2013) • Statement on CIL and Section 106 (May 2013) • Draft Revised SPD1: Planning Obligations (May 2013) • Draft Revised SPD1: Technical Note 1 – Meeting Housing Need (May 2013) • Regulation 14: Balance Statement (September 2013) • Summary of responses on the Preliminary Draft Charging Schedule and Infrastructure Note (May 2013)

Compliance with Requirements of CIL Regulations 2010 (as amended)	
Regulation 12	The Draft Charging Schedule contains the information required by the Regulations, namely (a) the name of the charging authority; (b) the rates (in £ per square metre) at which CIL is to be chargeable in the authority's area; (c) the location and boundaries of the zones for differential rates, on an Ordnance Survey base showing grid lines and references; and (d) an explanation of how the chargeable amount will be calculated.
Regulation 13	The differential Levy rates are compliant with Regulation 13, which enables charging authorities to set differential rates (including nil rates) by location and type of development.
Regulation 14	In setting differential Levy rates, the Council has complied with Regulation 14(1), which requires that it, "must aim to strike what appears to the charging authority to be an appropriate balance between (a) the desirability of funding from CIL (in whole or in part) the actual and expected estimated total cost of infrastructure required to support the development of its area, taking into account other actual and expected sources of funding; and (b) the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area.
Regulation 15	The Council prepared and consulted with all consultation bodies, the public, businesses, statutory bodies, and other stakeholders on a Preliminary Draft Charging Schedule for a 6-week period from 3 August 2012 to 14 September 2012. 32 responses were received during the consultation. The responses are documented in the Summary of responses on the Preliminary Draft Charging Schedule and Infrastructure Note (May 2013).
Regulation 16	The Draft Charging Schedule, appropriate available evidence and the Statement of Representations Procedure were published as per Regulation 16. All consultation bodies, the public, businesses, statutory bodies, and other stakeholders were notified of the publication of the DCS and the representations procedures and required public announcements made.
Regulation 17	A total of 30 representations were received to the DCS. These representations and any duly made requests to be heard have been included in the submission to the appointed Examiner.
Regulation 19	All Regulation 19 requirements have been satisfied in submission of the Draft Charging Schedule for Examination. Following 19 (4) a Statement of Modifications has been published on the Council's website. All consultation bodies, representors, and other parties have been sent a copy of the Statement of Modifications and have been offered the right to be heard in respect of those modifications.
Regulation 21	The Council received 5 requests to be heard by the examiner. The time and place of the examination and the name of the examiner will be published on the Council's website at least 4 weeks before the opening of the examination. All those who requested to be notified of the examination will be given 4 weeks' notice. An advert will be placed in the local press publicising the time and place of the examination and name of examiner.