



Date: 9 November 2022
TfL Ref: TTLP/Brentwood CIL - RS/JB

Brentwood Borough Council
Town Hall
Ingrave Road
Brentwood
London, CM15 8AY

By email: planning.policy@brentwood.gov.uk

Dear Sir / Madam,

RE: LB BRENTWOOD COMMUNITY INFRASTRUCTURE LEVY DRAFT CHARGING SCHEDULE

Thank you for providing the opportunity to comment on the LB Brentwood Community Infrastructure Levy Draft Charging Schedule.

TTL Properties Limited (TTLP) is a dedicated commercial property company within Transport for London (TfL). Please note that our representations below are the views of the TTLP planning team given the land interest that TfL has in the borough only and are separate from any representations that may be made by TfL in its statutory planning role and / or as the strategic transport authority. Our colleagues in TfL Spatial Planning have provided a separate response to this consultation in respect of TfL-wide operational and land-use planning / transport policy matters as part of their statutory duties.

London Underground Limited (as a subsidiary of TfL) have a long leasehold on Brentwood Railway Station Car Park. TTLP are exploring, along with the freeholder Network Rail, the potential to develop this site for high-quality mixed-use development that relates to and strengthens its neighbourhood, which delivers a place that people are proud to live in, and which is founded on transparent engagement and best practice.

We recognise that CIL is crucial to providing the infrastructure that the borough needs but that there is a delicate balance that needs to be achieved which delivers infrastructure without unintentionally constraining development.

Brentwood CIL Draft Charging Schedule

TTLP are concerned that the proposed CIL amounts set out in the CIL Draft Charging Schedule could have adverse implications for the viability of development on Brentwood Railway Station Car Park, the development of which could provide much needed housing (including affordable housing) and other public benefits. Planning Practice Guidance (Paragraph: 010 Reference ID: 25-010-20190901) stipulates that when deciding the levy rates, an authority must strike an appropriate balance between additional investment to support development and the potential effect on the viability of developments.



TfL Operational and Infrastructure Constraints and Requirements

For the Brentwood Railway Station Car Park site, there will be infrastructure and operational constraints and requirements which will result in significant abnormal costs for the development.

Policy R10 of the Local Plan requires that sufficient parking is provided on this site to meet existing and future rail traveller needs. This will incur additional costs either by reducing the area of the site that can be developed or it will require parking to be provided within a specific structure such as a multi-storey car park.

There will also be additional costs associated with mitigating sound and vibration from the adjacent railway, as well as operational requirements which require, for example, a 3-meter buffer from the railway which again reduces the developable site area.

As a transport operator, this scheme will seek to improve public transport and active travel at and in the vicinity of the site. There are also abnormal costs associated with the timing and methodology for the construction of schemes. For example, development close to the railway tracks will require robust protective measures to maintain service operations, and the health and safety of the network and passengers.

These constraints and requirements create substantial additional costs which can have viability implications. On pg. 84 of the CIL Viability Update 2022 there is reference to abnormal costs and how they have been accounted for:

“In some cases, where the site involves redevelopment of land which was previously developed, there is the potential for abnormal costs to be incurred. Abnormal development costs might include demolition of substantial existing structures; flood prevention measures at waterside locations; remediation of any land contamination; remodelling of land levels; and so on. An additional allowance is made for abnormal costs associated with brownfield sites of 5% of the BCIS costs. In summary, abnormal costs will be reflected in land value. Those sites that are less expensive to develop will command a premium price over and above those that have exceptional or abnormal costs”.

It is appreciated that there will be a breadth of abnormal costs associated with sites and that an additional allowance can be made for abnormal costs associated with brownfield sites of 5% of the BCIS costs. The abnormal costs associated with this site will generally be significantly higher than for the majority of other sites largely due to infrastructure and operational requirements, and it is considered that these have not been accounted for in the assessment of impacts on viability.

TfL Development Requirements

As a public sector body, TTLP seeks to lead the way in terms of housing delivery, sustainable development, and high-quality design. Working with our development partners, our projects incorporate:

- High-quality design and place-making facilitated by our [Design Principles](#) and review by the Mayoral Design Advocates, as well as LPA and GLA officers and Design Review Panels. This approach is supported by the increasing focus in national policy on good design and ‘beautiful’ places.
- A strong focus on sustainable development informed by TfL’s Sustainable Development



Framework which combines ambitious visions and a well-designed strategy, with focused performance metrics and quantitative targets, to achieve optimum sustainability solutions for our developments. The Framework sets out a clear mechanism for the definition and optimisation of goals, evaluating project performance and actively seeking opportunities for the improvement of performance with subsequent implementation. The framework spans nine dimensions of sustainability across the triple bottom line (this being environmental, social and economic). Each dimension contains a set of Key Performance Indicators (KPI), and each KPI has corresponding minimum and aspirational performance levels. This is a continuously evolving methodology in line with policy, best practices and lessons learned. This framework demonstrates TfL's aspirations to deliver development which capitalises on opportunities for environmental, social and economic sustainability to a greater degree than other developers may. This can have some cost implications but ultimately will help deliver more cohesive and successful communities and places, and whilst this is relevant to all new development it is particularly key with this larger scale schemes that TTLP is looking to bring forward in the borough.

- Our schemes are usually at, or adjacent to, transport infrastructure and so we need to take the opportunity to improve e.g. public transport access and interchange; walking and cycle routes and other facilities to promote active, healthy travel; and measures to reduce reliance on private vehicles.

These aspirations for well-designed, sustainable development can have implications for scheme viability. However, the benefits that this can bring are significant and all of these elements play a strong role in supporting sustainable, healthy and well-connected communities. It would be unfortunate if the increased CIL jeopardised high-quality development on public land which has the potential to provide such a high degree of local social, environmental and economic benefits.

Regulation 73

In order to maintain the viability of schemes which deliver significant infrastructure benefits, we suggest that the CIL Charging Schedule should explain that the Council will consider and accept, in appropriate circumstances, land or infrastructure in lieu of a CIL contribution. This is appropriate where a development goes above and beyond what it needs to do to make the development acceptable in planning terms and is instead providing strategic infrastructure. This is set out in [Section 73 of the CIL Regs](#).

Concluding Remarks

In summary, we have concerns that the implications of the draft CIL Charging Schedule need to be more fully assessed in respect of the viability of development where there are significant abnormal costs.

We hope that these representations are helpful but if you need any further information or would like to discuss any of the issues raised in our representations, please do not hesitate to contact me.

We look forward to being kept up to date with the CIL programme going forwards.

Yours faithfully,

Rosie Sterry
Planning and Development Manager, TTLP