

TRAFFORD COUNCIL

Report to: Planning Development Control Committee
Date: 05 June 2014
Report for: Information
Report of: Head of Planning Services

Report Title

Implementation of the Trafford Community Infrastructure Levy

Summary

This report is to inform Planning Development Control Committee about the implementation of the Community Infrastructure Levy on 07 July 2014.

Recommendation

That Members of Planning and Development Control Committee:

- Note the forthcoming changes to the planning process due to the implementation of CIL.
- Note that those planning applications that are “minded to grant subject to a section 106 agreement” but are not signed prior to 07 July 2014 will need to be reconsidered by planning committee.

Contact person for access to background papers and further information:

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1.0 Background

- 1.1 The Community Infrastructure Levy (CIL) was created under the terms of the Planning Act 2008, and established a new system for collecting developer contributions to fund essential infrastructure.
- 1.2 Trafford Council has been developing a Charging Schedule to deliver a CIL for the Borough. At its meeting on 26 March 2014, Full Council formally approved the Trafford CIL Charging Schedule and supporting documents for implementation on Monday 07 July 2014. Changes to the validation checklist to allow for the introduction of CIL were also considered by Planning & Development Control Committee in April 2014.
- 1.3 Planning permissions issued on or after 07 July 2014 will be determined under CIL, therefore the Planning Committee held on 05 June 2014 will be the final meeting of the committee prior to the introduction of CIL.

2.0 Implications

- 2.1 Upon its introduction, CIL will replace many of the developer contributions currently required by the Council's Supplementary Planning Document 1 (SPD1): Planning Obligations (February 2012). To ensure that developments do not pay twice for the same type of infrastructure, SPD1 has been revised to scale back contributions secured through the use of legal agreements. SPD1 2014 will be used for development management purposes to assist in the implementation of CIL from.
- 2.2 The types of infrastructure that CIL monies can be spent on must be listed in a formal document known as the "Regulation 123 list". This document has been approved for use, and will be subject to further consultation in advance of April 2015, when it is anticipated that developments that are CIL liable will start to be developed. An extract of the infrastructure projects that could benefit from the application of CIL monies is provided in Appendix 1 of this report.
- 2.3 Planning applications that are subject to a legal agreement should be signed and the decision notice issued prior to the introduction of CIL. If the legal agreement is not completed before 07 July 2014, the application will then fall under the CIL regime, and may potentially incur a CIL liability instead. After this date the Council will not lawfully be able to request a S106 agreement for infrastructure provision that is the same as that which CIL will fund. As of 20 May 2014, there were 51 unsigned legal agreements still being worked upon.
- 2.4 In line with the Trafford Charging Schedule, the following types of development that will generally incur a CIL liability are as follows:
- New houses across the borough
 - Apartments in the south of the borough
 - Supermarkets outside of town centres
 - Retail units for bulky goods
 - Leisure uses and hotels
- 2.5 It should be noted that in Trafford the following types of development will not generate a CIL liability: industry and warehousing, offices, affordable houses, apartments in the "cold" and "moderate" charging zones and public/institutional facilities.
- 2.6 The liability is calculated on a £ per square metre basis and is based on the rates set out in the CIL "Charging Schedule", Appendix 2 of this report provides an extract of the rates. By way of example, a house that is 150sqm and located in Hale would generate a CIL liability of £12,000. It should be noted that existing floor space can be netted off proposed floorspace in certain circumstances, and this can substantially reduce the CIL liability.
- 2.7 Once CIL is introduced within Trafford, key infrastructure will be delivered in the following ways:
- Affordable housing delivery will be secured through the use of a S106, as before.
 - Highways and public transport will be tailored to the specific needs of the development. This may be secured through planning conditions, Grampian conditions, a S278 highways agreement or a S106 legal agreement.
 - Spatial green infrastructure will be delivered on site through the use of planning conditions, however phased developments will require a legal agreement to secure meaningful provision, rather than on a piecemeal basis.

- Tree planting will be secured through landscaping conditions for onsite delivery. It will not normally be accepted offsite, unless for example land is owned nearby which is better suited for the purpose.
- Health, flood defence, community facilities and other types of provision may be required, but these will typically be linked to major schemes.
- Education provision will be funded through CIL.

2.8 Schemes that already benefit from a “minded to grant” committee resolution but where the legal agreement has not been concluded in time may need to come back to Committee. Other schemes for Reserved Matters where an existing outline consent is in place will not be CIL liable. However, for resubmission of planning applications and where an applicant comes forward for a full consent following outline, this will generate a CIL liability where applicable.

3.0 Recommendation

3.1 The Committee is requested to:

- Note the forthcoming changes to the planning process due to the implementation of CIL.
- Note that those planning applications that are “minded to grant subject to a section 106 agreement” but are not signed prior to 07 July 2014 will need to be reconsidered by planning committee.

Extract from Regulation 123 list

Strategic transport infrastructure including:

- Western Gateway Infrastructure Scheme (WGIS)
- Extension of Metrolink through Trafford Park
- New Link Road to and through the development site at Carrington
- Significant improvements to public transport in Carrington and Partington
- Transformational junction improvement scheme in Stretford

Strategic flood risk and drainage projects, including those identified in the Local Flood Risk Management Strategy

School facilities including:

- Borough-wide expansion of primary schools to provide additional intake places
- Provision of a 1-form entry primary school to serve Pomona Island, Trafford Wharfside, Old Trafford and Lancashire County Cricket Club Quarter
- Provision of a 2-form entry primary school in Carrington
- Provision of a 1-form entry primary school in Altrincham
- Provision of a 1-form entry primary school in Stretford
- Borough-wide expansion of secondary schools to provide additional intake places

Strategic sport and recreational facilities including:

- Provision of a major wet and dry facility at Stretford
- Provision of a major wet and dry facility at Sale/Altrincham

Strategic green infrastructure, apart from those projects delivered directly on-site (including those for residential developments of 300 units or more)

Appendix 2

Extract from CIL Charging Schedule

Use	CIL charge (per sqm)
Private market houses in:	
<i>Cold charging zone</i>	£20
<i>Moderate charging zone</i>	£40
<i>Hot charging zone</i>	£80
Apartments ¹ in:	
<i>Cold charging zone</i>	£0
<i>Moderate charging zone</i>	£0
<i>Hot charging zone</i>	£65
Retail Warehouses	£75
Supermarkets outside defined town centres	£225
Supermarkets within the defined town centres of Altrincham, Sale, Stretford and Urmston	£0
Public/Institutional Facilities as follows: education, health, community & emergency services, public transport	£0
Offices	£0
Industry and Warehousing	£0
Leisure	£10
Hotels	£10
All other development	£0

¹ Apartments include sheltered accommodation/retirement apartments