

TRAFFORD COUNCIL

Report to: Executive
Date: 19 December 2016
Report for: Decision
Report of: Executive Member for Economic Growth, Environment and Infrastructure.

Report Title

Revised Community Infrastructure Levy (CIL) Regulation 123 List 2016

Summary

This report provides a summary of the purpose and content of the Revised Community Infrastructure Levy (CIL) Regulation 123 List and highlights the amendments from the original CIL Regulation 123 List, adopted in 2014.

The report also provides a summary of the consultation responses received on the draft Revised CIL Regulation 123 List (June 2016).

The report seeks approval of the Revised CIL Regulation 123 List for adoption to replace the original Regulation 123 List.

Recommendation(s)

That the Executive:

1. Notes the consultation responses received through the consultation on the Draft Revised CIL Regulation 123 List (June 2016), as set out in Appendix
2. Approves the Revised CIL Regulation 123 List (2016) for adoption to replace the original Regulation 123 List, as presented in Appendix 1.
3. Delegates authority to approve and make any minor, non-consequential, amendments to the wording of the document to the Director of Growth and Regulatory Services, prior to its publication.

Contact person for access to background papers and further information:

Name: Richard Roe (Director of Growth and Regulatory Services)
Extension: 4265

Background Papers: None

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| Relationship to Policy Framework/Corporate Priorities | The CIL Regulation 123 List contributes to a number of Corporate Priorities, due to its function in securing and improving infrastructure provision. These include: 'Economic Growth and Development'; 'Safe place to live – fighting crime'; 'Services focussed on the most vulnerable people'; 'Excellence in Education'; and 'Reshaping Trafford Council'. |
| Financial | CIL provides the mechanism for the Council to secure funding towards the required essential infrastructure in the borough. The proposed amendments to the Regulation 123 list will clarify what infrastructure will be funded by CIL. |
| Legal Implications: | The minor amendments proposed to the CIL Regulation 123 List can be lawfully made within the Regulations and all the consultation responses have been properly addressed. Although there is a threat of a Judicial Review being submitted against the Executive Decision being proposed in this report, the risk of this being a successful challenge is considered to be minimal. |
| Equality/Diversity Implications | The draft CIL Charging Schedule was subject to an Equalities Impact Assessment (EIA) in September 2013 to ensure that equality issues have been considered as part of the preparation. The revisions to the Regulation 123 List relate to minor wording changes, there are no changes proposed to the Charging Schedule or to the infrastructure requirements identified in the Regulation 123 List. A further EIA is therefore not required. |
| Sustainability Implications | The CIL Charging Schedule has been subject to an independent viability appraisal. Most of the evidence supporting it has been subject to independent sustainability appraisal as part of the preparation of the Core Strategy. The amendment to the Regulation 123 List is minor and has no additional sustainability implications. |
| Resource Implications e.g. Staffing / ICT / Assets | The Revised CIL Regulation 123 List has been prepared by staff within the existing Strategic Planning and Growth Team. The document will be available to view electronically via the web. |
| Risk Management Implications | The Revised CIL Regulation 123 List supports the sustainable delivery of the Council's Core Strategy, the emerging Greater Manchester Spatial Framework and Development Management function. If the Revised CIL Regulation 123 List is not progressed it could undermine the delivery of infrastructure in Trafford which could in turn put the delivery of future development at risk. |

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| Health & Wellbeing Implications | None |
| Health and Safety Implications | None |

1.0 Background

- 1.1 The Community Infrastructure Levy (CIL) allows local authorities in England and Wales to set a financial levy on developments to fund essential infrastructure to support planned growth.
- 1.2 The Trafford CIL Charging Schedule was formally approved at Full Council on 26th March 2014, and came into effect on 7th July 2014. This document sets out the charges for different types of development and any geographical variations in these rates and was subject to independent Examination.
- 1.3 In accordance with the CIL Regulations 2010 (as amended), the Council is required to produce a list of infrastructure projects that could potentially benefit from CIL funding; this list is known as the CIL Regulation 123 List. The Council adopted the original CIL Regulation 123 List on 7th July 2014 (alongside the CIL Charging Schedule).
- 1.4 The main purpose of the list is to provide transparency around what the Council intends to fund through CIL and what site specific infrastructure Section 106 contributions will continue to be used for. The intention is to ensure that there is no duplication in the use of CIL and Section 106 for the same specific infrastructure.
- 1.5 The CIL Regulation 123 List for Trafford contains a broad range of project types that could be eligible for CIL funding in the period to 2026. During the examination of the CIL, it was noted that the CIL Regulation 123 List included quite broad infrastructure categories and that a more detailed list would be helpful.
- 1.6 The Council consulted on a draft Revised CIL Regulation 123 List for a six week period from the 27th June – 8th August 2016.
- 1.7 The main purpose of the proposed revisions to the CIL Regulation 123 List was to provide minor clarifications and was not the reconsideration of the Council's infrastructure priorities. Two minor points of clarification have therefore been proposed. Firstly, a new sentence has been added at the beginning of each of the Transport, Education and Sport/Recreational facilities sections. This new sentence clarifies, in line with the original intention, that the projects eligible for CIL funding are those listed in the CIL Regulation 123 List only. Any other infrastructure required as a result of a specific development will be secured by way of a Section 106 Agreement.
- 1.8 The second change relates to the two 'catch all' points in the Education section of the CIL 123 List. These changes are intended to make clearer the intention behind the existing CIL Regulation 123 List and to confirm that bullet points one and six relate to the expansion of existing schools only. Through these changes, it will be clear that CIL funds will not be used for any entirely new schools other than those specifically listed in the CIL Regulation 123 List. The Revised CIL Regulation 123 List can be found in Appendix 1 of this Report.

2.0 Public Consultation and the summary of responses received on the draft Revised CIL Regulation 123 List.

- 2.1 The CIL Regulation 123 List can be amended without going through a full CIL review and examination process. Executive Member approval was given on the 13th June 2016

for the Council to consult on the draft Revised CIL Regulation 123 List. In line with Planning Practice Guidance on amending a CIL Regulation 123 List, and the public consultation guidance set out in the Council's Statement of Community Involvement, the following methods were used:

- Email / letter to all Statutory Consultees, major landowners and known developers in Trafford;
- Making the consultation document available on the Strategic Planning webpages;
- Making a copy of the consultation document available at Trafford Town Hall, Sale Waterside Offices and Libraries across the Borough; and
- Placing a consultation notice in the Local Press.

2.2 Consultees were invited to submit their comments via email or letter for a six week period running from 27th June to 8th August 2016.

2.3 Responses were received from Network Rail, the Environment Agency, Peel Land and Property, Natural England and Historic England. A summary of the comments received is provided below, with more detail and the Council's responses to the comments set out in Appendix 2.

3.0 Summary of Responses Received

3.1 The main issues raised through the consultation can be summarised as follows:

- i. A request has been made for the provision of a school within the Trafford Centre Strategic Location to be included on the CIL Regulation 123 List, to bring it in line with the other Strategic Locations and to ensure that there is funding available to assist with its delivery.
- ii. Objection to the insertion of the word 'existing' into the Regulation 123 List so that it states 'Borough wide expansion of existing primary schools'. The existing wording of the Regulation 123 List is considered to allow for flexibility as it suggests that the list of schools identified is not exhaustive and that funding for other schools could be considered.
- iii. A request for the "attractive direct pedestrian link across Trafford Boulevard", referred to in Core Strategy Policy SL4 'Trafford Centre Rectangle', to be included within the CIL Regulation 123 List because the provision of a bridge link at Trafford Waters would affect the viability of any proposed development of the location.
- iv. Objection to the proposed amendment to the wording of the strategic transport infrastructure section of the Regulation 123 List to state 'The following strategic transport infrastructure projects...' as this would only direct CIL funds towards the list of projects provided in the CIL Regulation 123 List. The view is expressed that the existing wording of 'Strategic transport infrastructure including...' indicates that the list of transport projects is not exhaustive and that this could therefore allow for funding to be directed towards schemes such as the Trafford Waters bridge link.
- v. The opportunity to bring the CIL Regulation 123 List up to date, to support the delivery of the Strategic Locations, has been missed through the amendments proposed and that the amendments will remove all flexibility of CIL.

- vi. The proposed changes place the Trafford Centre Rectangle Strategic Location in an extremely disadvantageous position compared with the other Core Strategy Strategic Locations. The view is expressed that the changes have been proposed to deliberately do so and are, therefore, not considered to be in accordance with Regulations and national guidance and should the Council decide to adopt the changes, consideration will be given to the submission of a legal challenge against the decision.
- 3.2 As stated previously, the main purpose of the proposed revisions to the CIL Regulation 123 List was not to make major changes or to reconsider the Council's infrastructure priorities. To do this, would require the Council to reconsider infrastructure needs for all sites across the whole Borough.
- 3.3 All the suggestions summarised above would result in significantly more infrastructure being included on the CIL Regulation 123 List with no additional CIL receipts being available. Any such significant change would require the revisiting of the CIL Charging Schedule and the CIL Regulation 123 List.
- 3.4 If the approach suggested in the representations above was to be taken in isolation from any major review of the CIL, the allocation of major infrastructure would be dictated to by planning decisions rather than by the Local Plan Strategy. For example, the need for a new school at Trafford Waters arises from the developer's decision to seek approval for more dwellings ¹at this location than is identified in the Local Plan.
- 3.5 Therefore, for the reasons set out in Appendix 2 of this report, no changes are considered necessary as a result of the comments received through the consultation.
- 3.6 Approving the amended wording of the CIL Regulation 123 List puts the infrastructure eligible for CIL funding beyond doubt consistent with the original intent and ensures that it is clear that any other necessary infrastructure is to be secured through S106 contributions. The Revised CIL Regulation 123 List ensures that there is absolute clarity on what infrastructure will be eligible for CIL funds and will ensure there is no possible perceived duplication of CIL and Section 106 funds being used for the same project.
- 3.7 Guidance in respect of changes to CIL Regulation 123 Lists makes it clear that such lists can be amended without going through a full CIL review and examination process, providing that an appropriate level of consultation is undertaken and the changes are clearly explained. It is considered that this requirement was fulfilled appropriately, by the Council, when it consulted on the draft Revised CIL Regulation 123 List during June and August 2016. Therefore it is considered that the proposed revisions are both appropriate and in accordance with Regulations and guidance in respect of these matters and no further changes are proposed to the list.

4.0 Sustainability Appraisal

- 4.1 Sustainability Appraisal (SA) is a process used to assess how sustainable development is being addressed and included in plans and strategies prepared by

¹ Approval was granted for: 3,000 dwellings; 80,000 sqm office; 6,700 sqm commercial; hotels; a care-home and a primary school on land known as Trafford Waters within the Trafford Centre Rectangle Strategic Location on the 13th October 2016 by the Planning and Development Management Committee. This approval is subject to the terms of a S106 Agreement which is yet to be signed.

organisations. The CIL Charging Schedule relates to infrastructure required to deliver the Trafford Core Strategy which was the subject of a sustainability appraisal.

- 4.2 Because the proposed amendments to the CIL Regulation 123 List are minor and clarify the ambit of the existing list, there are not considered to be any additional sustainability implications and therefore no new appraisal has been deemed necessary.

5.0 Next Steps

- 5.1 Following approval of the Revised Regulation 123 List, the document will be made available on the Council's website and will then help to inform when infrastructure would be funded through CIL and when S106 Agreements should be used to provide necessary infrastructure provision as part of planning proposals. The Revised CIL Regulation 123 List will also inform the allocation and spending of the strategic infrastructure portion of CIL funds.

Other Options

The Council could choose not to adopt the Revised CIL Regulation 123 List and could instead continue to use the existing CIL Regulation 123 List.

However, it has been highlighted that the wording used in parts of the existing CIL Regulation 123 List could be open to possible misinterpretation. Amending the wording of part of the CIL Regulation 123 List through the adoption of the Revised CIL Regulation 123 List will put the infrastructure eligible for CIL funding beyond doubt. This will ensure that the Council is in the strongest position to secure the infrastructure required for any proposed developments.

Consultation

The draft Revised CIL Regulation 123 List was subject to a period of public consultation in line with both Planning Practice Guidance on amending a CIL Regulation 123 List and the Council's Statement of Community Involvement.

Reasons for Recommendation

Adopting the Revised CIL Regulation 123 List will put the infrastructure eligible for CIL funding beyond doubt and ensure the Council is in the strongest position to secure the infrastructure required for any proposed developments. The changes will ensure there is absolute clarity on what infrastructure will be eligible for CIL funds and will ensure there is no possible perceived duplication of CIL and Section 106 funds being used for the same project.

Key Decision – Yes

If Key Decision, has 28-day notice been given? Yes

Finance Officer Clearance: PC

Legal Officer Clearance: JLF



CORPORATE DIRECTOR'S SIGNATURE

Appendix 1

Revised CIL Regulation 123 List December 2016

Regulation 123 of the Community Infrastructure Levy (CIL) Regulations 2010 as amended, restricts the use of planning obligations for infrastructure that will be funded in whole or in part by CIL, to ensure there is no duplication between the two types of developer contributions. Further detail regarding planning obligation requirements can be found in the revised SPD1 – Planning Obligations 2014.

A CIL charging authority is required to publish a list of infrastructure that it intends to fund through CIL on its website. Trafford Council (as the Charging Authority) can review this list at least once a year as part of its monitoring of CIL receipts and expenditure.

The inclusion of an infrastructure project or type of infrastructure in this list does not signify a commitment from the Council to fund (either in whole or in part) the listed project or type of infrastructure through CIL. Nor does the order of the table imply any order of preference for CIL funding.

The Trafford CIL Infrastructure Note (May 2013) that informs this Regulation 123 list was submitted to the CIL Examination in December 2013. It contains a broad range of projects and project types across Trafford that could be eligible for CIL funding in the period to 2026. The current indicative range of infrastructure projects, derived from the Infrastructure Note that may be funded in whole or part through CIL in the five year period between 2014 and 2019, are set out in the table below.

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| <p>Infrastructure currently considered likely to benefit from the application of CIL funding:</p> |
| <p>The following strategic transport infrastructure projects: <i>Western Gateway Infrastructure Scheme (WGIS)</i> <i>Extension of Metrolink through Trafford Park</i> <i>New Link Road to and through the development site at Carrington</i> <i>Significant improvements to public transport in Carrington and Partington</i> <i>Transformational junction improvement scheme in Stretford</i></p> |
| <p>Strategic flood risk and drainage projects <i>Including those identified in the Local Flood Risk Management Strategy</i></p> |
| <p>The following education projects: <i>Borough-wide expansion of existing primary schools to provide additional intake places</i> <i>Provision of a 1-form entry primary school to serve Pomona Island, Trafford Wharfside, Old Trafford and Lancashire County Cricket Club Quarter</i> <i>Provision of a 2-form entry primary school in Carrington</i> <i>Provision of a 1-form entry primary school in Altrincham</i> <i>Provision of a 1-form entry primary school in Stretford</i> <i>Borough-wide expansion of existing secondary schools to provide additional intake places</i></p> |
| <p>The following strategic sport and recreational facilities: <i>Provision of a major wet and dry facility at Stretford</i> <i>Provision of a major wet and dry facility at Sale/Altrincham</i></p> |
| <p>Strategic green infrastructure <i>Apart from those projects delivered directly on-site (including those for residential developments of 300 units or more)</i></p> |

Appendix 2 – Summary of Representations

| Date Received | Organisation | Person ID | Comment ID | Document Name | Summary Of Response | Response type | Proposed Council Response |
|---------------|--|-----------|------------|---------------------------------------|---|-----------------|---|
| 27-Jun-15 | Historic England | 1074 | 101 | Draft Revised CIL Regulation 123 List | General comments regarding the role of CIL. | General comment | General comment noted. |
| 27-Jun-16 | Network Rail | 1235 | 102 | Draft Revised CIL Regulation 123 List | Network Rail has no comments. | No comments | Noted. |
| 02-Aug-16 | The Environment Agency | 1430 | 103 | Draft Revised CIL Regulation 123 List | The Environment Agency has no comments. | No comments | Noted. |
| 03-Aug-16 | Natural England | 1037 | 104 | Draft Revised CIL Regulation 123 List | Natural England has no comments. | No comment | Noted. |
| 08-Aug-16 | NJL Consulting on behalf of Peel Land and Property | 1373 | 105 | Draft Revised CIL Regulation 123 List | Objection to the proposed changes and requests for amendments to be made. | Objection | Objection noted. See proposed responses to detailed comments below. |
| 08-Aug-16 | NJL Consulting on behalf of Peel Land and Property | 1373 | 106 | Draft Revised CIL Regulation 123 List | General comment on the purpose of CIL and of the role of the Local Infrastructure Plan (LIP) and Infrastructure Note (2013) in identifying infrastructure requirements. | General comment | General comment noted. |

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| 08-Aug-16 | NJL Consulting on behalf of Peel Land and Property | 1373 | 107 | Draft Revised CIL Regulation 123 List | General comment regarding the five Core Strategy Strategic Locations, the key infrastructure required to facilitate delivery of the locations identified in Core Strategy Policies SL1 - 5 and the role of the Infrastructure Note (2013) in further detailing the required infrastructure. | General comment | General comment noted |
| 08-Aug-16 | NJL Consulting on behalf of Peel Land and Property | 1373 | 108 | Draft Revised CIL Regulation 123 List | Note that Policy SL4 'Trafford Centre Rectangle' of the Core Strategy includes a requirement for a school as part of the development of the location but that the provision of a school is not included in 'Implementation' section of Policy SL4. This is considered to be an omission, as the provision of a school is identified in the 'Implementation' sections of the other 4 Strategic Location Policies. It is noted that the background to this position is set out in the Infrastructure Note (2013) which states that schools in Urmston would have the capacity to take demand arising from future development of the Trafford Centre Rectangle Strategic Location (including Trafford Waters). A school at the Trafford Centre Rectangle has not therefore been included as part of the CIL Regulation 123 List. This position is now considered out of date as proposals for Trafford Waters have increased beyond growth anticipated in the Core Strategy, a position which has been recognised by Trafford Council which has stated that due to the increased growth, there will no longer be capacity within nearby schools to accommodate the development. A request for a school at | Objection | Trafford's Core Strategy was adopted in January 2012. The Core Strategy envisages 1050 homes at the Trafford Centre Rectangle (Policy SL4). Under those circumstances there was not anticipated to be a need for a new school here in contrast to the position at other strategic locations. The Core Strategy remains Council policy and provides an appropriate policy framework for the level of infrastructure to be supported through CIL and therefore identified in the CIL Regulation 123 List. To include a school at Trafford Waters in the Revised CIL Regulation 123 List would result in a significant change to the List. This is not considered to be appropriate given that the Trafford CIL supports the delivery of the Trafford Core Strategy. The majority of Trafford Waters |

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| | | | | <p>Trafford Waters to be specifically identified in the Regulation 123 List to bring it in line with other Strategic Locations and to ensure that there is funding available to assist with its delivery.</p> | <p>would amount to growth beyond that expected in the Local Plan. The suggested change would result in significantly more infrastructure being included on the CIL Regulation 123 List with no additional CIL receipts being available. Any such significant change would require the revisiting of the CIL Charging Schedule and the CIL Regulation 123 List.</p> <p>If the approach suggested in the representation was to be taken in isolation from any major review of the CIL, the allocation of major infrastructure would be dictated to by planning decisions rather than by the Local Plan Strategy. The Revised CIL Regulation 123 List will ensure that if additional school places are required as a result of levels of development, significantly above those anticipated in the Core Strategy, they can be secured by way of a Section 106 agreement for a specific site and will not be considered contrary to regulations. No change proposed.</p> |
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| 08-Aug-16 | NJL Consulting on behalf of Peel Land and Property | 1373 | 109 | Draft Revised CIL Regulation 123 List | <p>Objection to the insertion of the word 'existing' into the Regulation 123 List so that it states 'Borough wide expansion of existing primary schools'. The existing wording of the Regulation 123 List could allow for flexibility for CIL funding for schools beyond those specifically identified. The current wording suggests that the list of schools identified is not exhaustive and funding for others schools could be considered. This allows for changes in circumstances, such as have occurred at Trafford Waters. The insertion of the word 'existing' removes necessary flexibility that would have allowed CIL funding to be directed to a school at Trafford Waters. This is considered to be contrary to the purposes of CIL.</p> | Objection | <p>The text in the Education section has been revised to make it clear that bullet points one and six relate to the expansion of existing schools only, in accordance with the original intent. CIL funds will not be used for any entirely new schools other than those listed in the Revised CIL Regulation 123 List.</p> <p>The text for the Education section of the Regulation 123 List has been amended to clarify that the projects eligible for CIL funding are those listed in the Regulation 123 List only. Any other infrastructure required as a result of a specific development will be secured by way of a Section 106 agreement. The previous use of the word 'including' could have been misinterpreted to imply that the infrastructure listed is not exhaustive; the amended wording will therefore clarify this.</p> <p>Please see the Council's proposed response to 'comments 108' for further</p> |
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| | | | | | | | <p>details.</p> <p>No change proposed.</p> |
| 08-Aug-16 | NJL Consulting on behalf of Peel Land and Property | 1373 | 110 | Draft Revised CIL Regulation 123 List | <p>Policy SL4 'Trafford Centre Rectangle' of Trafford Council's Core Strategy states that Trafford Waters must include 'An attractive direct pedestrian link across Trafford Boulevard'. This is also identified in the implementation section of the Policy and in the Council's LIP and Infrastructure Note (2013). Despite this, Peel note that the bridge link is not identified in the Regulation 123 List and there is no evidence to confirm why this has occurred.</p> | Objection | <p>The Regulation 123 List is derived from projects and types set out in the Infrastructure Note (2013). The Infrastructure Note (2013) contains a broad range of infrastructure projects and project types that could be eligible for CIL funding in the period to 2026. Not all projects included on the Infrastructure Note can be included within the CIL Regulation 123 List; neither would it be appropriate to do so.</p> <p>Please see the Council's proposed response to 'comments 108' for further details.</p> <p>No change proposed</p> |

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| 08-Aug-16 | NJL Consulting on behalf of Peel Land and Property | 1373 | 111 | Draft Revised CIL Regulation 123 List | <p>The position regarding the Trafford Centre rectangle has progressed since the Infrastructure Note (2013) was published with the scale of proposed development at Trafford Waters having increased. It is felt that the importance of the bridge link has also now increased. The Trafford Waters planning application indicates that the cost of the bridge is in the region of £15.5m, which is £5.5m greater than that anticipated by the Council. The provision of the bridge link is the main item that limits the viability of the Trafford Waters development and its ability to provide for affordable housing. Evidence shows that the provision of the bridge link affects the viability of the Trafford Waters development and a contribution from CIL funding would significantly improve the deliverability of the bridge and the viability of the whole scheme. This would then increase the number of affordable homes that Trafford Waters could include. Therefore a request is made for the bridge link across Trafford Boulevard to be identified as one of the strategic transport infrastructure projects in the Regulation 123 List.</p> | Objection | <p>Whilst it is accepted that the bridge is an item of infrastructure necessary to support the sustainable development at Trafford Waters, and this is reflected in both the Core Strategy and the Infrastructure Note (2013). As stated above, the Infrastructure Note is a broad range of infrastructure projects which could be eligible for CIL funding in the period to 2026 but it would not be possible or appropriate to include all items within the 123 List. It is not considered appropriate to include the bridge on the 123 List.</p> <p>Please see the Council's proposed response to 'comments 108' for further details.</p> <p>No change proposed</p> |
| 08-Aug-16 | NJL Consulting on behalf of Peel Land and Property | 1373 | 112 | Draft Revised CIL Regulation 123 List | <p>Objection to the proposed amendment to the wording of the strategic transport infrastructure section of the Regulation 123 List to state 'The following strategic transport infrastructure projects...' as this would only direct CIL funds towards to list</p> | Objection | <p>The text of the Transport section has been amended to clarify that the projects eligible for CIL funding are those listed in the Regulation 123 List only. Any other</p> |

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| | | | | | <p>of projects provided in the Regulation 123 List. It is felt that the existing wording of 'Strategic transport infrastructure including...' indicates that the list of transport projects is not exhaustive and that this could therefore allow for funding to be directed towards schemes such as the Trafford Waters bridge link. The original wording better reflects the purpose of CIL in assisting with the delivery of the Strategic Locations. The proposed amended wording would not support the delivery of the Strategic Locations and in particular Trafford Waters, as part of the Trafford Centre Rectangle Strategic Location and therefore is contrary to the objectives of CIL.</p> | <p>infrastructure required as a result of a specific development will be secured by way of a Section 106 agreement. The previous use of the word 'including' could have been misinterpreted to imply that the infrastructure listed is not exhaustive; the amended wording will therefore clarify this.</p> <p>Please see the Council's proposed response to 'comments 108' for further details.</p> <p>No change proposed.</p> |
| 08-Aug-16 | NJL Consulting on behalf of Peel Land and Property | 1373 | 113 | Draft Revised CIL Regulation 123 List | <p>The opportunity to bring the CIL Regulation 123 List up to date, to support the delivery of the Strategic Locations, has been missed through the amendments proposed. The amendments will remove all flexibility and CIL will have a narrower and less effective remit. If these proposals are fully published, CIL will not be able to appropriately support the delivery of the Trafford Centre Rectangle Strategic Location, which is contrary to the purposes of CIL. As a result, objection is made to the proposed amendments.</p> | <p>The amendments made to the Regulation 123 List puts the infrastructure eligible for CIL funding beyond doubt and ensures the Council is in the strongest position to secure the infrastructure required for any proposed developments.</p> <p>The Revised CIL Regulation 123 List will ensure that there is absolute clarity on what infrastructure will be eligible for CIL funds and ensures there is no possible perceived duplication of CIL and Section 106 funds being used for the</p> |

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| | | | | | | | <p>same project.</p> <p>Please see the Council's proposed response to 'comments 108' for further details.</p> <p>No change proposed</p> |
| 08-Aug-16 | NJL Consulting on behalf of Peel Land and Property | 1373 | 114 | Draft Revised CIL Regulation 123 List | <p>The proposed changes place the Trafford Centre Rectangle Strategic Location in an extremely disadvantageous position compared with the other Strategic Locations, and appear to be deliberately designed to do so. Therefore, should the Council decide to adopt the changes, serious consideration will be given to submitting a legal challenge against the decision.</p> | | <p>Approving the amended wording of the CIL Regulation 123 List puts the infrastructure eligible for CIL funding beyond doubt and ensures that the Council is in the strongest position to secure the infrastructure required for any proposed developments. The Revised CIL Regulation 123 List ensures that there is absolute clarity on what infrastructure will be eligible for CIL funds and will ensure there is no possible perceived duplication of CIL and Section 106 funds being used for the same project.</p> <p>Guidance in respect of changes to CIL Regulation 123 Lists makes it clear that these lists can be amended without going through a full CIL review and examination process, providing that an appropriate</p> |

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| | | | | | | <p>level of consultation is undertaken and the changes are clearly explained. It is considered that this requirement was fulfilled appropriately, by the Council, when it consulted on the draft Revised CIL Regulation 123 List during June and August 2016. Therefore it is considered that the proposed revisions are both appropriate and in accordance with Regulations and guidance in respect of these matters.</p> <p>Please see the Council's proposed response to 'comments 108' for further details.</p> <p>No change proposed.</p> |
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