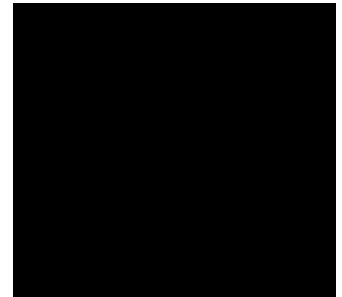


9 November 2022



CIL Consultation 2022  
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**By email only**

Dear Sir / Madam,

**Brentwood Borough Council Community Infrastructure Levy (CIL)  
Draft Charging Schedule Regulation 16 Consultation October 2022  
Representations submitted on behalf of S&J Padfield & Partners**

These representations are submitted by Savills on behalf of S&J Padfield & Partners in response to the Brentwood Community Infrastructure Levy (CIL) Regulation 16 Consultation on the draft CIL charging schedule.

It is noted that following this consultation exercise the Council intends to submit a CIL draft charging schedule for public examination.

The current consultation follows previous engagement on a Preliminary Draft Charging Schedule carried out in October 2016. At that previous stage the Council proposed a nil rate £0 charge for all non-residential uses (excepting retail). This approach was in line with the need to support job creation and the requirement of the NPPF to support economic growth and productivity (NPPF paragraph 81). It also accords with the Council's vision as set out in the strategic objectives in the newly Adopted Local Plan which seeks to enhance and encourage development on new sites of economic opportunity with good connectivity to wider markets. The current consultation is supported by a viability assessment report prepared by HDH Planning & Development (HDH Report).

Having read the consultation material, we have a few concerns as follows:

We note the current consultation now proposes significant higher CIL rates including for employment generating uses in particular. These include a proposed rate of £140 for distribution and logistics, and a rate of £80 for industrial development on greenfield land.

Retail development is also subject to significant rates, and residential development is subject to different rates between £0 (Dunton Hills Garden Village) and £250 in 'other areas'. We assume this is based on assumptions of viability which are not yet proven but there does seem to be a wide disparity.

The imposition of such CIL rates on employment generating development will undoubtedly place an additional burden on the owners/occupies and will in our view provide a barrier to further important economic uses coming forward. This will have significant potential impacts on the economic growth in the Borough. The Council needs

to reconsider its approach to this form of charge on what it regards as essential economic employment development.

At para 9.26 the HDH report sets out the basis on which the modelling has been carried out. It is noted for that distribution uses are based on unit sizes of 3,000 sqm, approximately 32,000 sq ft. This is significantly lower than the size of many modern employment buildings including those likely to come forward in the Southern Growth Corridor. This will generate a barrier to investment and potential future employment.

It is also noted that assumptions have been made about the selection of Existing Use Values. For employment uses 50,000 £/ha appears to have been assumed for greenfield sites, and 1,200,000 £/ha appears to have been assumed for brownfield. There is no clarification on the types of sites and the approach is very broad. It certainly does not accurately allow for variations in existing use value or the specific nature of sites and how these can be brought forward for development.

The Council through its own Adopted Local Plan has recognised the need to create and incentivise investment in brownfield sites to improve the stock and quality of employment land in the Borough. This will not be achieved if there is a prescriptive high charge through CIL which does not recognise the costs of bringing forward such sites and will severely impact future investment and the willingness to bring sites forward for regeneration and development.

Para 11.10 of the HDH Report also assumes that “distribution and logistics uses are likely to be on greenfield sites”. There is no basis for this assumption and yet much of the work in the report appears to have relied on it. In short, the charging schedule seeks to apply a high CIL rate of £140/sqm to all B8 distribution and logistics uses without proper explanation and analysis.

The land holdings of S&J Padfield & Partners at Codham Hall for example include significant areas of brownfield land where there may be additional investment in B8 storage uses through new building projects. This high CIL rate would jeopardise the bringing forward of such projects which are important to improve conditions for business in Brentwood as well as a variety of buildings and uses. This is a significant flaw in the approach adopted by HDH in their viability study.

Furthermore, in the analysis some sites have a standalone assessment and others not. The impact of s106 obligations on other sites in the South Growth Corridor is equally significant for those sites, and we would question the logic in applying a zero rate only to Dunton Hills Garden Village for example, but not for other sites.

In our client’s submission a justified approach would be to zero rate all employment generating development because conversely it would help to support and regenerate the Brentwood local economy whilst not producing the types of impact on local services and amenities such as education and health, which new residential development will inevitably do. In practice, CIL contributions from employment sites would be contributing to education and healthcare infrastructure, despite it being a use which would have negligible impact on these facilities, and effectively therefore mitigating for the zero-rated Dunton Hills Garden Village development for example.

Moreover, economic growth is key to the economy and is given significant weight in planning policy. Section 6 of the National Planning Policy Framework (NPPF) has regard to Building a strong and competitive economy. Specifically, Paragraph 81 states that:

***Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.***

Developments within the Southern Growth Corridor in particular are also subject to existing significant levels of planning obligation burden through the proposed s106 contributions associated with the IDP.

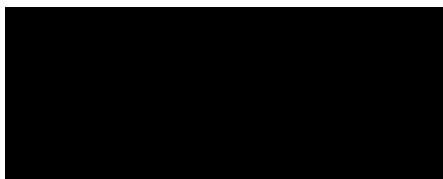
It is our view that the Council's approach of seeking to double count/collect for the same infrastructure cannot be justified and if progressed would place additional and unsustainable demands on the viability of these projects. The CIL consultation should also provide further clarification on the list of infrastructure it is intending to fund and the relationship with any proposed S106 contributions in accordance with the items in the published IDP. There appears to be limited information available on this at present.

S & J Padfield & Partners as a significant land holder in the area have the potential to bring forward development that not only meets economic needs but has potential to bring forward other benefits to the community such as future employment, open space, community uses and connectivity. These should rightly be considered as part of any further planning application proposals. However, the imposition of significant CIL charging rates would negatively impact on the overall ability of such schemes and perhaps the willingness to bring forward such positive community uses and benefits on site.

Please formally register this response and confirm safe receipt in due course.

Should you wish to discuss any aspect of this representation, please do not hesitate to contact me.

Yours sincerely



James Firth BA (Hons) MSc MRTPI  
Director, Planning