



Draft Community Infrastructure Levy Charging Schedule

Consultation Statement

Brentwood Borough Council

February 2023

1. Introduction

Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is a locally set charge on new development that authorities can choose to introduce across their area. It is based on the size and type of development and once set is mandatory to pay and non-negotiable. The funds raised must be used to provide infrastructure which is required to support new development across the area. Levy rates are set out within a CIL Charging Schedule. Brentwood Borough Council is the CIL charging authority in the area.

Consultation Statement

Regulation 19 of the Community Infrastructure Levy Regulations 2010 (as amended)¹ states that in submitting a draft Charging Schedule to an examiner, the Council should submit:

- a statement setting out if representations were made on the draft Charging Schedule consultation;
- the number of representations made;
- a summary of the main issues raised by the representations; and
- a summary of how the representations received were taken into account.

This Consultation Statement therefore satisfies these requirements by detailing how the Council has consulted on the production of the Brentwood Borough CIL Draft Charging Schedule. This Statement outlines the consultation process undertaken, presents a summary of the representations received and the Council's response, and summarises how the representations were taken into account in finalising the CIL Charging Schedule for examination.

¹ Referred to hereafter as 'the Regulations'

2. Engagement to support the production of the CIL Viability Assessment

Brentwood Borough Council (BBC) adopted the Brentwood Local Plan (2016-2022) on 26th March 2022. As part of the evidence base for the Local Plan, a Local Plan Viability Assessment (LPVA) was produced in 2018 by HDH Planning and Development Ltd. The LPVA was informed by a consultation process with landowners, agents, and developers, in addition to the consultation stages associated with the Local Plan production. This included a meeting held on 4th September 2018 that was used to set out the methodology, test the assumptions, and to put the report in context. Representatives of the main developers, development site landowners, their agents and housing providers in Brentwood were invited to the meeting and to comment on the draft Assessment.

The production of the Brentwood Borough CIL Charging Schedule was informed by the CIL Viability Assessment Update (August 2022), prepared by HDH Planning and Development Ltd to support the identification of appropriate CIL rates, and to determine the impact of proposed rates on the financial viability of new development in the area. This document updates the 2018 LPVA, to consider recent amendments to development costs, infrastructure costs, values, and national and local policy requirements.

To inform the production of the 2022 CIL Viability Assessment Update, a period of consultation was carried out with stakeholders in May/June 2022. An online consultation event was held on 30th May 2022, which included a presentation and opportunities for questions and comments from attendees². A list of attendees to the consultation event is shown below.

Table 1: List of attendees at the CIL Viability Assessment Update consultation event, May 2022

Organisation	Attendee
Brentwood Borough Council	Simon Drummond-Hay (HDH Planning and Development Ltd – Viability Consultant)
	Tim Parton (DAC Planning – consultancy support)
	Jonathon Quilter
	Thom Hoang
	Camilla Carruthers
Essex County Council	Britney Lees
	Althea Evans
	Anne Clitheroe
Chesters Harcourt	Nigel Jones
Sphere25	Jon Turner
Marrons Planning	Reiss Sadler
Crest Nicholson	Matthew Parsons
Anderson Group	Alasdair Sherry
Savills	Ben Thomas
Turner Morum LLP	Tom Hegan
MS Scott	Richard Martin
Stonebond	Sean Martin
Iceni Projects	Ryan Walker
Countryside Properties	Carl Glossop
BNP Paribas	Caroline McDade

² Further details on the consultation event and consultation notes are provided within Appendix 2-4 of the CIL Viability Assessment Update – August 2022, HDH Planning and Development Ltd.

3. Draft Charging Schedule Consultation

Consultation documents

The CIL Draft Charging Schedule consultation was held for a four week period between 12th October and 9th November 2022 in accordance with Regulation 16 of the Community Infrastructure Levy Regulations (as amended) 2010.

Hard copies of all the consultation documents and all supporting consultation material and evidence base documents were made available for inspection at the following locations:

- Brentwood Borough Council Town Hall, Ingrave Road, CM15 8AY
- Brentwood Library, New Road, CM14 4BP
- Ingatestone Library, High Street, CM4 9EU
- Shenfield Library, Rayleigh Road, CM13 1BD

The following consultation documents were published on the Councils website and made available for inspection at the Borough's libraries and Council offices:

- Draft Community Infrastructure Levy Charging Schedule (see Appendix 2)
- CIL Viability Assessment Update (August 2022)³
- CIL Information Sheet (see Appendix 3)
- CIL Information Booklet (see Appendix 4)
- Statement of representation procedure and availability of documents (see Appendix 5)

Representations were invited online through the Councils online consultation portal, and physically through Consultation Response Forms available on request and available at the Council offices. The response forms could be submitted by email and by post. The online consultation portal and Consultation Response Form included eight questions regarding the CIL Viability Study, the proposed CIL rates within the Draft Charging Schedule, the approach to supporting the viability of new development in the Borough, the draft Instalments Policy, and the provision of discretionary relief. The consultation questions are listed within Appendix 11.

Promoting the consultation

A webpage dedicated to the Draft CIL Charging Schedule consultation was presented on the Council website, providing a summary of the CIL, instructions on how to respond to the consultation, and a summary of the next stages required to be undertaken to produce a CIL Charging Schedule. The page included links to all of the consultation documents listed above. The webpage, as presented throughout the consultation period, is provided in Appendix 6.

A press release titled '*Public consultation underway on the Community Infrastructure Levy (CIL) Draft Charging Schedule*' was posted on the Council's website on 18th October 2022. The press release summarised the purpose of the consultation and presented the key details regarding the consultation, including a link to the Council's CIL webpage. The press release, as presented on the Council website, is provided in Appendix 7.

Individuals, statutory consultation bodies⁴, local authorities, developers, businesses and other organisations on the Councils consultation database, including the organisations listed in Appendix 1, were directly notified of the consultation by email (see Appendix 8) prior to the start of the consultation period. The email included a summary of the purpose of the consultation, details on how to respond, and links to the Councils CIL webpage and consultation portal.

³ Available on the Council website: [https://brentwood.oc2.uk/docfiles/32/Viability Assessment Update, August 2022.pdf](https://brentwood.oc2.uk/docfiles/32/Viability%20Assessment%20Update,%20August%202022.pdf)

⁴ As defined in Regulation 16 of the CIL Regulations 2010 (as amended)

A public notice was published in the Brentwood Gazette local newspaper on Wednesday 26 October 2022, providing a summary of the consultation and the key details on how and when to respond to the consultation. The public notice is presented in Appendix 9.

The consultation was publicised on the Council's social media accounts through a post on Twitter on Monday 24 October 2022, which provided a link to the CIL webpage on the Council's website. The consultation was also publicised on the Council's social media account on LinkedIn. The post provided a short summary of the CIL consultation and provided a link to the CIL webpage on the Council's website. Examples of the published posts are provided in Appendix 10.

4. Summary of representations to the Draft Charging Schedule consultation

Representations

Fifteen responses were received by the Council from developers, organisations, individuals, and statutory consultation bodies. Table 2 below lists the representations received.

Table 2: Representations received to the Draft Charging Schedule consultation

Ref	Name	Organisation	Agents Name	Agents Organisation
4294	Roy Warren	Sport England	n/a	n/a
6776	Anne Clitheroe	Essex County Council	n/a	n/a
8304	Ian Butt	Castle Point Borough Council	n/a	n/a
8333	n/a	EA Strategic Land	Leona Hannify	Iceni Projects Limited
8811	Rosemary Spouge	Ingatestone and Fryerning Parish Council	n/a	n/a
8824	Andrew Marsh	Historic England	n/a	n/a
9242	n/a	David Maxwell	GL Hearn	GL Hearn
9272	n/a	Hallam Land Management Ltd	Reiss Sadler	Marrons Planning
9276	n/a	St Modwen and S&J Padfield	Caroline McDade	BNP Paribas Real Estate/Strutt and Parker
9277	n/a	Essex Partnership University NHS Foundation Trust	Alice Maguire	Bidwells
9278	n/a	S&J Padfield & Partners	Laura Dudley-Smith	Savills
9280	Jessica Biggs	Transport for London	n/a	n/a
9281	n/a	Commercial Estates Group Limited	David Barnes	Star Planning and Development
9282	n/a	Officers Meadow Development Consortium	Thomas Hegan	Turner Morum LLP
-	Catherine Bicknall	NHS Mid and South Essex	n/a	n/a

Assessment of the representations

Appendix 11 summarises the responses received to the Draft Community Infrastructure Levy Charging Schedule consultation and presents the Council's response to each comment made. The key issues raised through the representations are summarised below in Table 3 below.

Table 3: Summary of the key issues raised through consultation on the draft CIL Charging Schedule

Topic	Key issues
CIL Viability Assessment	<ul style="list-style-type: none"> • Approach to testing typologies to ensure all potential schemes are appropriately considered. • Approach to considering site specific development costs, abnormal costs, values, and fees, and changes to these figures over time. • The application of contingency within the Assessment. • Consideration of the Tender Price Indices (TPI).
Proposed CIL rates	<ul style="list-style-type: none"> • Support for the proposed CIL rates. • Objections to the proposed CIL rates, with recommendations for rates to be reduced. • The impacts of CIL on the viability and deliverability of new development. • Requests for CIL exemptions from CIL.
Approach to producing a CIL Charging Schedule	<ul style="list-style-type: none"> • Identify the infrastructure to be supported by CIL funding. • Production of an up-to-date Infrastructure Funding Statement and Infrastructure Delivery Plan to support CIL. • Suggestions for additional clarifications and details within the CIL Charging Schedule supporting material and consultation documentation.
Instalments Policy	<ul style="list-style-type: none"> • Address the gap within the identified instalments between £50,000-£100,000. • Need for a flexible site by site approach to paying CIL. • Approach to determining the proposed instalments.
Discretionary relief	<ul style="list-style-type: none"> • Apply discretionary relief from CIL for the regeneration of heritage areas and assets.
Implementation of CIL	<ul style="list-style-type: none"> • Approach to providing infrastructure contributions alongside or instead of CIL. • How CIL will be used alongside Section 106 developer contributions. • Inclusion of a CIL review mechanism.

5. The need for modifications to be made to the Draft CIL Charging Schedule

As presented in Appendix 11, the Council has assessed in detail all comments provided within the 15 representations received to the consultation. Modifications have been made to the draft CIL Charging Schedule to address issues identified through the representations. The modifications made are listed in Appendix 12.

The Planning Practice Guidance⁵ (PPG) outlines that any changes made to the Charging Schedule between Regulation 16 consultation and submission should not be 'substantive', otherwise there would be a need to reconsult. The modifications presented within Appendix 12 relate to minor amendments, minor changes to the rates for a Local Plan site allocation, and minor changes to rates for industrial development of a specific size. These modifications are not considered to be substantive, therefore no further public consultation on the updated CIL Charging Schedule is required prior to submission.

6. Conclusion

The Council has undertaken a comprehensive consultation on the draft CIL Charging Schedule, which meets the requirements of the CIL Regulations 2010 (as amended).

All comments provided within the representations received have been assessed in detail to determine if any amendments are required to the draft CIL Charging Schedule and associated evidence base. The assessment concluded that minor amendments were required to Schedule to address issues raised. Given the likely impacts of the amendments, no further consultation on the draft CIL Charging Schedule is required prior to submission.

⁵ Paragraph: 034 Reference ID: 25-034-20190901

Appendices

Appendix 1: CIL Consultation Contact List

Appendix 2: Draft Community Infrastructure Levy Charging Schedule (September 2022)

Appendix 3: CIL Information Sheet

Appendix 4: CIL Information Booklet

Appendix 5: Statement of representation procedure and availability of documents

Appendix 6: Council CIL Webpage

Appendix 7: Council Press Release

Appendix 8: CIL Consultation Correspondence Example

Appendix 9: Public Notice in Brentwood Gazette

Appendix 10: Social Media Posts

Appendix 11: Summary of CIL Draft Charging Schedule Representations

Appendix 12: Statement of modifications to the Draft CIL Charging Schedule

Appendix 13: Track changed version of the Draft CIL Charging Schedule (February 2023)

Appendix 14: Statement of Common Ground between Brentwood Borough Council and St Modwen

Appendix 1: CIL Consultation Contact List

The organisations contacted directly through Regulation 16 consultation included:

Anglian Water
Basildon and Brentwood CCG
Basildon Council
Brentwood Gypsy Support Group
C2C Rail
Cadent
Campaign to Protect Rural Essex
Castle Point Borough Council
Chelmsford City Council
Civil Aviation Authority
Coal Authority
Environment Agency
Epping Forest District Council
Essex County Council
Essex Wildlife Trust
Fire and Rescue Headquarters
Greater Anglia
Greater London Authority
Historic England
Homes England
London Borough of Havering Council
Marine Consents
Mayor of London
National Grid
National Highways
Natural England
Neighbouring Town/Parish Councils
Network Rail
NHS
Parish Councils
Rochford Borough Council
South Essex Local Enterprise Partnership
Southend-on-Sea City Council
Sport England
Thames Chase Trust
Thames Water
The Office for Rail Regulation
Thurrock Council
Transport for London
UK Power Networks
Agents - All agents / site promoters who had been invited to attend the CIL Viability Assessment Workshop were also directly notified of the consultation.

Brentwood Borough Council
Community Infrastructure Levy
Draft Charging Schedule
 February 2023

Proposed Community Infrastructure Levy rates

Community Infrastructure Levy (CIL) liable development, as defined within the Community Infrastructure Levy Regulations (as amended) 2010 and the Planning Practice Guidance, will be required to pay the following levy rates.

Development type		CIL rate per m ²
Residential	Brentwood Local Plan ⁽¹⁾ Strategic Residential-led and Mixed Use Allocations ⁽²⁾ : R01, Dunton Hills Garden Village	£0
	R02, Land at West Horndon Industrial Estate	£25
	R03, Land North of Shenfield ⁽³⁾	£150
	All other areas	£250
	Older people's housing ⁽⁴⁾	£220
Non-residential	Brentwood Local Plan ⁽¹⁾ Strategic Employment Allocations ⁽²⁾ : E11, Brentwood Enterprise Park	£0
	All other areas	See below
Retail	General ⁽⁵⁾ retail: In Brentwood Town Centre High Street ⁽⁶⁾	£340
	In all other areas	£80
	Supermarket ⁽⁷⁾	£260
	Retail warehouse ⁽⁸⁾	£160
Industrial	Located on greenfield land: 2,000 sqm or more in size ⁽¹⁰⁾	£80
	Less than 2,000 sqm in size ⁽¹⁰⁾	£0
	Located on brownfield land	£0
Distribution and logistics ⁽⁹⁾		£140
All other development		£0

Notes

- (1) Brentwood Local Plan 2016-2033, adopted March 2022.
- (2) The location and boundary of the sites are presented in the CIL Variable Rates Maps 1 below.
- (3) Site referred to within the CIL Viability Assessment Update (August 2022) as Officer's Meadows.
- (4) Older people's housing is defined as:
 - Retirement living or sheltered housing: This usually consists of purpose-built flats or bungalows with limited communal facilities such as a lounge, laundry room and guest room. It does not generally provide care services, but provides some support to enable



Contact Brentwood Borough Council:

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residents to live independently. This can include 24 hour on-site assistance (alarm) and a warden or house manager.

- Extra care housing or housing-with-care: This usually consists of purpose-built or adapted flats or bungalows with a medium to high level of care available if required, through an onsite care agency registered through the Care Quality Commission (CQC). Residents are able to live independently with 24 hour access to support services and staff, and meals are also available. There are often extensive communal areas, such as space to socialise or a wellbeing centre. In some cases, these developments are known as retirement communities or villages – the intention is for residents to benefit from varying levels of care as time progresses.

- (5) All retail development which is not a supermarket or retail warehouse as defined below.
- (6) Retail within the areas of the Brentwood Town Centre High Street Primary Shopping Area identified in the CIL Variable Rates Maps 2 below.
- (7) Defined as retail selling predominantly convenience goods in premises of 1,000m² or more, offering a shopping destination in their own right where weekly food shopping needs are met. Supermarkets can also include non-food floorspace as part of the overall mix.
- (8) Defined as retail selling predominantly comparison goods (such as carpets, furniture, electrical goods, DIY items) in large premises of 2,000m² or more.
- (9) Uses within the Use Classes Order Class B8 storage and distribution.
- (10) Relating to industrial uses, excluding space associated with car parking and landscaping.

Proposed Instalments Policy

The above levy rates are required to be paid to the Council through the following instalments following the provision of a CIL Demand Notice issued by the Council.

Overall CIL liability	Payment instalments
£20,000 or less	Payment in full within 240 days
£20,000 - £99,999	50% paid within 360 days Further 50% paid within 540 days
£100,000 - £499,999	10% paid within 270 days Further 15% paid within 540 days Further 25% paid within 720 days Remaining 50% paid within 900 days
£500,000 or more	Agreement of project specific payment schedule



Contact Brentwood Borough Council:

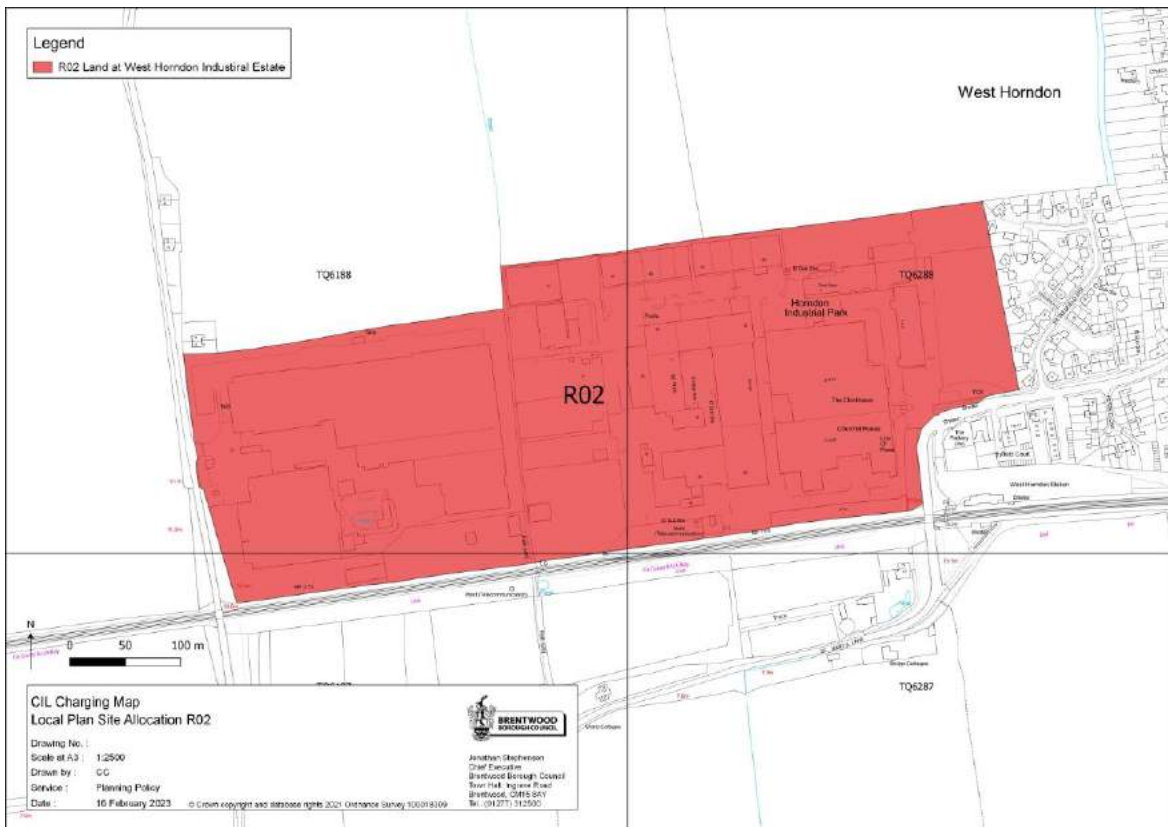
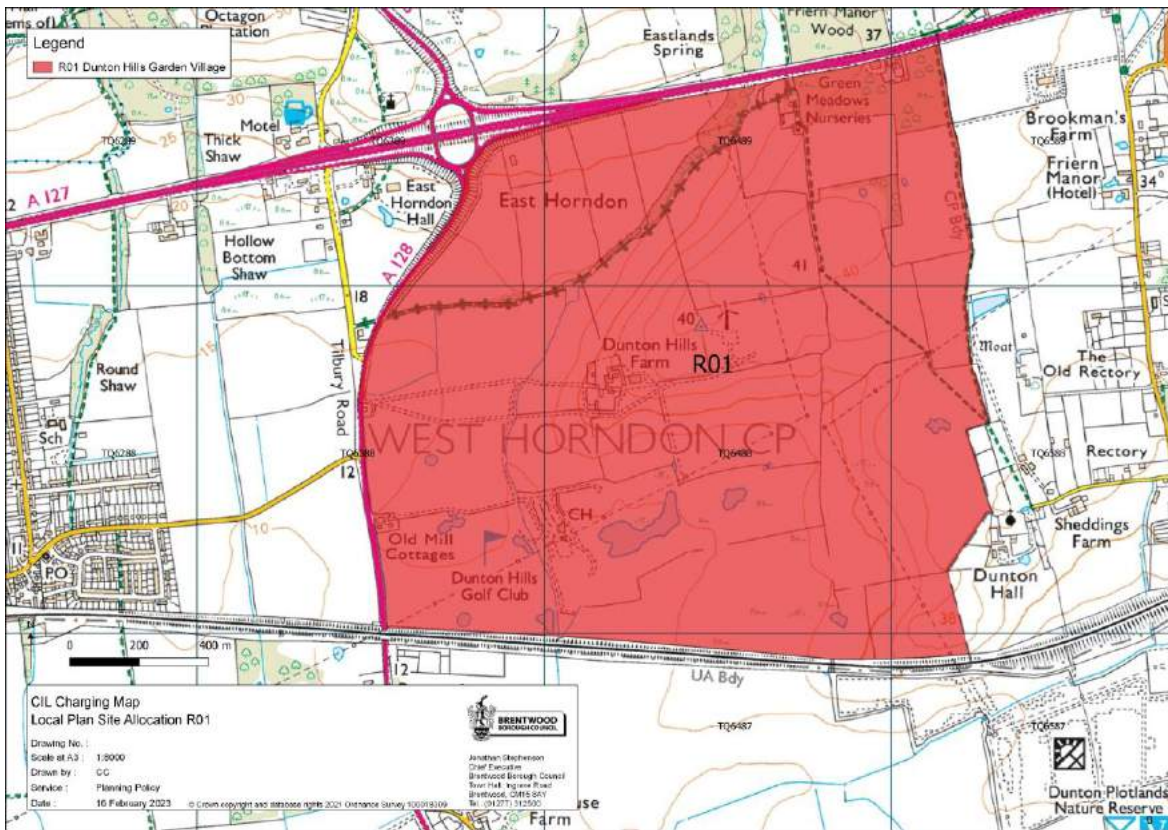
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CIL Variable Rates Maps 1: Brentwood Local Plan Strategic Allocations R01, R02, R03, and E11



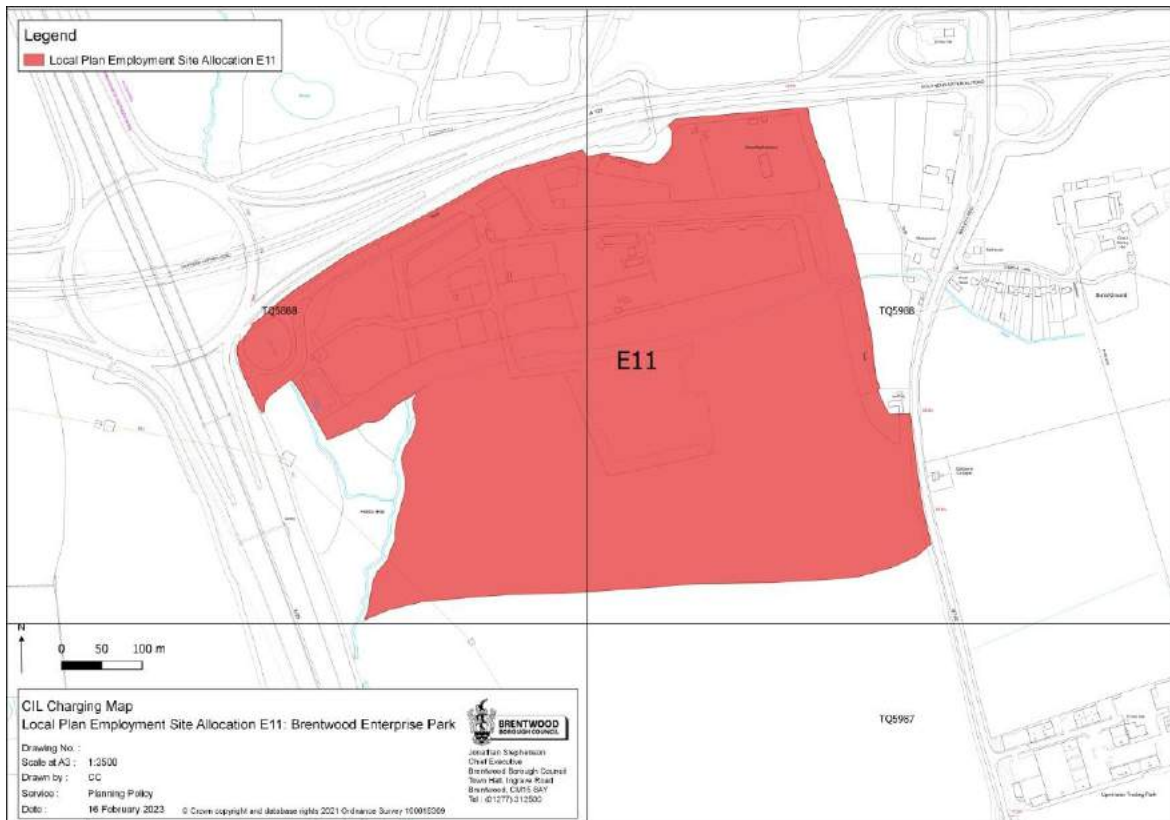
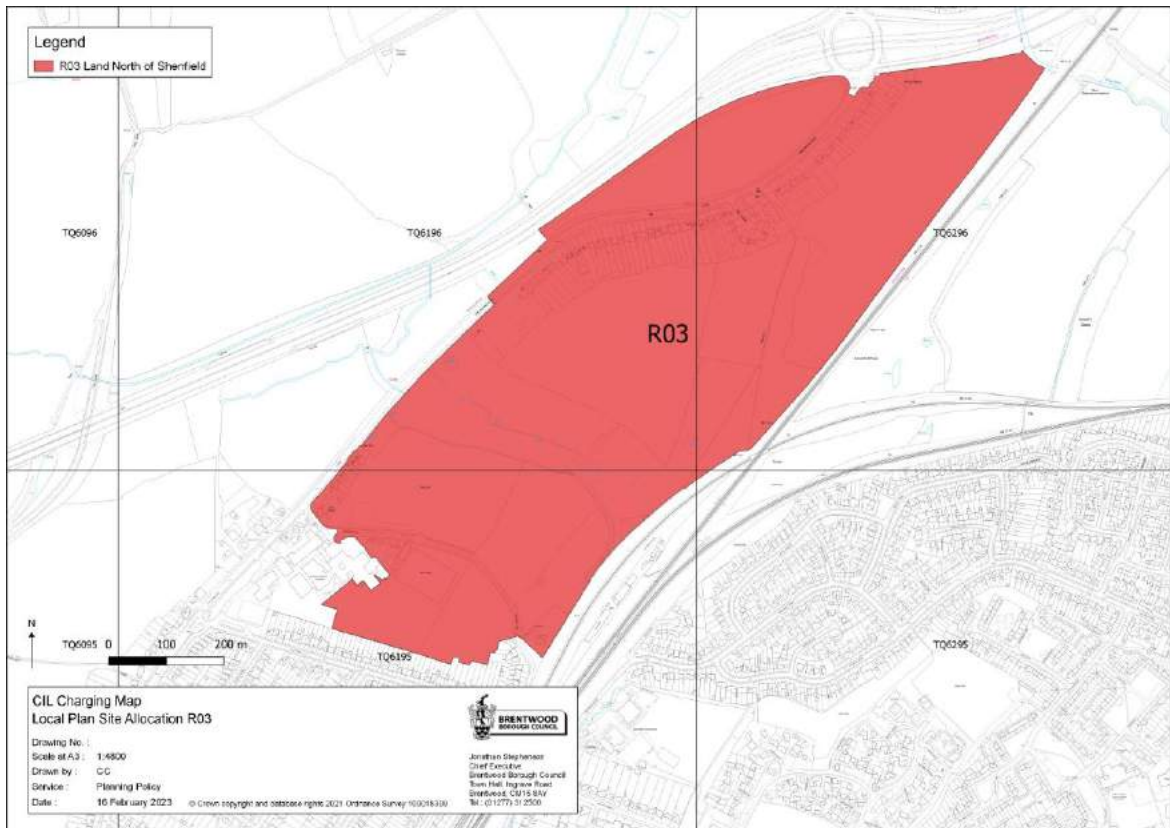
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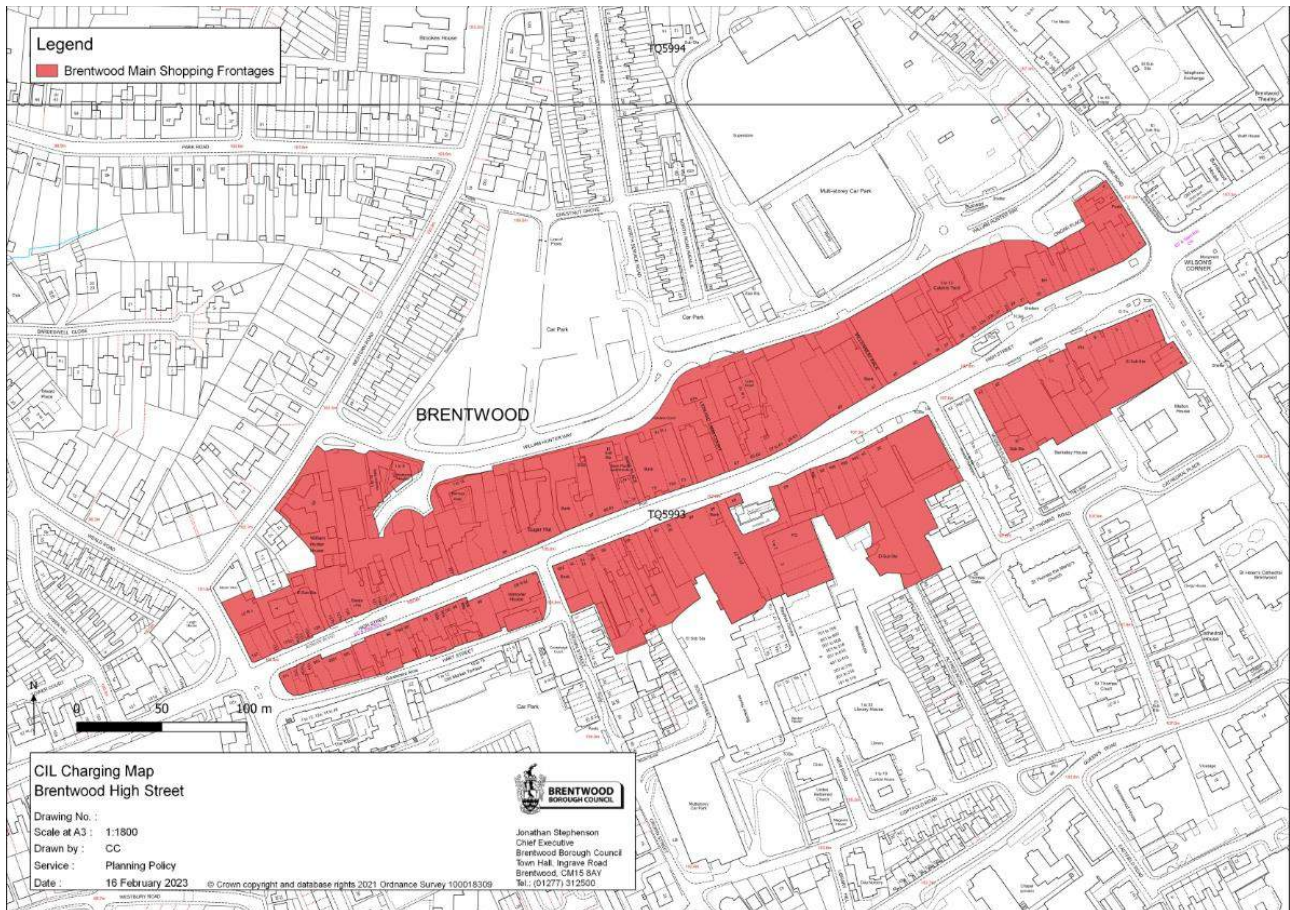
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CIL Variable Rates Maps 2: Retail within the Brentwood Town Centre High Street Primary Shopping Area



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Brentwood Borough Council

Community Infrastructure Levy Draft Charging Schedule Consultation

**The Community Infrastructure Levy Draft Charging Schedule consultation will take place
from 12th October until 9th November 2022**

About the consultation

The Council has published the Community Infrastructure Levy Draft Charging Schedule for public consultation. The production of the draft Charging Schedule has been informed by the CIL Viability Assessment Update (August 2022), which considered the ability of different types of development in all areas of the Borough to pay a levy in addition to the normal costs associated with development.

Through this consultation the Council is seeking your views on the draft Charging Schedule and associated evidence base documents. Please provide comments on the draft Charging Schedule by the **5pm on 9th November 2022** using the Council's online consultation portal <https://brentwood.oc2.uk/>

What is the Community Infrastructure Levy?

The Community Infrastructure Levy (CIL) is a locally set charge (referred to as a levy) on new development which the Council can choose to introduce. The levy is based on the size and type of development and once set is mandatory to pay and non-negotiable. The funds raised would be distributed by the Borough Council to provide infrastructure which is required to support new development within the local area. This infrastructure could include roads, transport facilities, flood defences, education facilities, medical facilities, sporting and recreation facilities, and open spaces.

Currently when new development proposals are approved by the Council, it is common for an agreement to be made (known as a planning obligation, section 106 agreement or developer contribution) for developers to either provide new or improved infrastructure, or financial contributions towards the provision of new or improved infrastructure in the area. This could include highways improvements, new or improved parks and play facilities, and services and facilities such as new or improved schools and health facilities.

The CIL will not replace the Councils current methods of obtaining infrastructure and funding through planning obligations. The CIL provides an additional mechanism to obtain financial contributions towards new and improved infrastructure.

Why introduce a levy in the Borough?

- It provides a simple and transparent process for the collection of funds and the provision of infrastructure.
- It collects contributions from a wide range of developments to allow the Council to deliver more projects for new and improved infrastructure that support growth and benefit the local community.
- It gives the Council flexibility to set its own priorities on projects benefitting the wider community affected by development, unlike section 106 agreements which are more restrictive in their use.
- It is non-negotiable and therefore can save time and cost by reducing the need for negotiations between the Council and developers.
- It is fair, as it relates the amount of the contribution to the size of the development.

How will the levy work?

The levy may be payable on development which creates a new or additional internal area, where the gross internal area of new build is 100 square metres or more. Development which is less than 100 square metres, but which involves the creation of a new house or flat, may also be liable to pay the levy.

Some developments may be eligible for discretionary relief or exemption from the levy. This includes residential annexes and extensions, social housing, charitable development, and houses and flats which are built by 'self-builders'.

How will the Council introduce the Community Infrastructure Levy?

The CIL rates are published within a Charging Schedule. The Council will specify in the Charging Schedule what types of development are liable to pay the levy and the relevant rates for these development types.

When setting levy rates, the Council will need to ensure that they do not render new development within the Borough financially unviable, while also ensuring that the levy will provide sufficient funds to support the delivery of new and improved infrastructure. The Council is consulting on a draft Charging Schedule to provide everyone with the opportunity to give their views on the proposed levy rates.

How to respond

Please provide comments on the draft Charging Schedule by 5pm on 9th November 2022 using the Council's online consultation portal <https://brentwood.oc2.uk/>

Alternatively, a Word copy of the consultation response form is available for completion upon request, for further details please email planning.policy@brentwood.gov.uk

The draft Charging Schedule and all supporting consultation material and evidence base documents are available to view on the Council's website and at the Council Offices on request.

For further information, contact the Planning Policy Team directly on 01277 312500, email planning.policy@brentwood.gov.uk, or visit the Council website www.brentwood.gov.uk



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Draft Community Infrastructure Levy Charging Schedule

Consultation

Information Booklet

Brentwood Borough Council

September 2022

1. Introduction

Brentwood Borough Council (BBC) are consulting on the Community Infrastructure Levy (CIL) Draft Charging Schedule. This consultation information booklet presents the draft Charging Schedule, and provides further information on the CIL, the evidence base which has been used to establish proposed levy rates, and how the levy will be implemented in the area.

It is important that developers contribute towards providing for the infrastructure needs that development creates. The introduction of the Community Infrastructure Levy Regulations in 2010 established a mechanism for Councils in England and Wales to raise funds from developers to achieve this.

Local authorities who wish to charge the levy must produce a draft charging schedule setting out CIL rates for their area. There are several stages to the production of a CIL charging schedule. The Council is currently undertaking Regulation 16 public consultation, seeking comments on the draft CIL Charging Schedule.

The Council, as the CIL charging authority, is required to consult with residents, local communities, businesses and stakeholders on the proposed levy rates. The consultation will be followed by an Examination-in-Public of the draft Charging Schedule which will be conducted by an independent examiner prior to the proposed adoption of the CIL Charging Schedule.

2. Responding to the Consultation

Consultation on the Draft Charging Schedule ends at 5pm on 9th November 2022.

Please provide comments on the draft Charging Schedule using the Council's online consultation portal <https://brentwood.oc2.uk/>

Alternatively, a Word copy of the consultation response form is available for completion upon request, for further details please email planning.policy@brentwood.gov.uk

The draft Charging Schedule and all supporting consultation material and evidence base documents are available to view on the Council website and at the Council Offices on request.

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3. What is the Community Infrastructure Levy?

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Currently when new development proposals are approved by the Council, it is common for an agreement to be made (known as a planning obligation, section 106 agreement or developer contribution) for developers to either provide new or improved infrastructure, or financial contributions towards the provision of new or improved infrastructure in the area. This could include highways improvements, new or improved parks and play facilities, and services and facilities such as new or improved schools and health facilities.

The CIL will not replace the Council's current methods of obtaining infrastructure and funding through planning obligations. The CIL provides an additional mechanism to obtain financial contributions towards new and improved infrastructure.

The requirements of a local authority, or 'charging authority', in producing a CIL Charging Schedule are set out in the:

- [Planning Act 2008](#) (as amended by the Localism Act 2011)
- [CIL Regulations 2010](#), as amended in 2011, 2012, 2013, 2014, 2015, 2018, 2019, 2020, and 2021
- [Planning Practice Guidance](#)

4. What are the benefits of the CIL?

In comparison to the current approach of collecting developer contributions towards new infrastructure through Section 106 agreements, the CIL provides a simpler and more transparent process to collect funds. There are a range of benefits to an area provided by the introduction of a levy, which are summarised below:

- The CIL collects contributions from a wide range of developments, providing additional funding to allow local authorities to carry out a

¹ For the purposes of CIL, infrastructure is defined at section 216 of the Planning Act 2008 to include roads and other transport facilities, flood defences, schools and other education facilities, medical facilities, sporting and recreation facilities, and open spaces.

range of infrastructure projects that support growth and benefit the local community.

- The CIL gives local authorities greater flexibility to set their own priorities on projects benefitting the wider community affected by development, unlike Section 106 funds which require a direct link between a contributing development and an infrastructure project.
- The CIL provides developers with clarity about the level of contributions which are required from any development and provides transparency for local people.
- The CIL is non-negotiable and therefore does not require the production of complex agreements.
- The CIL is fair, as it relates the contribution required to the size of the development in terms of new floorspace.

5. What development will be liable to pay the levy?

Most buildings that people normally use are liable to pay the levy, whether the proposal is for a new building or an extension which results in 100 sqm or more of net increase in gross internal floor space. Development which is less than 100 sqm but which involves the creation of an additional dwelling will also be liable. The conversion of a building that has not been in use for some time will also be liable for the levy.

The following types of development are not required to pay the levy:

- development of less than 100 square metres, unless this consists of one or more dwelling and does not meet the Government's self-build criteria (see regulation 42 for further details);
- buildings into which people do not normally go;
- buildings into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery;
- structures which are not buildings, such as pylons and wind turbines;
- specified types of development which local authorities have decided should be subject to a 'zero' rate as outlined in the Draft Charging Schedule.

6. CIL exemptions and discretionary relief

The CIL Regulations outline that where relevant criteria are met, the following types of development can be subject to an exemption or relief from paying the levy:

- residential annexes and extensions;
- 'self-build' houses and flats, which are built by 'self-builders';
- social housing that meets the relief criteria set out in regulation 49 or 49A (as amended by the 2014 Regulations);
- charitable development that meets the relief criteria set out in regulations 43 to 48.

The CIL Regulations state that discretionary relief can be made available for 'exceptional circumstances' for specific schemes which cannot afford to pay the levy. The Council can offer this relief through the publication of a notice.

No types of development have currently been identified which should be provided specific relief or exemptions in the Borough beyond the compulsory exemptions identified by Government. The Council does not therefore propose to make Borough specific relief or exemptions within the draft Charging Schedule.

7. How the levy works alongside Section 106 contributions

In September 2019, the restrictions on using five or more section 106 contributions to fund a single infrastructure project was lifted, and greater flexibility was provided in relation to how CIL funding could be used alongside S106 contributions. Charging authorities can now use both CIL and S106 contributions to fund the same infrastructure item.

The Infrastructure Delivery Plan (IDP, see the evidence base documents section below) sets out the key infrastructure projects required in the Borough, and outlines how funding sources will be used to deliver new infrastructure.

It is likely that essential infrastructure items which are directly related to supporting the delivery of new development proposals will continue to be funded through S106 agreements. The CIL will therefore be used in combination with S106 agreements and other funding sources to deliver community infrastructure projects throughout the Borough, and to obtain infrastructure funding from smaller developments where S106 agreements may not usually be produced.

8. How the CIL will be collected

Liability to pay the CIL is triggered by the commencement of the development. Following the adoption of a CIL Charging Schedule, planning applications in the area will be expected to include a completed CIL Information and Liability Form, which will help the Council calculate the CIL liability associated with the development and issue a CIL Demand Notice. The notice will be issued upon the commencement of development

The levy should usually be paid within 60 days of the commencement of development, however to support the financial viability of new development in the area an instalments policy is proposed. An instalments policy allows levy charges over an identified amount to be paid in instalments over a set period of time. The Council is considering introducing an instalments policy and is seeking views on the proposed approach set out below.

Proposed CIL Instalments Policy

Overall CIL liability	Payment instalments
£20,000 or less	Payment in full within 240 days
£20,000 - £50,000	50% paid within 360 days Further 50% paid within 540 days
£100,000 - £500,000	10% paid within 270 days Further 15% paid within 540 days Further 25% paid within 720 days Remaining 50% paid within 900 days
£500,000 or more	Agreement of project specific payment schedule

9. Evidence base documents

CIL Viability Assessment Update (August 2022)

To inform the production of the CIL Charging Schedule, the Council commissioned HDH Planning and Development to conduct a CIL Viability Assessment. The assessment considers the impact of a CIL charge, in addition to normal development costs and policy and infrastructure requirements outlined within the adopted Brentwood Local Plan 2016-2033, on the financial viability of new development in the area.

The CIL rates proposed in the draft Charging Schedule are based on the conclusions of the CIL Viability Assessment Update. The Assessment tested different

development types and CIL rate scenarios. Evidence was collected from a variety of sources including questionnaire surveys with local, regional and national housing developers and registered providers operating within the Brentwood area. Stakeholder consultation sought views on the assumptions used within the CIL Viability Assessment. The testing examined the effects of different CIL rates and took account of the impact on development viability of other policy costs faced by development, including other planning obligation costs and the cumulative impact of emerging Local Plan policies.

Infrastructure Delivery Plan

The Infrastructure Delivery Plan (IDP) version 3 was produced in 2019 and considers the key infrastructure requirements necessary to support the proposed development and growth across the Borough. It covers a wide range of infrastructure types, outlining the baseline position of infrastructure provision in the Borough. The IDP helps to identify the need for new and improved infrastructure in the Borough, and sets out the extent of the infrastructure funding gap in the area.

10. The need for a CIL

The Planning Practice Guidance² states that a Council intending to introduce a CIL *'should focus on providing evidence of an aggregate funding gap that demonstrates the need to put in place the levy. Any significant funding gap should be considered sufficient evidence of the desirability of CIL funding, where other funding sources are not confirmed'*.

The IDP identified a significant infrastructure funding gap in the area. Based on the assessment of infrastructure needs, costs and funding, there is currently an infrastructure funding gap in the Borough of around £50.4 million³.

Revenue from CIL is not expected to bridge the funding gap entirely, but it is expected to have a significant impact on available finances to enable Brentwood Borough Council to support the delivery of new and improved infrastructure.

² PPG Paragraph: 017 Reference ID: 25-017-20190901

³ See IDP section B - Schedule

11. Proposed CIL rates

The draft Charging Schedule for Brentwood Borough Council proposes the following levy rates:

Development type		CIL rate per m ²
Residential	Brentwood Local Plan ⁽¹⁾ Strategic Residential-led and Mixed Use Allocations ⁽²⁾ : R01, Dunton Hills Garden Village R02, Land at West Horndon Industrial Estate R03, Land North of Shenfield ⁽³⁾	£0 £25 £150
	All other areas	£250
	Older people's housing ⁽⁴⁾	£220
Retail	General ⁽⁵⁾ retail: In Brentwood Town Centre High Street ⁽⁶⁾ In all other areas	£340 £80
	Supermarket ⁽⁷⁾	£260
	Retail warehouse ⁽⁸⁾	£160
	Industrial	Located on: Greenfield land Brownfield land
Distribution and logistics ⁽⁹⁾		£140
All other development		£0

Notes

- (1) Brentwood Local Plan 2016-2033, adopted March 2022.
- (2) The location and boundary of the sites are presented in the CIL Variable Rates Map 1 below.
- (3) Site referred to within the CIL Viability Assessment Update (August 2022) as Officer's Meadows.
- (4) Older people's housing is defined as:
 - Retirement living or sheltered housing: This usually consists of purpose-built flats or bungalows with limited communal facilities such as a lounge, laundry room and guest room. It does not generally provide care services, but provides some support to enable residents to live independently. This can include 24 hour on-site assistance (alarm) and a warden or house manager.
 - Extra care housing or housing-with-care: This usually consists of purpose-built or adapted flats or bungalows with a medium to high level of care available if required, through an onsite care agency registered through the Care Quality Commission (CQC). Residents are able to live independently with 24 hour access to support services and staff, and meals are also available. There are often extensive communal areas, such as space to socialise or a wellbeing centre. In some cases, these developments are known as retirement communities or villages – the intention is for residents to benefit from varying levels of care as time progresses.

- (5) All retail development which is not a supermarket or retail warehouse as defined below.
- (6) Retail within the areas of the Brentwood Town Centre High Street Primary Shopping Area identified in the CIL Variable Rates Map 2 below.
- (7) Defined as retail selling predominantly convenience goods in premises of 1,000m² or more, offering a shopping destination in their own right where weekly food shopping needs are met. Supermarkets can also include non-food floorspace as part of the overall mix.
- (8) Defined as retail selling predominantly comparison goods (such as carpets, furniture, electrical goods, DIY items) in large premises of 2,000m² or more.
- (9) Uses within the Use Classes Order Class B8 storage and distribution.

12. Determining the proposed rates

The CIL Viability Assessment Update uses the Residual Value methodology as set out in the Harman Guidance⁴ to determine the levy rates which could be applied to new development in the area without putting at risk the financial viability of new development. The residual value is calculated by removing the development costs (including profit, construction, fees, finance etc) from the gross development value. The Viability Assessment considers additional profits which could be achievable from development in the area, the inclusion of a 'buffer' or margin to account for changing economic circumstances, the potential for land prices to depress following the imposition of a CIL rate, and the potential extent of levy payments as a proportion of the gross development value of a scheme.

Based on the identified development costs and gross development value of strategic residential-led and mixed use allocations within the Brentwood Local Plan, these sites were recommended alternative CIL rates to residential development in all other areas of the Borough. The draft CIL Charging Schedule presents a range of other development types where the development costs and gross development values tested within the Viability Assessment resulted in alternative CIL rates being proposed. The differing rates therefore ensure that new development in the Borough remains financially viable following the imposition of a levy.

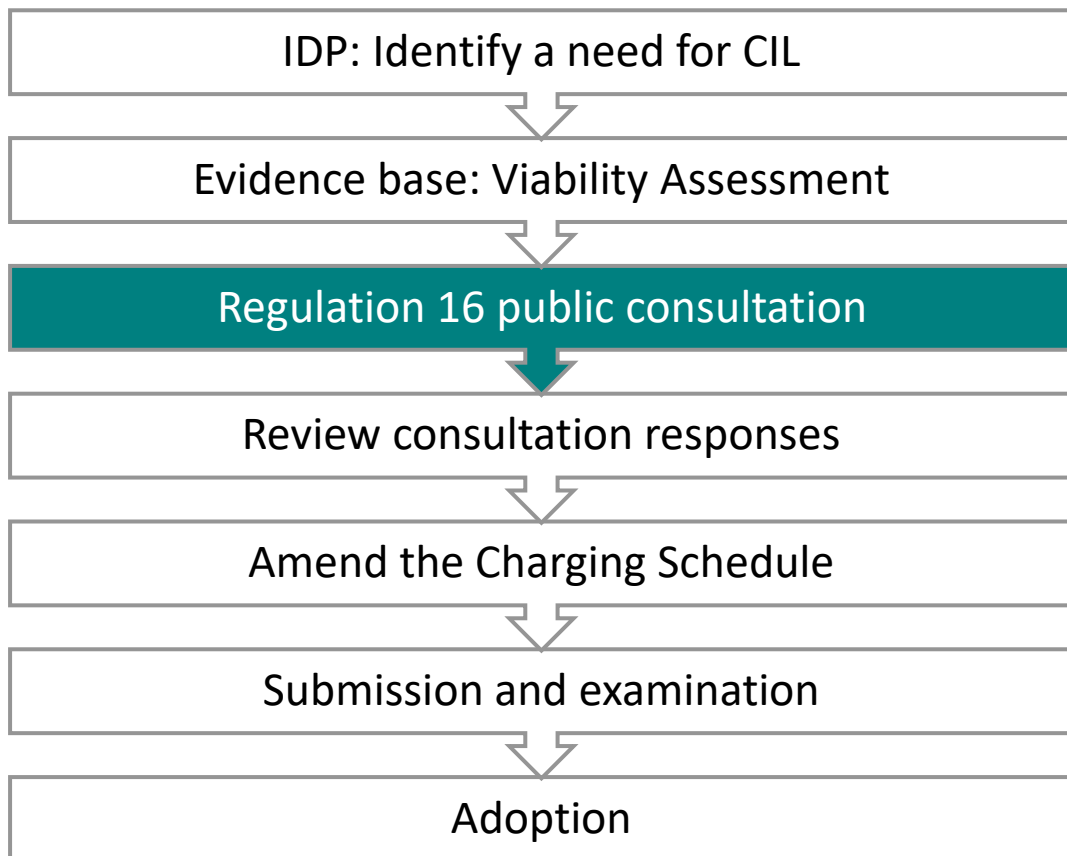
⁴ Viability Testing in Local Plans – Advice for planning practitioners, LGA/HBF, Sir John Harman, June 2012

13. Next steps

Following the conclusion of this Regulation 16 consultation, the Council will review consultation representations and amend the draft Charging Schedule and supporting evidence base documents where necessary. The Council then intends to submit the revised draft Charging Schedule for an Examination in Public.

An Independent Examiner will be appointed to conduct the examination process. During the examination, members of the public can offer their views through hearings or written representations. The examiner will place their recommendations in a report, and will recommend either approval, rejection, or approval with specified modifications to the Charging Schedule.

Following the approval of the Charging Schedule, Levy rates on new development will apply once the Council has formally published the adopted Charging Schedule.





Statement of representation procedure and availability of documents

Brentwood Borough Council COMMUNITY INFRASTRUCTURE LEVY (CIL) DRAFT CHARGING SCHEDULE OCTOBER 2022

in accordance with Regulation 16 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended)

1. Brentwood Borough Council intends to submit a Community Infrastructure Levy (CIL) Draft Charging Schedule for public examination, under Section 212 of the Planning Act 2008 (as amended by Section 114 of the Localism Act 2011).
2. In accordance with the Community Infrastructure Levy Regulations 2010 (as amended), Brentwood Borough Council has published the following documents for public consultation:
 - Community Infrastructure Levy Draft Charging Schedule
 - Evidence to support the CIL Draft Charging Schedule – in the form of the CIL Viability Assessment Update (August 2022)
 - This Statement of Representations Procedure
3. The following additional consultation information has been produced to accompany this CIL Charging Schedule consultation and is also available for comment:
 - CIL Information Sheet
 - CIL Information Booklet
4. Representations on the Brentwood Borough Council CIL Charging Schedule must be made between 12th October and 9th November 2022, with the consultation closing at 5pm on 9th November 2022.
5. All relevant documents are available to view at:
<https://www.brentwood.gov.uk/community-infrastructure-levy>
6. Hard copies of all the consultation documents and all supporting consultation material and evidence base documents, are available to view at the following locations:

- Brentwood Borough Council Town Hall, Ingrave Road, CM15 8AY
- Brentwood Library, New Road, CM14 4BP
- Ingatestone Library, High Street, CM4 9EU
- Shenfield Library, Rayleigh Road, CM13 1BD

7. Representations should be made to Brentwood Borough Council and may be made in writing or electronically. Comments on the Draft Charging Schedule and any of the associated documents can be made via:

- a. The Council's online consultation portal, available here: <https://brentwood.oc2.uk/>
- b. Or via post/email, by completing a comment form (available on request by emailing planning.policy@brentwood.gov.uk or calling 01277 312 500) and returning to the address below:

CIL Consultation 2022
Planning Policy Team
Brentwood Borough Council
Town Hall, Ingrave Rd
Brentwood,
Essex, CM15 8AY

8. The Draft CIL Charging Schedule must undergo a public Examination by an independent person, before the council can formally approve it. In accordance with Regulation 21 of the CIL Regulations 2010, anyone who has submitted a response to the consultation has a right to request to be heard by the examiner. The online form / comment form asks respondents to indicate whether or not they wish to be heard by the Examiner.

9. Please note, all those who make a representation will be notified using their supplied contact details of the following (unless they indicate otherwise):

- i. that the draft charging schedule has been submitted to the Examiner in accordance with section 212 of PA 2008;
- ii. the publication of the recommendations of the Examiner and the reasons for those recommendations; and
- iii. the approval of the charging schedule by the charging authority.

10. For further information or advice, about the consultation documents and/or process, please contact the Planning Policy Team by email at planning.policy@brentwood.gov.uk or by telephone on 01277 312 500

Community infrastructure levy

Published 29 September 2022

Last updated 17 October 2022

We have launched a public consultation on the Community Infrastructure Levy (CIL) Draft Charging Schedule. The consultation is taking place from **12 October until 9 November 2022**.

The CIL is a locally set charge on new development which the council can choose to introduce. The levy is based on the size and type of development and once set, is mandatory to pay and non-negotiable. The funds raised would be distributed by us to provide infrastructure which is required to support new development within the local area.

The proposed CIL rates in the draft Charging Schedule are based on the conclusions of the CIL Viability Assessment Update. Through this consultation, we want your views on the draft Charging Schedule and associated evidence base documents:

- [Draft Community Infrastructure Levy Charging Schedule \(PDF\)](#)
- [CIL Viability Assessment Update \(August 2022\) \(PDF\)](#)

There is additional consultation information produced to go with the CIL Charging Schedule consultation, also available for comment:

- For a concise overview of the consultation, view our [Information Sheet \(PDF\)](#)
- For detailed information explaining the proposed CIL rates, view our [Information Booklet \(PDF\)](#)
- [Statement of representation procedure and availability of documents \(PDF\)](#)

How to respond

You can comment on the draft Charging Schedule up to 5pm on 9 November 2022 using our [online consultation portal](#).

If you're unable to use the consultation portal, you can ask for a Word version of the consultation response form by emailing planning.policy@brentwood.gov.uk.

The draft Charging Schedule, all supporting consultation material and evidence base documents are also available to view at the borough's libraries and our offices:

Brentwood Borough Council
Town Hall

Ingrave Road
CM15 8AY

What happens next?

We, as the CIL charging authority, are required to consult with residents, local communities, businesses and stakeholders on the proposed levy rates. Following the conclusion of this Regulation 16 consultation, we will review consultation representations and amend the draft Charging Schedule and supporting evidence base documents where necessary. The consultation will be followed by an Examination-in-Public of the draft Charging Schedule, to be conducted by an independent examiner, prior to the proposed adoption of the CIL Charging Schedule.

For more information about the draft Charging Schedule or CIL, email planning.policy@brentwood.gov.uk or call 01277 312 500.

Screenshot of Council CIL webpage



Community infrastructure levy

Published: 29 September 2022
Last updated: 17 October 2022

We have launched a public consultation on the Community Infrastructure Levy (CIL) Draft Charging Schedule. The consultation is taking place from **12 October until 9 November 2022**.

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For more information about the draft Charging Schedule or CIL, email planning.policy@brentwood.gov.uk or call 01277 312 500.

In this section

- [Building control services](#)
- [Heritage, trees and conservation](#)
- [Land charges](#)
- [Planning advice and permissions](#)
- [Planning enforcement](#)
- [Planning policy and local plan](#)
 - [Dunton Hills Garden Village](#)
 - [Local Development Scheme \(LDS\)](#)
 - [Local development plan](#)
 - [Local plan examination](#)
- [Planning policy more information](#)
 - [Brentwood town centre](#)
 - [Brownfield land register](#)
 - [Community infrastructure levy](#)
 - [Ingatestone and Fryerning Neighbourhood Plan](#)
 - [Neighbourhood planning](#)
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[Ingatestone and Fryerning Neighbourhood Plan](#)

brentwood.gov.uk



Press Release

Public consultation underway on the Community Infrastructure Levy (CIL) Draft Charging Schedule

Date: 18 October 2022

Brentwood Borough Council has launched a consultation seeking views on the charges developers should pay to support the community.

Known as the Community Infrastructure Levy (CIL), this is an opportunity for residents and interested parties to make their views known on the Draft Charging Schedule. The consultation closes on 9 November 2022.

CIL is a locally set charge on new development which the council can choose to introduce. The levy is based on the size and type of development and once set, is mandatory to pay and non-negotiable. The funds raised from CIL contribute towards delivering infrastructure to support new development within the local area.

CIL will also give developers and their agents a clearer understanding of the financial contributions they are expected to make towards the delivery of community infrastructure needs and it will give the council a simple process for the collection of these contributions.

We are inviting comments on the Draft Charging Schedule in accordance with our [Statement of Representations Procedure](#).

The CIL Draft Charging Schedule, the evidence base in support of it and details of how to respond to the consultation are available to view at www.brentwood.gov.uk/community-infrastructure-levy

Copies of the consultation documents are available to view at Brentwood Borough Council Town Hall and at both Brentwood and Ingatestone Libraries, during normal opening hours.

The documents can also be made available by contacting the Planning Policy Team by email at planning.policy@brentwood.gov.uk or by telephone on 01277 312 500.

The findings from the consultation will be available to the public on the Council's website in December.

The Council will submit the relevant documents to the Secretary of State with the expectation that the examination process will start early 2023 with a view to adopting the CIL by Autumn next year.

Media Contact: Communications Team

Tel:

Email: press.desk@brentwood.gov.uk

Screenshot of Press Release

brentwood.gov.uk

Press Release

Public consultation underway on the Community Infrastructure Levy (CIL) Draft Charging Schedule

Date: 18 October 2022

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The Council will submit the relevant documents to the Secretary of State with the expectation that the examination process will start early 2023 with a view to adopting the CIL by Autumn next year.

Media Contact: Com
Tel:
Email: press.desk@brentwood.gov.uk

Appendix 8: CIL Consultation Correspondence Example

[Subject: **Brentwood Borough Council: Community Infrastructure Levy – Draft Charging Schedule published for public consultation**]

Dear Consultee,

Notification of Brentwood Borough Council Community Infrastructure Levy – Draft Charging Schedule published for public consultation

I am writing to you as a registered consultee on Brentwood Borough Council's Planning Policy consultation database. Please be advised that in accordance with Regulation 16 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended), the Council is publishing the above documents for consultation for four weeks from: **Wednesday 12 October to 5pm Wednesday 9 November 2022**

CIL is a locally set charge on new development which the council can choose to introduce. The levy is based on the size and type of development and once set, is mandatory to pay and non-negotiable. The funds raised would be distributed by the council to provide infrastructure which is required to support new development within the local area.

CIL will also give developers and their agents a clearer understanding of the financial contributions they are expected to make towards the delivery of community infrastructure needs and it will give the council a simple process for the collection of these contributions.

The proposed CIL rates in the draft Charging Schedule are based on the conclusions of the CIL Viability Assessment Update (August 2022).

Through this consultation, we want your views on the draft Charging Schedule and its associated evidence base document:

- Community Infrastructure Levy Draft Charging Schedule – Regulation 16
- CIL Viability Assessment Update (August 2022)

Both consultation documents can be viewed, and comments made through the council's online consultation portal, available here: <https://brentwood.oc2.uk/>

The Council has published a [Statement of representations procedure and availability documents](#). This sets out full details of how the consultation documents can be viewed and how comments (written or electronic) should be made.

Additional information has been produced to accompany the CIL Draft Charging Schedule consultation:

- for a concise overview of the consultation, view our [Information Sheet \(PDF\)](#)
- for detailed information explaining the proposed CIL rates, view our [Information Booklet \(PDF\)](#)

For more information on the consultation and to download any of the documents listed above visit our [Community Infrastructure Levy webpage](#)

Please note that comments made during the consultation must be attributable to named individuals or organisations. They will be available for public inspection on our consultation portal and cannot be treated as confidential.

Further Information

For further information or advice, about the consultation documents and/or process, please contact the Planning Policy Team by email at planning.policy@brentwood.gov.uk or by telephone on 01277 312 500

Yours sincerely

A handwritten signature in black ink, appearing to be 'PD' or similar initials, written in a cursive style.

Phil Drane
Director - Place

Tel: 01277 312500 | www.brentwood.gov.uk
Facebook: [brentwoodboroughcouncil](#) | Twitter: [@BrentwoodCouncil](#)

You can view Brentwood Council's privacy policy at www.Brentwood.gov.uk/privacy

Scheme is submitted for 45 homes on town car park site

DEVELOPMENT PARTNERSHIP PLAN WILL SEE THE LOSS OF 60 SPACES

By **PIERS MEYLER**
Local democracy reporter
piers.meyler@eastofc.com
@piersme123

A DEVELOPMENT of 45 new homes on a Brentwood car park owned by the borough council has been recommended for approval.

The application for the development the Westbury Road car park has been submitted on behalf of Brentwood Development Partnership. This is a joint venture between Muse Developments and Seven Arches Investment Ltd, Brentwood Borough Council's development arm.

The development would lead to the net loss of about 60 parking spaces in the centre of town, although the car park was closed in June 2021.

A report to the borough council's planning committee said the provision of 45 new dwellings would be an "additional benefit" to the borough in terms of increasing housing supply, particularly the five-year housing land supply position.

But the committee has been warned that the lack of affordable housing provision on site is not compliant with housing policy and it is unclear how the objective of creating mixed and balanced

communities would be effectively met.

However it adds in a statement as part of the committee reports that a reduction in the number of parking spaces is acceptable to how close it is to Brentwood High Street with all its facilities, car parks and access to frequent and extensive public transport services.

The local parking restrictions should also ensure that there is no overspill on to surrounding roads.

"Therefore, from a highway and transportation perspective, the impact of the proposal is acceptable to the highway authority subject to the following requirements," it adds.

A statement adds: "The site is situated at a highly-sustainable location, in walking distance to local services, train station, employment opportunities and locationally consistent with the council's objective for modal shift towards more sustainable forms of transport and travel.

"As such, it is considered that a reduction of car parking would be consistent with the council's aims for modal shift."

The application is recommended for conditional approval subject to a Section 106 agreement



Artist's impression of how the Westbury Road development in Brentwood could look

to cover an affordable housing payment of £440,000, open space provision - committed payment totalling £45,000 and a £22,300 contribution to the Basildon and Brentwood Clinical Commissioning Group.

Brentwood Development Partnership's most recent plans come after plans were approved by Brentwood Borough Council for two schemes at Maple Close and Seven Arches Road.

The applications are part of the early sites for regeneration through the innovative partnership - a joint venture between Brentwood Borough Council and Muse Developments - which will look to bring forward up to £1 billion of development activity over the next 30 years.

Views sought over levels of borough levy on developers

BRENTWOOD Borough Council has launched a consultation seeking views on the charges developers should pay to support the community.

Known as the Community Infrastructure Levy (CIL), the consultation is an opportunity for residents and interested parties to make their views known on the Draft Charging Schedule.

The consultation closes on November 9.

CIL is a locally-set charge on new development which the council can choose to introduce.

The levy is based on the size and type of development and, once set, is mandatory to pay and non-negotiable.

The funds raised from CIL contribute towards delivering infrastructure to support new

development within the local area.

CIL will also give developers and their agents a clearer understanding of the financial contributions they are expected to make towards the delivery of community infrastructure needs and it will give the council a simple process for the collection of these contributions.

The council is inviting comments on the Draft Charging Schedule in accordance with its Statement of Representations Procedure.

The CIL Draft Charging Schedule, the evidence base in support of it and details of how to respond to the consultation are available to view at www.brentwood.gov.uk/community-infrastructure-levy

Copies of the consultation documents are available to view at Brentwood Borough Council Town Hall and at both Brentwood and Ingatestone libraries, during normal opening hours.

The documents can also be made available by contacting the Planning Policy Team by email at planning.policy@brentwood.gov.uk or by telephone on 01277 312 500.

The findings from the consultation will be available to the public on the council's website in December.

The council will submit the relevant documents to the Secretary of State with the expectation that the examination process will start in early 2023 with a view to adopting the CIL by autumn next year.

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The findings from the consultation will be available to the public on the council's website in December.

The council will submit the relevant documents to the Secretary of State with the expectation that the examination process will start in early 2023 with a view to adopting the CIL by autumn next year.

Appendix 10: Social Media Posts

Twitter post



The screenshot shows a Twitter profile for Brentwood Council with 21.5K tweets and a 'Follow' button. The profile banner includes the text 'ALT Active Economy' and 'BRENTWOOD'. The tweet, dated 24 Oct, announces a public consultation on the Community Infrastructure Levy (CIL) Draft Charging Schedule, ending on 9 November 2022. It includes a link to brentwood.gov.uk and a description of CIL as a locally set charge on new development.

Brentwood Council 21.5K Tweets Follow

Brentwood Council @Brentwood_BC · 24 Oct

We have launched a public consultation on the Community Infrastructure Levy (CIL) Draft Charging Schedule. The consultation is taking place until 9 November 2022.

Find out more here:

brentwood.gov.uk
Community infrastructure levy
CIL is a locally set charge on new development that authorities can choose to introduce across their ...

Linkedin post



The screenshot shows a LinkedIn post from Brentwood Borough Council, which has 3,304 followers. The post, edited 3 weeks ago, repeats the information from the Twitter post regarding the public consultation on the CIL Draft Charging Schedule. It provides a detailed explanation of CIL and a link to the consultation documents.

Brentwood Borough Council 3,304 followers 3w · Edited

We have launched a public consultation on the Community Infrastructure Levy (CIL) Draft Charging Schedule. The consultation is taking place from until 9 November 2022.

The CIL is a locally set charge on new development which the council can choose to introduce. The levy is based on the size and type of development and once set, is mandatory to pay and non-negotiable. The funds raised would be distributed by us to provide infrastructure which is required to support new development within the local area.

The proposed CIL rates in the draft Charging Schedule are based on the conclusions of the CIL Viability Assessment Update. Through this consultation, we want your views on the draft Charging Schedule and associated evidence base documents.

Find out more here: https://lnkd.in/e_VFrXG

6

Like Comment Share

Appendix 11: Summary of CIL Draft Charging Schedule Representations

Respondent	Consultation question	Summary of representation	Council response
Hallam Land Management Ltd (HLM) [9272]	Question 1: Do you have any comments on the content of the CIL Viability Assessment Update?	Generally, the proposed methodology and assumptions made are considered appropriate, however a scheme of a similar nature and scale as Calcott Hall Farm is not included in the typologies and thus there are no comparable viability assumptions to draw upon. It is important to ensure that schemes which are not covered by any of the typologies set out will be able to pay an appropriate level of CIL without viability issues, particularly sites of a significant scale as the assessment of the three strategic sites highlights that strategic schemes are less able to contribute a higher level of CIL.	Page 111 of the Viability Assessment (VA) outlines that the assessment cannot consider all sites which may potentially be developed in the area, therefore the VA broadly tests the types of development and sites most likely to come forward. The extent of typologies tested in the VA is sufficient for the purposes of identifying an appropriate CIL rate for the area. No changes required in response to these comments.
Castle Point Borough Council (Mr Ian Butt, Head of Place and Policy) [8304]	Question 1: Do you have any comments on the content of the CIL Viability Assessment Update?	I am writing on behalf of Castle Point Borough Council in response to the consultation underway on the Brentwood Community Infrastructure Levy Draft Charging Schedule. I can advise that we have taken the opportunity to review the Draft Charging Schedule and the associated documentation and are supportive of your proposals to introduce a Community Infrastructure Levy in Brentwood Borough, and of the rates of levy you are proposing to charge.	Noted. No changes required in response to these comments.
Iceni Projects Limited (Ms Leona Hannify) [8333]	Question 1: Do you have any comments on the content of the CIL Viability Assessment Update?	Support the zero CIL fee for strategic sites within Brentwood. It is recommended that the Council clarify that in such instances zero CIL would be applicable to ensure that the CIL does not prejudice the viability of developments. The CIL Charging Schedule should confirm that it will be for the council and the applicant to consider the balance of securing developer obligations through S106 contributions and/or CIL.	Through the VA, the Council has tested the ability of a range of development types to pay a CIL charge and remain financially viable. The conclusions of the VA informed the proposed CIL rates. £0 rates of CIL are proposed on residential site R01, industrial brownfield development, and all other development types not specifically identified in the draft Charging Schedule. No changes required in response to these comments.
Iceni Projects Limited (Ms Leona Hannify) [8333]	Question 1: Do you have any comments on the content of the CIL Viability Assessment Update?	Support the ongoing review of costs and contingencies as detailed in the consultation. It is recommended that the VA takes into account the Tender Price Indices (TPI) in addition to the most recent BCIS costs.	Page 81 of the VA acknowledges the TPI, however confirms that the assessment will be based on the most recent BCIS costs. No changes required in response to these comments.

Respondent	Consultation question	Summary of representation	Council response
Iceni Projects Limited (Ms Leona Hannify) [8333]	Question 1: Do you have any comments on the content of the CIL Viability Assessment Update?	The Consultation states that the principle driver of the differences is the situation rather than the location of a site. That is to say, the value will be more strongly influenced by the specific site characteristics, the immediate neighbours and environment, rather than in which particular ward or postcode sector the scheme is located. It is questioned whether this actually applies to Brentwood where there are clearly major differences in values depending on the location within the Borough. It is recommended that this is considered further by the Council to ascertain whether different levels of CIL contribution would be appropriate.	This issue was considered through engagement on the emerging VA, and is addressed on page 54 of the VA. Typologies tested within the VA are based on sites types (size, green/brown, current use) rather than location within the Borough. The variations in values throughout the Borough do not vary sufficiently to warrant location based typologies to be tested. No changes required in response to these comments.
BNP Paribas Real Estate/Strutt & Parker (Ms Caroline McDade) [9276]	Question 1: Do you have any comments on the content of the CIL Viability Assessment Update?	It is therefore important that St Modwen responds to the assumptions of viability made in the Assessment. They consider that whilst the s106 costs referenced are broadly correct, land values and development costs have changed significantly this year, and particularly in the last 2 months, and this substantially changes some of the inputs to the appraisal. St Modwen consider that BEP should be zero rated.	The CIL rates proposed within the VA are not set at the margins of viability, and include buffers to accommodate changes in values and costs. Having said this, since the planning application, further strategic infrastructure and mitigation costs have been identified. The impact of these is considered in the Statement of Common Ground (SoCG) between St Modwen and Brentwood Borough Council (BBC).

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BNP Paribas Real Estate/Strutt & Parker (Ms Caroline McDade) [9276]	Question 1: Do you have any comments on the content of the CIL Viability Assessment Update?	<p>Object to assumptions within the VA, where the following has not been sufficiently considered, and therefore require amendments to the VA:</p> <ul style="list-style-type: none"> - A 30% reduction in capital values in the industrial and logistics sector. Prime yields have shifted from 3.25% to 5.25% in a 3 month period. Far more significant is the impact on land values for industrial and logistics development which have generally reduced by 60% to 65% since June 2022. This is a consequence of not only the outward yield shift on the GDV but the compounding effect of considerable inflation on construction and infrastructure costs as well as higher finance rates and increased risk margins applied through all aspects of development appraisals. - Revenue - The capital value per sq/m of £2,800 in terms of assumed rent and yield requires clarification. - Project programme - It is unclear how the project programme has been tested. - Buyers costs - The VA does not take into account Stamp Duty Land Tax, sales agent fees and sales legal fees. - Construction costs - It is unclear which BCIS cost rate has been applied. - The VA does not include all infrastructure costs for the site, which should be £116m. - Contingency - a 5% contingency should be applied. - Commercial letting and legal fees - Include a commercial letting and legal fees of 15% in the first year of rent for letting fees and 5% for legal fees. - Finance - The finance rate of 6% should be increased to account for the recent base rate increase. 	St Modwen and BBC have worked together to prepare a SoCG based on the updated information in relation to this large strategic site.

Respondent	Consultation question	Summary of representation	Council response
Savills (Laura Dudley-Smith) [9278]	Question 1: Do you have any comments on the content of the CIL Viability Assessment Update?	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.	The modelling in the VA is based on the planned development in the Borough. The Local Plan does not allocate land for larger units beyond the Brentwood Enterprise Park. It is accepted that some larger buildings may come forward than those modelled, however these would not be critical to the delivery of the plan as a whole. In any event, the 'tipping point', for the build costs is 2,000m2 so the modelling does capture the viability of larger units.
Savills (Laura Dudley-Smith) [9278]	Question 1: Do you have any comments on the content of the CIL Viability Assessment Update?	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.	It is accepted that a broad range of site can be brought forward for development / redevelopment. Bearing in mind the range of sites allocated on the Local Plan, and the other expected development the approach taken is appropriate. It is important to appreciate that CIL only applied to Net New Development, so where there are existing buildings on a site the floor area will be taken into account when calculating the amount of CIL due.
Savills (Laura Dudley-Smith) [9278]	Question 1: Do you have any comments on the content of the CIL Viability Assessment Update?	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.	<p>The modelling within the VA has been carried forward from the previous Assessment, which was subject to public consultation in September 2018. The VA assessment has tested a range of development typologies, which were agreed through engagement with the development industry during the production of the VA in May/June 2022. Savills attended the 2022 consultation and did not comment in this regard. The range of typologies appropriately test the types of development which are expected to come forward in the Borough.</p> <p>The modelling in the VA is based on the planned development in the Borough. The Local Plan does not allocate land for much larger units beyond the Brentwood Enterprise Park. It is accepted that some larger buildings may come forward than those modelled, however these would not be critical to the delivery of the plan as a whole.</p>

Respondent	Consultation question	Summary of representation	Council response
Savills (Laura Dudley-Smith) [9278]	Question 1: Do you have any comments on the content of the CIL Viability Assessment Update?	Some sites have been individually tested within the VA and others have 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.	The VA assessment has tested a range of development typologies, which were agreed through engagement with the development industry during the production of the VA. The range of typologies appropriately test the types of development which are expected to come forward in the Borough. No changes required in response to these comments.
Star Planning and Development (Mr David Barnes) [9281]	Question 1: Do you have any comments on the content of the CIL Viability Assessment Update?	BLV for Dunton Hills Garden Village was based upon a site-specific Existing Use Value (EUV) of £100,000 per gross hectare to which a premium was added (EUV+). The 'plus' element for greenfield land was advised to the Council by its Viability Consultant and has been consistently adopted in both the original Assessment and the Updated Assessment. CEG is fully supportive of the Council's intention to apply a 'zero' rate for the Community Infrastructure Levy (CIL) to Dunton Hills Garden Village. This is both a realistic and sensible approach to adopt because of the circumstances associated with the bespoke delivery of infrastructure for a Garden Village and the viability considerations.	Noted. No changes required in response to these comments.
Star Planning and Development (Mr David Barnes) [9281]	Question 1: Do you have any comments on the content of the CIL Viability Assessment Update?	CEG is supportive of the BLV used for the site because it is entirely appropriate and correct that the BLV for CIL should be the value which underpinned the preparation of the Local Plan, the associated policy aspirations and the evidence presented by the Council to the Inspectors who examined the Local Plan.	Noted. No changes required in response to these comments.

Respondent	Consultation question	Summary of representation	Council response
Turner Morum LLP (Mr Thomas Hegan) [9282]	Question 1: Do you have any comments on the content of the CIL Viability Assessment Update?	<p>The following comments have been provided regarding the VA:</p> <ul style="list-style-type: none"> - Our key comments previously provided regarding site capacity have been ignored, which is a key consideration to the viability of the Officers Meadow scheme. - The VA has tested the Officers Meadow scheme at 825-dwellings, however the actual maximum site capacity is likely to be 700-dwellings. - The VA has not considered the site specific infrastructure cost requirements for the site. - The VA has not considered the plot external works for the site, which should be included as a 15% addition to the BCIS base costs. 	<p>The site capacity has been held at 825 rather than being reduced to 700 units on advice of the BBC – the site is allocated for 825 units. (CIL Viability Update – August 2022. Page 37).</p> <p>That a 15% allowance for site costs may be insufficient. This was increased to 20%. Subsequently it was observed that 20% was ‘far too low’ for the Officer’s Meadow site and figures of £26.15m for an 825 unit scheme and £25.5m for a 700 unit scheme were suggested. The 20% assumption equates to about £22m, however the figures are not directly comparable with the suggested figures including a contingency allowance (5%) and the assumption does not. Further the submitted costs include abnormal and strategic infrastructure costs of over £8,000,000. The PPG is clear that the abnormal costs should be reflected in the Benchmark Land Value and the strategic infrastructure costs are covered elsewhere. (CIL Viability Update – August 2022. Page 82).</p> <p>The strategic infrastructure and mitigation costs used in the CIL Viability Update – August 2022 (Table 7.2) are carried forward from the IDP that was examined as part of the Local Plan IDP. These have been indexed due to the passage of time and are estimated to be £23,884,210 or just under £29,000/unit.</p> <p>A further 20% (not 15% as stated by the site promoter) is covered for normal site costs. This comes to £23,653,772 (excluding contingency which is subsequently added) which is £610,113 per gross ha (£246,909 per gross acre) or £838,148 per net ha (£339,194 per net acre). The combined cost for on and off site infrastructure is therefore £47,537,982 which works through as about 57,621/unit or £1,685,744per net ha (£682.211 per net acre). The approach used is consistent with the evidence considered at the Local Plan EiP (subsequently updated in line with the consultee’s initial response).</p>

Respondent	Consultation question	Summary of representation	Council response
Turner Morum LLP (Mr Thomas Hegan) [9282]	Question 2: Do the proposed levy rates set out in the draft CIL Charging Schedule appropriately reflect the conclusions of the CIL Viability Assessment Update?	<p>Yes, with general principles, but concerns raised regarding:</p> <ul style="list-style-type: none"> - the 'additional profit' calculation, which should be the variance between the Residual Land Value (shown to be £44.93m) and the Benchmark and Value (at £18.59m) - should provide an additional profit of £26.33m, as opposed to the £36.3m identified in the report. Therefore the Additional Profit (the headroom for CIL) is shown to be markedly higher than it should be. - use of the 825 dwelling capacity for the site, which should be a maximum of 700 dwellings. - the VA has not considered the plot external works for the site, which should be included as a 15% addition to the BCIS base costs. 	<p>The Addition Profit calculation needs to include a buffer. (CIL Viability Update – August 2022. Page 38). A buffer is included in the testing as set out in Table 10.5 of the CIL Viability Update – August 2022.</p> <p>It is correct to observe that the Residual Value (£44,928,301) less the BLV (£18,595,200) is not the Additional Profit. In calculating the Residual Value the cost of the land (£44,928,301) is a cost for calculating interest. In calculating the Additional Profit the cost of the land is taken to be the BLV (£18,595,200) and is used for calculating the interest. This also has a impact on the acquisition costs and stamp duty.</p> <p>It is important to note that the Additional Profit is simply a broad indication of the capacity to bear CIL and is not an element of the assessment of the appropriate level of CIL. See above re site capacity. The VA has made allowance for plot external works at 20%, rather than the 15% suggested.</p>
Turner Morum LLP (Mr Thomas Hegan) [9282]	Question 3: Do the proposed levy rates set out in the draft CIL Charging Schedule provide an appropriate balance between securing infrastructure investment and supporting the financial viability of new development in the area?	The Council should publish a CIL 'wish list' which would identify the infrastructure which would be covered by CIL. A considerably greater level of detail is required to allow the parties to establish what is required from the respective schemes, whether the contribution sought are required, whether they are Reg 122 compliant, and if there is any double counting.	<p>The Councils approach to using CIL and S106 contributions will be appropriately presented within the IDP and Infrastructure Funding Statement (IFS). The IDP has identified an infrastructure funding gap which sufficiently demonstrates a need for CIL in the Borough. When drafting a Charging Schedule, there is no requirement for the Council to evidence in detail how CIL will be used in the future. No changes required in response to these comments.</p> <p>The IDP has been reviewed and remains current. Highways England confirmed, at the Local Plan EiP that they are not asking Brentwood to mitigate wider region's growth – so no specific allowance is made for this (and the Council will not be seeking that the developer funds such works). (CIL Viability Update – August 2022. Page 86).</p>

Respondent	Consultation question	Summary of representation	Council response
Sport England (Mr. Roy Warren, Planning Manager) [4294]	Question 4: Do you have any comments on the proposed CIL rates?	The proposal for a zero CIL rate for all other development which would include community sports/leisure facilities is welcomed. Most community sports facilities such as leisure centres, playing fields etc are operated by local authorities, clubs and voluntary organisations on a not for profit basis to meet community needs. If CIL was charged for new facilities, or enhancements to existing facilities, this may have viability implications for implementing the proposals. In Sport England's experience, viability work from elsewhere in the region has shown that such uses would not justify CIL payments and therefore have been specifically excluded being charged CIL.	Noted. No changes required in response to these comments.
GL Hearn (Mr David Maxwell) [9242]	Question 4: Do you have any comments on the proposed CIL rates?	<p>It is submitted that the Brentwood draft CIL rates proposed for residential development at £250/sq.m are exceptionally high and likely to cause detrimental impacts on housing delivery and housing affordability within Brentwood. Continued slow housing delivery will result in detrimental social impacts within Brentwood and the housing market area due to restricted housing supply and availability, as well as detrimental economic impacts and restricted economic growth.</p> <p>The exceptionally high Brentwood draft CIL rates of £250/sq.m for residential are also directly opposed to the aims, aspirations and targets to increase housing delivery as set out within the Brentwood Housing Action. Plan, November 2021 as well as the Council's Housing Strategy for 2021-2026. The proposed Brentwood draft CIL rates at £250/sq.m for residential development are unusually high in comparison to CIL rates within similar local neighbouring authorities</p>	<p>The proposed CIL rates are based on the conclusions of the VA. The VA demonstrates the the proposed rates of CIL will not render new development in the Borough unviable. The rates should not therefore detrimentally impact the rate of housing delivery in the area. No changes required in response to these comments.</p> <p>This site was considered through the Local Plan hearings and not included as an allocation. As per paragraph 35 of the NPPF and 25-040-20190901 the principal test is whether or not CIL 'undermines the delivery of the plan'. As this site is not an allocation (ie not part of the plan) there is no need to consider it specifically.</p> <p>No viability evidence (costs values etc) have been presented to support the statement that CIL may be too high.</p>
BNP Paribas Real Estate/Strutt & Parker (Ms Caroline)	Question 4: Do you have any comments on the proposed CIL rates?	St Modwen consider that BEP should be exempt from CIL in the same way that Dunton Hills is, given both developments are providing significant s106 contributions as well as BEPs wider infrastructure benefits. If this can be agreed, St Modwen will withdraw their holding objection.	The proposed CIL rates are based on the conclusions of the VA. The VA currently demonstrates that the proposed rates of CIL will not render new development in the Borough unviable. Subject to a review of comments within other questions on assumptions used within the VA, no changes required in response to these comments.

Respondent	Consultation question	Summary of representation	Council response
McDade) [9276]			
Savills (Laura Dudley-Smith) [9278]	Question 4: Do you have any comments on the proposed CIL rates?	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.	<p>The proposed CIL rates are based on the conclusions of the VA. The VA demonstrates the proposed rates of CIL will not render new development in the Borough unviable. The rates should not therefore detrimentally impact the rate of economic growth in the area. No changes required in response to these comments.</p> <p>It is necessary for CIL rates to be informed by the viability evidence. It is not appropriate to set a low rate to encourage a type of development or a high rate to discourage development. Such an approach may be in breach of the State Aid rules.</p>
Savills (Laura Dudley-Smith) [9278]	Question 4: Do you have any comments on the proposed CIL rates?	The proposed rate of CIL for B8 uses would jeopardise new projects in the Borough	<p>The proposed CIL rates are based on the conclusions of the VA. The VA demonstrates the the proposed rates of CIL will not render new development in the Borough unviable. The rates should not therefore detrimentally impact the ability of B8 uses to come forward in the Borough. No changes required in response to these comments.</p> <p>No evidence is provided regarding the suggested impacts of CIL. The values and costs are not challenged and no alternative EUV evidence is put forward.</p>
Savills (Laura Dudley-Smith) [9278]	Question 4: Do you have any comments on the proposed CIL rates?	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	Through the VA, the Council has tested the ability of a range of development types to pay a CIL charge and remain financially viable. The conclusions of the VA informed the proposed CIL rates. Proposed CIL rates are therefore based on the viability of development, and do not consider if certain types of development should or should not be contributing towards infrastructure. All new development will have an impact on infrastructure which CIL

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		negligible impact on these facilities, and effectively therefore mitigating for the zero-rated Dunton Hills Garden Village development for example.	can assist in mitigating, irrespective of the type of development. No changes required in response to these comments.
Savills (Laura Dudley-Smith) [9278]	Question 4: Do you have any comments on the proposed CIL rates?	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.	The Councils approach to using CIL and S106 contributions will be appropriately presented within the IDP and Infrastructure Funding Statement (IFS). The IDP has identified an infrastructure funding gap which sufficiently demonstrates a need for CIL in the Borough. When drafting a Charging Schedule, there is no requirement for the Council to evidence in detail how CIL will be used in the future. No changes required in response to these comments.
Transport for London (Ms Jessica Biggs) [9280]	Question 4: Do you have any comments on the proposed CIL rates?	TTLP are concerned that the proposed CIL rates 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.	The proposed CIL rates are based on the conclusions of the VA. The VA demonstrates that the proposed rates of CIL will not render new development in the Borough unviable. The rates should not therefore detrimentally impact the rate of housing delivery in the area. No changes required in response to these comments.

Respondent	Consultation question	Summary of representation	Council response
Transport for London (Ms Jessica Biggs) [9280]	Question 4: Do you have any comments on the proposed CIL rates?	There are significant abnormal costs for proposed development on the Brentwood Railway Station Car Park. The imposition of CIL could therefore render development on the site financially unviable. The significant abnormal costs on this site have not been appropriately assessed in the VA.	<p>The proposed CIL rates are based on the conclusions of the VA. The VA takes into account, at a high level, the potential for some sites to have abnormal costs. An additional 5% of costs is applied to brownfield sites to account for abnormal costs, and it is noted that land values will also be adjusted to account for abnormal costs. However, there is no requirement for the VA to assess in detail all potential development sites in the Borough. The strategic assessment undertaken within the VA demonstrates that the proposed rates of CIL will not render new development in the Borough unviable. The rates should not therefore detrimentally impact the rate of housing delivery in the area. No changes required in response to these comments.</p> <p>As per paragraph 35 of the NPPF and 25-040-20190901 the principal test is whether or not CIL 'undermines the delivery of the plan'. As these sites are not allocated (i.e. not part of the plan) there is no need to consider them specifically.</p> <p>As per paragraphs 10-012-20180724 and 10-014-20190509 of the PPG, abnormal costs would be reflected in the Benchmark Land Value.</p> <p>The approach, modelling, value, cost and EUV / BLV assumptions are not challenged and no alternative evidence is put forward.</p>

Respondent	Consultation question	Summary of representation	Council response
GL Hearn (Mr David Maxwell) [9242]	Question 5: Should any types of development be charged a different CIL rate, and if so, why?	Consideration should be given to site specific CIL rates for strategic residential developments applicable to schemes of 300 to 400 or more dwellings.	<p>The proposed CIL rates are based on the conclusions of the VA. The VA has tested a range of site typologies to consider the impacts of applying a CIL charge on different site sizes. The VA demonstrates that the proposed rates of CIL will not render new development in the Borough unviable. The rates should not therefore detrimentally impact the rate of housing delivery in the area. No changes required in response to these comments.</p> <p>This site was considered through the Local Plan hearings and not included as an allocation. As per paragraph 35 of the NPPF and 25-040-20190901 the principal test is whether or not CIL 'undermines the delivery of the plan'. As this site is not an allocation (ie not part of the plan) there is no need to consider it specifically.</p>
Turner Morum LLP (Mr Thomas Hegan) [9282]	Question 5: Should any types of development be charged a different CIL rate, and if so, why?	<p>As above I would consider that Officer's Meadow should be £0 listed - I note that Dunton Hills Garden Village has been £0 listed in the Draft Charging Schedule and I do not see any reason why Officer's Meadow should not be treated the same way.</p> <p>Numerous concerns exist regarding HDH's approach and appraisal conclusions, including the missing site-specific infrastructure costs within the HDH appraisal and the fact that the site only has capacity to deliver 700 units as a maximum, not the 825 units reflected by HDH.</p> <p>I am unclear why these positions have been adopted, when these matters were brought to the Council's specific attention within the earlier representations.</p>	Noted. Issues raised in other questions. Responses provided to the other questions.

Respondent	Consultation question	Summary of representation	Council response
Essex County Council (Mrs Anne Clitheroe, Principal Planning Officer) [6776]	Question 5: Should any types of development be charged a different CIL rate, and if so, why?	<p>Section 5 - What development will be liable to pay the levy? and Section 6. CIL exemptions and discretionary relief</p> <p>It is noted that Table 12.9a (Non-Residential Uses – Greenfield) of the Viability Assessment Update (August 2022) indicates that “small” industrial units would not be viable with any CIL charge. It is therefore recommended that there is an exemption for small units (under 500sqm) in order to support start-ups and high-potential SME’s.</p>	<p>It is accepted that Table 12.9 of the VA demonstrates that smaller industrial units would be unviable with the introduction of a CIL charge. The VA modelled industrial units of 400sqm (Industrial - small in Table 12.9) which are shown to be unviable with a CIL charge, and 2,000sqm (Industrial in Table 12.9) which are shown to be viable up to a CIL charge of £80 per sqm. Based on the information presented in table 12.9, it is recommended that CIL rates for smaller industrial units are reduced and amended within the CIL Charging Schedule to a £0 rate.</p> <p>In relation to an appropriate threshold, the available BCIS costs data provides information for units up to 500sqm, 2,000sqm, and over 2,000sqm. Table 12.9 demonstrates that units of 2,000sqm or more are viable, therefore it is recommended that the proposed £0 rate should apply to industrial proposals up to 2,000sqm.</p>
Hallam Land Management Ltd (HLM) [9272]	Question 6: Do you have any comments on the draft Instalments Policy?	The Instalments Policy omits developments with an overall CIL liability of between £50,000 and £100,000; this error should be rectified.	Noted. This will be updated. Change required to the Charging Schedule.
Turner Morum LLP (Mr Thomas Hegan) [9282]	Question 6: Do you have any comments on the draft Instalments Policy?	<p>I have no comments on the specific draft instalment policy but it is worth noting that the HDH analysis still not include the CIL contributions as development costs within the appraisals.</p> <p>Instead, the HDH analysis calculated the 'additional profit' which is essentially what they consider to be the developments 'headroom for CIL'. In my view this is a flawed approach because the compound finance costs associated with CIL contributions are also therefore missing, which can be a key factor in the viability / deliverability of any scheme.</p> <p>This is another point that was made within the earlier representations which has been ignored - albeit HDH have acknowledged (and seemingly agreed) with the issue at paragraph 3.27-3.30. For completeness, the subject site has not been</p>	Noted. Issues raised in other questions. Responses provided to the other questions.

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		<p>modelled including CIL costs to consider the associated finance cost implications - as suggested at para 3.29.</p> <p>A reason to reflect CIL contribution as a development cost within the appraisal would have been to test the implications of the CIL payment instalments policy, in viability terms.</p>	
Iceni Projects Limited (Ms Leona Hannify) [8333]	Question 6: Do you have any comments on the draft Instalments Policy?	The CIL Payment Schedule should be agreed on a project by project basis, reflecting the phasing profile of strategic projects. The Instalments Policy seems appropriate as long as this only relates to each Reserved Matters Phase of the Strategically Allocated developments, or else this could prove financially damaging to the developer. Flexibility will be required for either CIL or S.106 payments on Strategic Sites.	The proposed Instalments Policy allows a specific payment schedule to be agreed to reflect the phasing of large sites. No changes required in response to these comments.
Historic England (Andrew Marsh) [8824]	Question 7: Is there a need to provide discretionary relief from the levy to any types of development, and if so, why?	Vacant or underused heritage assets not only fail to make a full contribution to the Borough's economy but they also give rise to negative perceptions about an area. This, in turn, can detract from its attractiveness to visitors and inward investment. Consequently, in setting thresholds there needs to be a clear understanding of the potential impact which CIL could have on investment in, and regeneration of, historic areas - particularly those which have been identified as being 'at risk'. We are therefore encouraging local authorities to assert their right to apply discretionary relief for exceptional circumstances; where development which affects heritage assets and their settings and/or their significance, may become unviable if it was subject to CIL, or where CIL relief would enable the restoration of heritage assets as identified on Historic England's 'Heritage at Risk Register'.	The Council should consider the inclusion of a discretionary relief policy which supports the regeneration and restoration of 'at risk' heritage assets and/or their settings. Change may be required to include a discretionary relief policy.

Respondent	Consultation question	Summary of representation	Council response
Transport for London (Ms Jessica Biggs) [9280]	Question 8: Do you have any other comments on the draft CIL Charging Schedule?	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.	The is no need for the CIL Charging Schedule to repeat the CIL Regulations. Section 73 of the Regulations applies whether stated within the Charging Schedule or not. There is therefore no need to include reference to section 73 within the Charging Schedule. No changes required in response to these comments.
Hallam Land Management Ltd (HLM) [9272]	Question 8: Do you have any other comments on the draft CIL Charging Schedule?	It is recommended that the CIL Charging Schedule includes a mechanism to review CIL in line with the progression of the Brentwood Local Plan Review, which is required to be submitted for Examination by July 2024, to include consideration of the CIL rate for any allocated strategic sites to ensure they can be delivered appropriately. If the draft CIL Charging Schedule is not reviewed in an appropriate timeframe, it could render strategic and other allocations in the Brentwood Local Plan Review unviable.	The CIL Charging Schedule will be review on a regular basis. There is no requirement to set out a review programme within the Charging Schedule. No changes required in response to these comments.
BNP Paribas Real Estate/Strutt & Parker (Ms Caroline McDade) [9276]	Question 8: Do you have any other comments on the draft CIL Charging Schedule?	Concern regarding double counting if CIL is directed to paying for strategic infrastructure.	The Councils approach to using CIL and S106 contributions will be appropriately presented within the IDP and Infrastructure Funding Statement (IFS). The IDP has identified an infrastructure funding gap which sufficiently demonstrates a need for CIL in the Borough. When drafting a Charging Schedule, there is no requirement for the Council to evidence in detail how CIL will be used in the future. No changes required in response to these comments.
Ingatestone and Fryerning Parish Council (Ms Rosemary Spouge, Assistant Clerk) [8811]	Question 8: Do you have any other comments on the draft CIL Charging Schedule?	Ingatestone & Fryerning Parish Council do not have the expertise to comment	Noted. No changes required in response to these comments.

Respondent	Consultation question	Summary of representation	Council response
Bidwells (Ms Alice Maguire) [9277]	Question 8: Do you have any other comments on the draft CIL Charging Schedule?	There is no timetable for the implementation of CIL, so it is unclear if site R09 will be required to pay the CIL levy.	The VA assessment has considered the viability of development, such as site allocation R09, based on the inclusion of a CIL charge. The draft CIL Charging Schedule has therefore been produced assuming that site R09 would be expected to pay a CIL charge. No changes required in response to these comments.
Bidwells (Ms Alice Maguire) [9277]	Question 8: Do you have any other comments on the draft CIL Charging Schedule?	It is important that the Council provides further information on how CIL and S106 will work together, in particular on allocation sites that are not subject to a proposed variable CIL rate, such as at Policy R09.	The IDP outlines the types of infrastructure which will be funded through S106 and CIL. This provides sufficient information to test proposed CIL rates and consider the potential impacts upon the viability of new development in the area. No changes required in response to these comments.
Bidwells (Ms Alice Maguire) [9277]	Question 8: Do you have any other comments on the draft CIL Charging Schedule?	Planning Practice Guidance (Paragraph 017) states that no later than 31 December 2020, authorities should replace regulation 123 lists with infrastructure funding statements. The Council does not appear to have an up to date Infrastructure Funding Statement, with the latest statement (2021) setting out income and expenditure relating to S106 agreements for the year 2020/2021 only. In accordance with the guidance in the PPG, a CIL Infrastructure Funding Statement should be required to give developers more guidance on how contributions will likely be apportioned between CIL and s106 accordingly.	There is no requirement to produce an Infrastructure Funding Statement (IFS) to support the production of a Charging Schedule. The PPG states that 'a charging authority should be able to explain how their proposed levy rate or rates will contribute towards new infrastructure to support development across their area', and that 'the Community Infrastructure Levy examination should not re-open infrastructure planning issues that have already been considered in putting in place a sound relevant plan'. The IDP should therefore be used as a basis for determining how infrastructure will be funded through S106 and CIL'. No changes required in response to these comments.
Iceni Projects Limited (Ms Leona Hannify) [8333]	Question 8: Do you have any other comments on the draft CIL Charging Schedule?	It is considered that in order to provide an appropriate balance between securing infrastructure investment and supporting viability of new development, the LPA requires an updated IDP that operates in tandem with the calculations that have supported the CIL Charging Schedule. The costs in the IDP are now clearly out of date and need a full review to ensure infrastructure delivery. The updated IDP should run concurrent with the Local Plan focused review and be adopted at the same time to ensure this balance is being struck.	The Council's approach to producing supporting documents to inform the production of a CIL Charging Schedule should be proportionate. The IDP is considered sufficiently up to date to inform the assessments within the VA and the production of a draft CIL Charging Schedule. No changes required in response to these comments.
NHS (Catherine Bicknell)	Question 8: Do you have any other comments on the	The Mid and South Essex Integrated Care Board would welcome the opportunity to contribute to any future updates of the Brentwood IDP at the appropriate time to ensure that necessary healthcare infrastructure is included.	Noted

Respondent	Consultation question	Summary of representation	Council response
	draft CIL Charging Schedule?		
Essex County Council (Mrs Anne Clitheroe, Principal Planning Officer) [6776]	Question 8: Do you have any other comments on the draft CIL Charging Schedule?	<p>Supporting Documents, Draft CIL Consultation Information Booklet Section 1 - Introduction</p> <p>It is recommended that reference is made (last paragraph) to statutory bodies within the list of consultees in relation to the CIL. ECC is a key infrastructure provider and delivers and commissions a wide range of strategic and local infrastructure and public services within the borough of Brentwood, covering but not limited to highways and transportation, education, early years and childcare, minerals, waste, surface water management, passenger transport, adult social care, and Public Health.</p>	Noted. No changes required to the CIL Charging Schedule in response to these comments.
Essex County Council (Mrs Anne Clitheroe, Principal Planning Officer) [6776]	Question 8: Do you have any other comments on the draft CIL Charging Schedule?	<p>Supporting Documents, Draft CIL Consultation Information Booklet Section 3. What is the Community Infrastructure Levy? and Section 4. What are the benefits of the CIL?</p> <p>ECC welcomes confirmation (third paragraph) that CIL will not replace current methods of obtaining infrastructure and funding through planning obligations, and that CIL provides an additional mechanism to obtain financial contributions.</p> <p>Further comments on this matter, including governance, are provided under Section 7.</p>	Noted. No changes required to the CIL Charging Schedule in response to these comments.
Essex County Council (Mrs Anne Clitheroe, Principal Planning Officer) [6776]	Question 8: Do you have any other comments on the draft CIL Charging Schedule?	<p>Supporting Documents, Draft CIL Consultation Information Booklet Section 7 - How the levy works alongside Section 106 contributions</p> <p>ECC welcomes reference (first paragraph) to the lifting of restrictions on using five or more section 106 contributions to fund a single infrastructure project, and provision of greater flexibility in relation to how CIL funding could be used alongside S106 contributions.</p>	Noted. No changes required to the CIL Charging Schedule in response to these comments.

Respondent	Consultation question	Summary of representation	Council response
Essex County Council (Mrs Anne Clitheroe, Principal Planning Officer) [6776]	Question 8: Do you have any other comments on the draft CIL Charging Schedule?	Supporting Documents, Draft CIL Consultation Information Booklet Section 7 ECC supports in principle reference (first paragraph) to charging authorities being able to use both CIL and S106 contributions to fund same infrastructure item. Important that if type of scheme has been identified as being funded through S106 that it does not preclude it from also receiving CIL funds. Important given reference in Section 4 to CIL giving 'LA's greater flexibility....', which could imply that CIL funds will only be used on wider community infrastructure and not necessarily to "top-up" funding of key strategic infrastructure. Also important given word 'likely' (third paragraph).	Noted. No changes required to the CIL Charging Schedule in response to these comments.
Essex County Council (Mrs Anne Clitheroe, Principal Planning Officer) [6776]	Question 8: Do you have any other comments on the draft CIL Charging Schedule?	Supporting Documents, Draft CIL Consultation Information Booklet Section 7 - How the levy works alongside Section 106 contributions ECC notes that the IDP sets out the key infrastructure projects required in the borough and outlines how funding sources will be used (second paragraph). However, ECC seeks additional text within the documentation to make clear that because a project has been identified as being funded through S106 that it does not preclude BBC also using CIL monies, particularly on projects that are essential in accommodating Local Plan growth. Further comments in relation to the IDP are set out under Section 9.	Noted. To be considered by the Council when updating the IDP. No changes required to the CIL Charging Schedule in response to these comments.
Essex County Council (Mrs Anne Clitheroe, Principal Planning Officer) [6776]	Question 8: Do you have any other comments on the draft CIL Charging Schedule?	Supporting Documents, Draft CIL Consultation Information Booklet Section 7 - How the levy works alongside Section 106 contributions It is important to acknowledge that the IDP is a 'living document' with the information provided therein regarding necessary infrastructure and their costs being a 'snapshot' in time, subject to indexation and appropriate review. The information within the IDP will be subject to further review as part of the detailed planning application process, where further details will become known about an application site such as the land use mix, housing mix,	Noted. No changes required to the CIL Charging Schedule in response to these comments.

Respondent	Consultation question	Summary of representation	Council response
		<p>site and wider infrastructure requirements and their detailed costings (including indexation).</p>	
<p>Essex County Council (Mrs Anne Clitheroe, Principal Planning Officer) [6776]</p>	<p>Question 8: Do you have any other comments on the draft CIL Charging Schedule?</p>	<p>Supporting Documents, Draft CIL Consultation Information Booklet Section 8 - How the CIL will be collected</p> <p>ECC seeks clarity over the evidence used to justify the proposal to introduce an instalment policy for the collection of CIL. As proposed this approach would result in Brentwood as the Charging Authority not receiving considerable financial contributions until two to three years after commencement of development, which means the Council will need to consider how essential infrastructure is provided if funding is not provided on commencement.</p>	<p>Noted. The Instalments Policy is proposed to assist the viability of larger schemes. This approach is proposed in other areas. The Instalments Policy can be amended if required.</p>
<p>Essex County Council (Mrs Anne Clitheroe, Principal Planning Officer) [6776]</p>	<p>Question 8: Do you have any other comments on the draft CIL Charging Schedule?</p>	<p>Supporting Documents, Draft CIL Consultation Information Booklet Section 8 - How the CIL will be collected</p> <p>ECC is concerned that there is no reference to any governance arrangements for considering how CIL funds will be distributed. Reference is made to BBC being the relevant 'charging authority', and it is the responsibility of the charging authority to collect all CIL funds, but no text in relation to distribution of funds.</p> <p>ECC's response to Governments 'Planning for the Future' White Paper (August 2020) raised concerns with lack of any governance arrangements relating to 'infrastructure levy'. These comments are also relevant to the future implementation and distribution of CIL monies.</p>	<p>Noted. Governance arrangements will be established in due course. There is no requirement to identify governance arrangements as part of the production of a Charging Schedule. No changes required to the CIL Charging Schedule in response to these comments.</p>

Respondent	Consultation question	Summary of representation	Council response
Essex County Council (Mrs Anne Clitheroe, Principal Planning Officer) [6776]	Question 8: Do you have any other comments on the draft CIL Charging Schedule?	Supporting Documents, Draft CIL Consultation Information Booklet Section 8 Chelmsford CC established CIL allocation process - invites expressions of interest from stakeholders(inc.ECC) for funding.ECC has opportunity to bid for CIL monies,but no formal role in allocation.Has led to some difficulties in securing monies for infrastructure projects that ECC is required to deliver (no degree of certainty or when required).ECC would welcome CIL governance arrangements that included more formal role for ECC (when CIL monies available for bids/amount of funds made available to bid for/how monies prioritised/apportioned to strategic projects).ECC would recommend BBC keeps this in mind when identifying governance arrangements for how CIL monies will be spent.	Noted. Governance arrangements will be established in due course. There is no requirement to identify governance arrangements as part of the production of a Charging Schedule. No changes required to the CIL Charging Schedule in response to these comments.
Essex County Council (Mrs Anne Clitheroe, Principal Planning Officer) [6776]	Question 8: Do you have any other comments on the draft CIL Charging Schedule?	Supporting Documents, Draft CIL Consultation Information Booklet Section 8 - How the CIL will be collected For clarity, ECC recommend reference is made to the requirement for BBC to prepare and publish online an annual infrastructure funding statement. The Community Infrastructure Levy Regulations and PPG (Paragraph: 175 Reference ID: 25-175-20190901) requires this to provide transparency as to how contributions from development through the levy or section 106 planning obligations has been allocated and/or spent during the reporting year.	Noted. The Council will produce an IFS as required. There is no requirement to make reference to an IFS as part of the production of a Charging Schedule. No changes required to the CIL Charging Schedule in response to these comments.
Essex County Council (Mrs Anne Clitheroe, Principal Planning Officer) [6776]	Question 8: Do you have any other comments on the draft CIL Charging Schedule?	Supporting Documents, Draft CIL Consultation Information Booklet Section 9 - Evidence base documents - CIL Viability Assessment Update (August 2022) Consistency point – paragraph 2.38 refers to the lifting of S106 pooling restrictions, however paragraph 7.28 refers to ‘restrictions on pooling S106 payments’ being in place. Pooling restrictions were removed in September 2019.	Noted. No changes required to the CIL Charging Schedule in response to these comments.

Respondent	Consultation question	Summary of representation	Council response
Essex County Council (Mrs Anne Clitheroe, Principal Planning Officer) [6776]	Question 8: Do you have any other comments on the draft CIL Charging Schedule?	<p>Supporting Documents, Draft CIL Consultation Information Booklet Section 9 ECC seeks clarification on S106 contributions and infrastructure costs used in viability work for CIL.Consultation Information Booklet states- CIL Viability Assessment Update (August 2022) ‘considers impact of CIL charge,in addition to normal development costs and policy and infrastructure requirements in adopted BBC Local Plan 2016-2033,on financial viability of new development in area’.</p> <p>Viability Assessment Update references both ‘figures based on October 2018 costs’ and ‘indexed to July 2022’ (paragraph 7.30), and ‘IDP January 2021 and subsequently examined and approved through the EIP’ (paragraph 7.36).</p> <p>Consistent referencing of cost of infrastructure is necessary, rather than two sources of figures.</p>	Noted. No changes required to the CIL Charging Schedule in response to these comments.
Essex County Council (Mrs Anne Clitheroe, Principal Planning Officer) [6776]	Question 8: Do you have any other comments on the draft CIL Charging Schedule?	<p>Supporting Documents, Draft CIL Consultation Information Booklet Section 9-IDP ECC seeks clarification on which IDP version used for CIL viability work.Section 9 references IDP v.3(2019-produced prior to LP EIP Hearing sessions).IDP published January 2021 was examined by Inspectors at EIP (Infrastructure requirements updated to reflect then current proposed housing figures/employment land for LP site allocations and latest costs).Increased funding gap (£50.4 million (2019) £71 million (2021)).Unclear whether impact been considered as part of CIL viability. Unclear whether impact of increase in housing numbers on some LP residential site allocations (MM's to LP),or sites subsequently obtained planning consent have been considered as part of CIL viability work.</p>	Noted. The VA used the latest available information provided by the Council. No changes required to the CIL Charging Schedule in response to these comments.

Respondent	Consultation question	Summary of representation	Council response
Essex County Council (Mrs Anne Clitheroe, Principal Planning Officer) [6776]	Question 8: Do you have any other comments on the draft CIL Charging Schedule?	<p>Supporting Documents, Draft CIL Consultation Information Booklet Section 10 - The need for a CIL</p> <p>Reference is made to the IDP identifying 'a significant infrastructure funding gap in the area based on the assessment of infrastructure needs, costs and funding' (£50.4 million). As commented Under Section 9 this is based on the 2019 IDP, not the IDP published in January 2021 which has a funding gap of £71 million. Further clarity is therefore required on this matter.</p>	Noted. A funding gap is identified in the IDP, which demonstrates a need for CIL. No changes required to the CIL Charging Schedule in response to these comments.
Essex County Council (Mrs Anne Clitheroe, Principal Planning Officer) [6776]	Question 8: Do you have any other comments on the draft CIL Charging Schedule?	<p>Supporting Documents, Draft CIL Consultation Information Booklet Section 12 - Determining the proposed rates</p> <p>ECC's comments to Sections 9 & 10 also apply under Section 12.</p>	Noted.

Statement of modifications to the Draft CIL Charging Schedule

The following modifications have been made to the draft Community Infrastructure Levy (CIL) Charging Schedule following the Regulation 16 consultation.

Ref	Location of modification	Summary of modifications made	Reason for modification
1	Page 1, title	Change date of the Schedule to February 2023.	Date the Schedule was updated following consultation in October 2022. Previous version was dated September 2022.
2	Page 1, CIL rates table	Additional non-residential development type added to include a £0 per m2 rate for Brentwood Local Plan Strategic Employment Allocation E11, Brentwood Enterprise Park.	<p>Consultation representations raised concerns regarding the viability of the site as a result of the potential imposition of a CIL charge given existing infrastructure and development costs for the area. Further assessment of the costs associated with the development of the site has resulted in a revised proposed CIL rate for the site.</p> <p>See the agreed Statement of Common Ground (presented in Appendix 14 of the Consultation Statement) associated with Brentwood Local Plan Strategic Employment Allocation E11, Brentwood Enterprise Park, for further details.</p>
3	Page 1, CIL rates table	Additional CIL rate of £0 per m2 included for greenfield industrial development below 2,000sqm in size.	<p>Consultation representations highlighted information within Table 12.9 of the CIL Viability Assessment, which outlines that ‘small industrial’ development may not be viable with the imposition of a CIL charge.</p> <p>The CIL Viability Assessment modelled industrial units of 400sqm (Industrial - small in Table 12.9) which are shown to be unviable with a CIL charge, and 2,000sqm (Industrial in Table 12.9) which are shown to be viable up to a CIL charge of £80 per m2. Based on the information presented in Table 12.9, the proposed CIL rates have been amended to include a £0 per m2 rate for smaller industrial units on greenfield sites.</p> <p>In considering an appropriate threshold for ‘small industrial’, the available BCIS costs data provides information for units up to 500sqm, 2,000sqm, and over 2,000sqm. Table 12.9 demonstrates that units of 2,000sqm or more are viable up to a CIL rate of £80 per m2, however smaller industrial development less than 2,000sqm may not be viable with the inclusion of a CIL rate. Therefore, the proposed CIL rate has been amended to apply a £0 per m2 rate to industrial development of less than 2,000 sqm.</p>
4	Page 2 Notes item (10)	Note 10 added to clarify that the determination of the size of an industrial use should exclude space associated with car parking and landscaping.	Supporting information to modification reference 3 above.

Ref	Location of modification	Summary of modifications made	Reason for modification
5	Page 2, Proposed Instalments Policy	<p>Amendments to the proposed ranges within the instalments as follows:</p> <ul style="list-style-type: none"> £20,000 - £50,00099,999 £100,000 - £500,000499,999 	<p>Consultation representations highlighted that the proposed instalments included a gap between £50,000-£100,000. Additionally, the proposed policy was unclear how instalments for developments of exactly £500,000 should be applied, as this charge would relate to two instalment ranges.</p> <p>Amendments to the proposed policy ensure there are no gaps within the ranges and improves the clarity of the policy for users.</p>
6	Pages 3, 4, and 5	Updated all maps in the Schedule to ensure they clearly presented grid lines and coordinates. This resulted in a minor change to the scale of some maps. No changes were made to any boundaries presented in the Regulation 16 consultation version of the Charging Schedule.	To ensure the maps presented within the CIL Charging Schedule meet the requirement of the CIL Regulations.
7	Page 4	Additional map presenting Local Plan Site Allocation E11.	Additional map associated with modification reference 2 above.
8	Page 1 Notes item (2) and (6), page 3 title, and page 5 title	Minor text change to pluralise 'Map' to 'Maps' when referring to the CIL Variable Rates Map 1 and CIL Variable Rates Map 2.	With the addition above, the CIL Variable Rates Maps 1 and 2 present five maps in total. The titles should therefore refer to 'Maps' rather than 'Map'.

Brentwood Borough Council Community Infrastructure Levy Draft Charging Schedule

September 2022 February 2023

Proposed Community Infrastructure Levy rates

Community Infrastructure Levy (CIL) liable development, as defined within the Community Infrastructure Levy Regulations (as amended) 2010 and the Planning Practice Guidance, will be required to pay the following levy rates.

Development type		CIL rate per m ²
Residential	Brentwood Local Plan ⁽¹⁾ Strategic Residential-led and Mixed Use Allocations ⁽²⁾ : R01, Dunton Hills Garden Village	£0
	R02, Land at West Horndon Industrial Estate	£25
	R03, Land North of Shenfield ⁽³⁾	£150
	All other areas	£250
	Older people's housing ⁽⁴⁾	£220
<u>Non-residential</u>	<u>Brentwood Local Plan⁽¹⁾ Strategic Employment Allocations⁽²⁾: E11, Brentwood Enterprise Park</u>	<u>£0</u>
	<u>All other areas</u>	<u>See below</u>
Retail	General ⁽⁵⁾ retail: In Brentwood Town Centre High Street ⁽⁶⁾	£340
	In all other areas	£80
	Supermarket ⁽⁷⁾	£260
	Retail warehouse ⁽⁸⁾	£160
Industrial	<u>Located on greenfield land:</u> <u>2,000 sqm or more in size⁽¹⁰⁾</u>	<u>£80</u>
	<u>Less than 2,000 sqm in size⁽¹⁰⁾</u> Located on:	<u>£0</u>
	Greenfield land	£80
	Brownfield land	£0
	<u>Located on brownfield land</u>	<u>£0</u>
Distribution and logistics ⁽⁹⁾		£140
All other development		£0

Notes

- (1) Brentwood Local Plan 2016-2033, adopted March 2022.
- (2) The location and boundary of the sites are presented in the CIL Variable Rates Maps 1 below.
- (3) Site referred to within the CIL Viability Assessment Update (August 2022) as Officer's Meadows.
- (4) Older people's housing is defined as:
 - Retirement living or sheltered housing: This usually consists of purpose-built flats or



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bungalows with limited communal facilities such as a lounge, laundry room and guest room. It does not generally provide care services, but provides some support to enable residents to live independently. This can include 24 hour on-site assistance (alarm) and a warden or house manager.

- Extra care housing or housing-with-care: This usually consists of purpose-built or adapted flats or bungalows with a medium to high level of care available if required, through an onsite care agency registered through the Care Quality Commission (CQC). Residents are able to live independently with 24 hour access to support services and staff, and meals are also available. There are often extensive communal areas, such as space to socialise or a wellbeing centre. In some cases, these developments are known as retirement communities or villages – the intention is for residents to benefit from varying levels of care as time progresses.

(5) All retail development which is not a supermarket or retail warehouse as defined below.

(6) Retail within the areas of the Brentwood Town Centre High Street Primary Shopping Area identified in the CIL Variable Rates Map 2 below.

(7) Defined as retail selling predominantly convenience goods in premises of 1,000m² or more, offering a shopping destination in their own right where weekly food shopping needs are met. Supermarkets can also include non-food floorspace as part of the overall mix.

(8) Defined as retail selling predominantly comparison goods (such as carpets, furniture, electrical goods, DIY items) in large premises of 2,000m² or more.

(9) Uses within the Use Classes Order Class B8 storage and distribution.

(9)(10) Relating to industrial uses, excluding space associated with car parking and landscaping.

Proposed Instalments Policy

The above levy rates are required to be paid to the Council through the following instalments following the provision of a CIL Demand Notice issued by the Council.

Overall CIL liability	Payment instalments
£20,000 or less	Payment in full within 240 days
£20,000 - £50,000 <u>99,999</u>	50% paid within 360 days Further 50% paid within 540 days
£100,000 - £500,000 <u>499,999</u>	10% paid within 270 days Further 15% paid within 540 days Further 25% paid within 720 days Remaining 50% paid within 900 days
£500,000 or more	Agreement of project specific payment schedule



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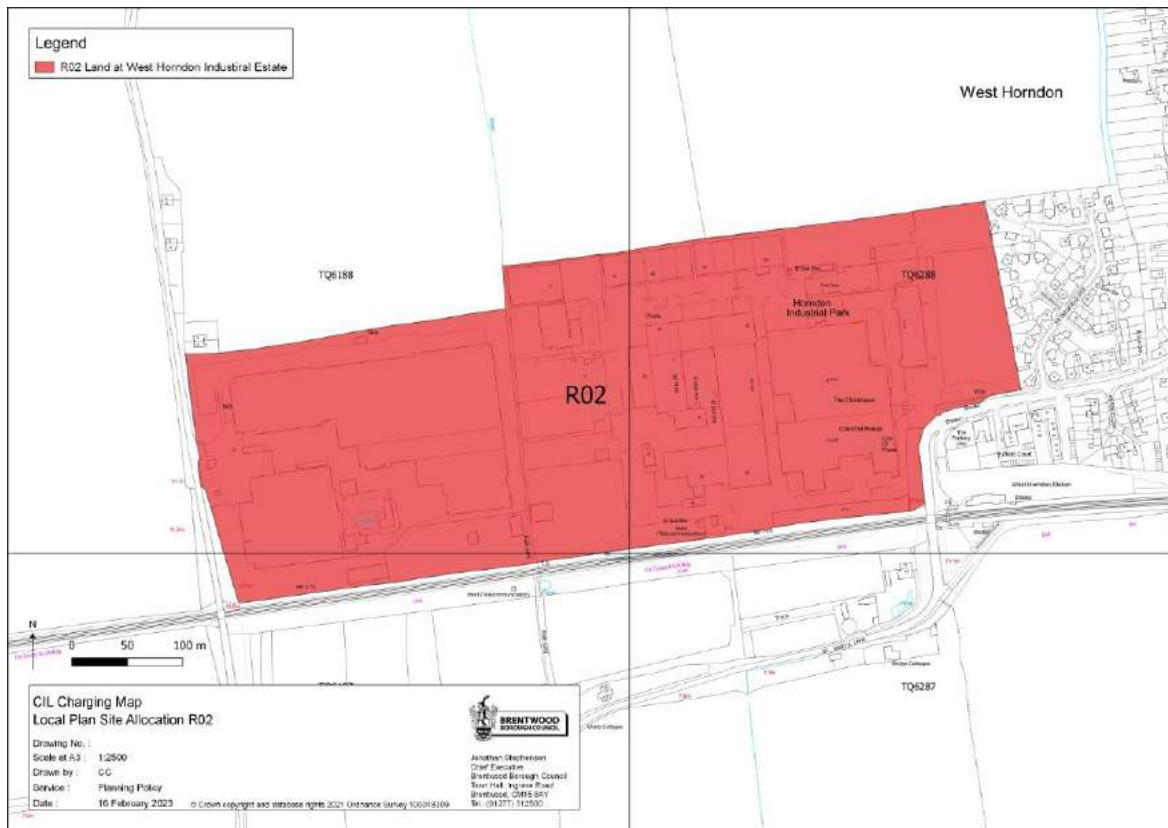
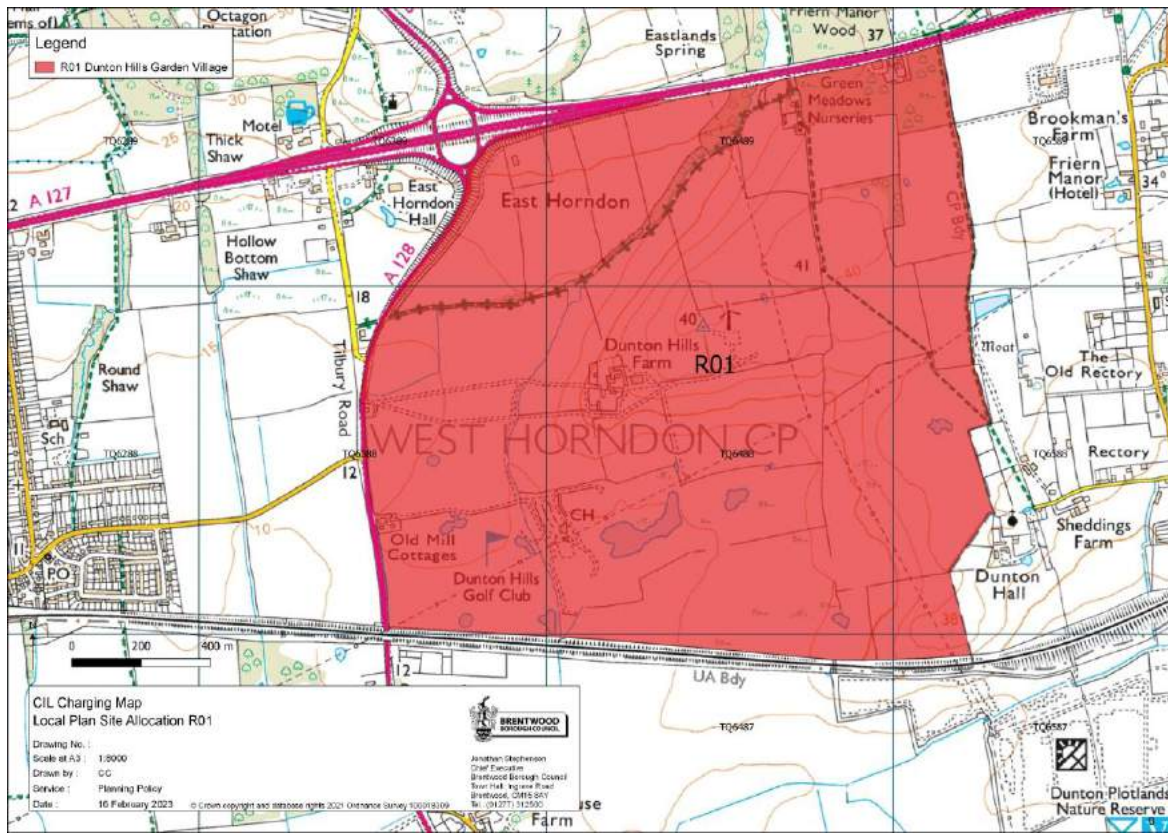
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CIL Variable Rates Maps 1: Brentwood Local Plan Strategic Allocation R01, R02, and R03, and E11



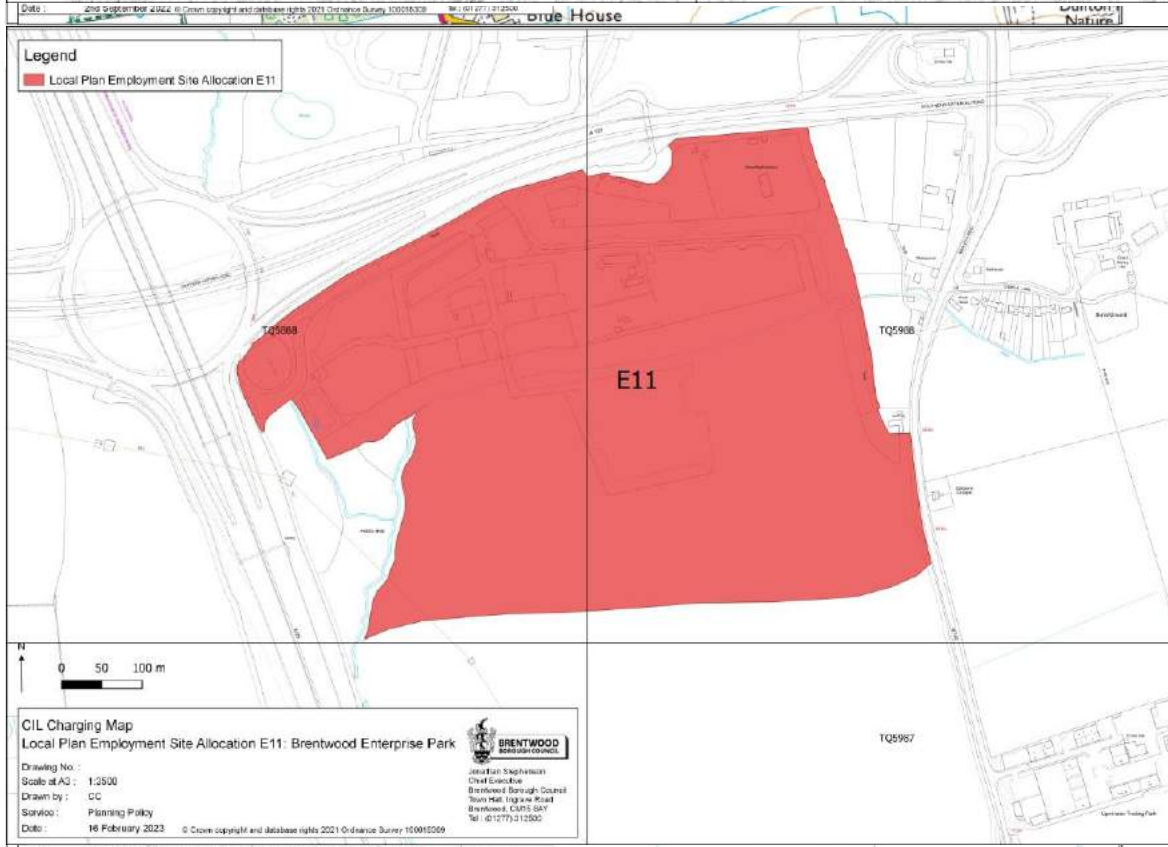
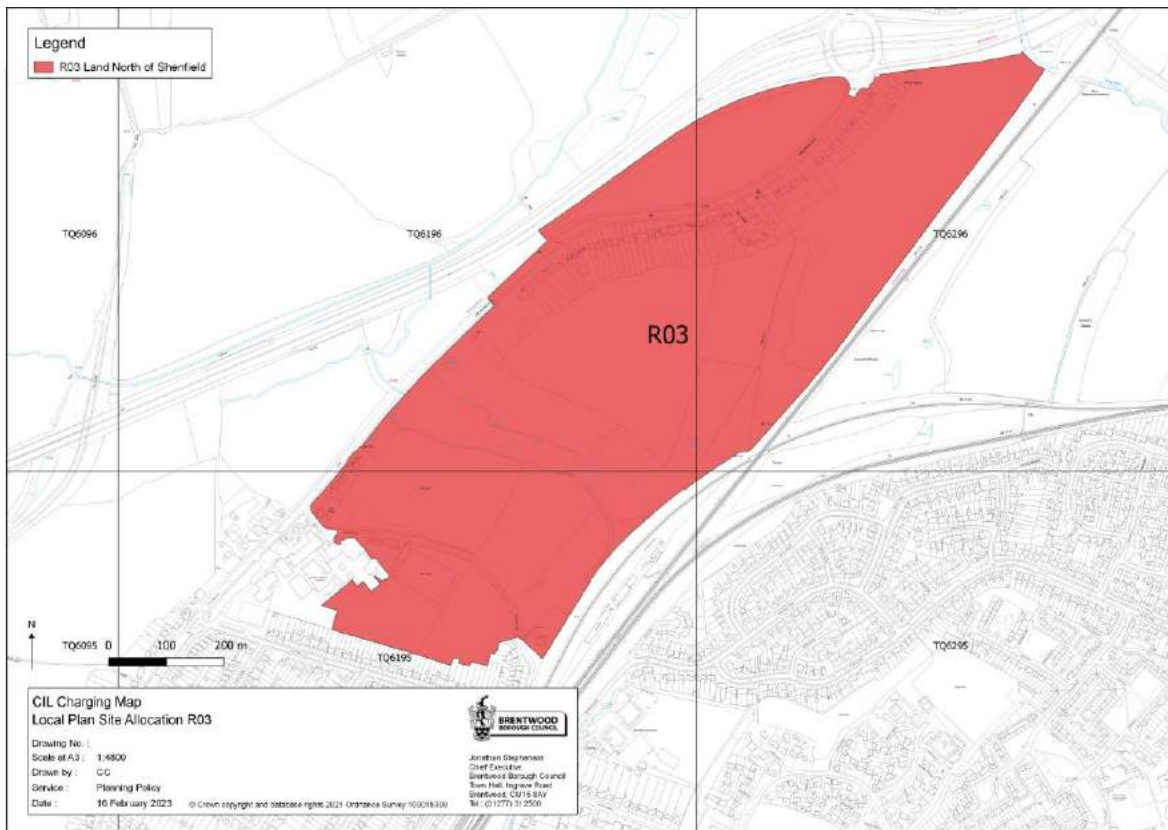
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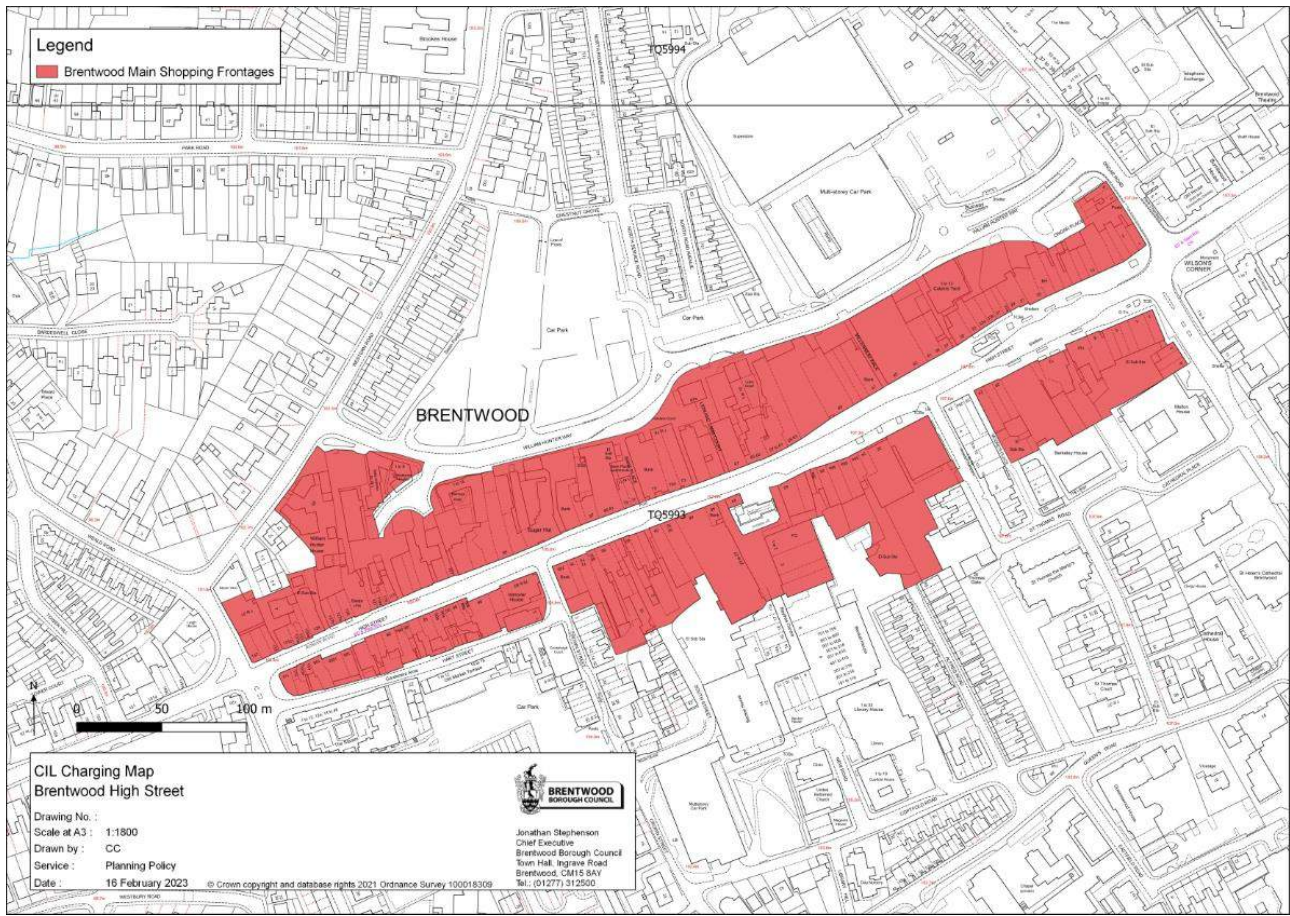
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CIL Variable Rates Map 2: Retail within the Brentwood Town Centre High Street Primary Shopping Area



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Brentwood Enterprise Park

Community Infrastructure Levy (CIL) Viability Evidence – Statement of Common Ground

1. This Statement of Common Ground (SoCG) establishes areas of agreement between St Modwen Properties and Brentwood Borough Council (BBC) regarding Brentwood Enterprise Park and the CIL Viability Assessment Update and to assist with the examination of the Brentwood Community Infrastructure Levy (CIL). It focusses on the matters which are relevant to the parties and is provided without prejudice to other matters of detail that the parties for the site may wish to make as part of the CIL Examination, which may not have been agreed and/or which do not form part of this SoCG.
2. Brentwood Enterprise Park is allocated in the Brentwood Local Plan 2016-2033 (the Local Plan) as a major employment site. St Modwen submitted a planning application in March 2022 for outline planning permission for M25 to B186 link road (Phase 2) and detailed planning permission for demolition of existing buildings and structures, ground works to enable creation of development plots; highways works including construction of new A127 overbridge, access from B186, site roads and construction of M25 J29 to B186 link road (Phase 1), erection of buildings for Class B8 (storage and distribution) and/or Class B2 (general industrial) use, with ancillary office space (within Class E); landscaping; infrastructure and enabling works including diversion of public rights of way. The application is being considered by Brentwood Borough Council.
3. The Council's *CIL Viability Assessment Update – August 2022* considered Distribution and Logistics uses, concluding that such uses should be subject to CIL at £140/m². Initially the *CIL Viability Assessment Update – August 2022* did not consider the Brentwood Enterprise Park as it was anticipated that it would be approved (and therefore not subject to CIL) before CIL was implemented by the Council. Whilst this is still the hope, this is a complex Strategic Site with substantial infrastructure requirements, it is recognised there may be further delays so the final iteration of the *CIL Viability Assessment Update – August 2022* briefly considered the Brentwood Enterprise Park.
4. This Statement of Common Ground has been prepared by the Council's (HDH Planning) and St Modwen's viability consultants (BNP Paribas) specifically to further consider the appropriate level of CIL for the Brentwood Enterprise Park:
 - It is agreed that the recent increases in interest rates has had a material impact on the values of very large Distribution and Logistics schemes.
 - Based on the consideration of the planning application, it is agreed that the allowance of £13,247,138 for strategic infrastructure and mitigation, used in the *CIL Viability Assessment Update – August 2022* should be considered with the wider site costs and may understate the total costs of constructing the development.
 - It is agreed that the development programme used in the *CIL Viability Assessment Update – August 2022* is overly optimistic, at least in part due to the complex strategic infrastructure and mitigation measures, and now based on the planning application can be revisited.

5. These points are now reconsidered.

Value

6. The value in the *CIL Viability Assessment Update – August 2022* was based on a rent of £150/m²/year, a yield of 4% and a rent-free period of two years. This was derived in March 2022, based on high level nationally available data.
7. Based on more granular information it is agreed that whilst £150/m²/year is appropriate on the smaller unit (B38), the assumption is too high on the larger units. A figure of £135/m² would be more appropriate on the larger units (B745 and B240), and £145/m² would be more appropriate on the mid-sized unit (B141).
8. The value of employment space is derived by considering the yield. With very large logistics ‘sheds’ this is closely linked to borrowing rates. These have changed significantly, and it is agreed a yield of 5% would be a more appropriate assumption to use.
9. It is agreed that the allowance of a 2 year rent-free period is too long and that 18 months would be more appropriate on the larger units (B745 and B240) and 12 months more appropriate on smaller units (B141 and B83). This is in part due to the more site-specific development programme being known, based on the planning application.
10. A gross development value of £287,688,796 (£2,557.87/m²) is agreed over the whole scheme.

Site costs and Strategic Infrastructure and Mitigation Costs.

11. It is agreed that the construction of the buildings should be based on the BCIS costs (£865/m²). It is agreed that in a plan-wide viability assessment a further allowance of 15% should be made for site costs and 5% should be allowed for abnormal costs on brownfield. Together these come to £20,185,000 on this site.
12. The actual costs are estimated (by St Modwen) to be about £38,000,000, based on the following assumptions:

SITE CLEARANCE	£1,626,948
DEMOLITION	£1,006,408
EARTHWORKS	£7,617,427
ON-SITE ROADWORKS	£6,333,116
DRAINAGE ON-SITE SURFACE	£5,216,029
DRAINAGE ON-SITE FOUL	£468,746
INCOMING SERVICES	£7,933,547
SERVICE DIVERSIONS	£3,582,414
STRUCTURAL LANDSCAPING	£4,103,577
ECOLOGY	£279,566
	£38,167,778

13. It is the Council's position that for the purpose of a plan-wide viability assessment, it is appropriate to consider the costs over £20,185,000 to be 'abnormal costs' that should be reflected in the Benchmark Land Value. St Modwen believe that the full £38,167,778 should be used.
14. Through the development management process a substantial amount of extra work has been undertaken concerning the access to the site. A significant amount of extra highway and strategic infrastructure work has been identified. The apportionment of the costs of this work is ongoing, however the proportion attributed to the Brentwood Enterprise Park allocation will be in excess of £40,000,000, but could be substantially more. The additional works include the following items:
- West Horndon Station Interchange improvements.
 - Improved Access to West Horndon Railway Station.
 - M25 Junction 28 improvements.
 - A127/ B186 Mitigation: B186 Warley Street Improvements and Additional Bridge over A127 & Highway Works north of A127 for BEP.
 - A127/ B186 Mitigation: Warley Interchange bridge and new link road connecting to M25 Junction 29. Cost excludes the new mini roundabout and additional bridge for BEP.
 - M25 Junction 29 improvements.
15. The above (ie £40,000,000) cost was derived by St Modwen and has been reviewed on behalf of the Council (by AECOM).
16. In the *CIL Viability Assessment Update – August 2022* the costs of strategic infrastructure and mitigation were taken to be £13,347,138 (being updated from the IDP). The updated equivalent figure is £11,177,492. As this is a strategic site, critical to the delivery of the plan, it is agreed that the additional £40,000,000 of strategic infrastructure and mitigation costs should be added to the assumption of £11,177,492.
17. For the purpose of assessing CIL on this site, it agreed that the site costs should be calculated as follows:
- | | |
|--|--------------------------|
| • Site Costs | 15% (of BCIS cost) |
| • Abnormal Costs | 5% (of BCIS cost) |
| • Strategic Infrastructure and Mitigation (s106) | £51,177,000 ¹ |

Development Programme

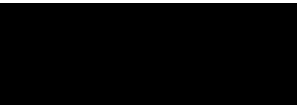
18. A revised programme has been used that allows for a 12 month preconstruction period and a 36 month build period. It is agreed that this may be optimistic.

¹ £40,000,000 + £11,177,492

Revised Appraisal

19. St Modwen and the Council have agreed to run a further appraisal (using Argus) with the revised income assumption (GDV of £287,688,796), the increased strategic infrastructure and mitigation costs (£51,177,000) and with the updated development programme.
20. This derives a Residual Value of about £14,078,048 (£310,000 per ha). This is less than the Benchmark Land Value of £65,462,000 (£1,440,000/ha). On this basis it is agreed that there is not capacity for CIL so this site should be zero rated for CIL.
21. Both the Council and St Modwen acknowledge that there is not full agreement with all the assumption in the appraisals, however it is agreed that the output of the updated appraisal is broad reflective and appropriate for this purpose.

Signatories

Signed on behalf of Brentwood Borough Council		
Name & position	Signature	Date
Jonathan Quilter Corporate Manager – Strategic Planning		15 th March 2023

Signed on behalf of St Modwen Properties		
Name & position	Signature	Date