

Subject: Brentwood CIL Examination  
From: Bidwells LLP, on behalf of Essex Partnership University Trust  
Respondent number: 9277  
Date: June 2023



## HEARING STATEMENT – BIDWELLS ON BEHALF OF ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST (RESPONDENT NO. 9277)

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### Introduction

This Hearing Statement has been written on behalf of our client, the Essex Partnership University NHS Foundation Trust ('EPUT'). EPUT owns Land off Warley Will, Warley, which is allocated in the adopted Local Plan under Policy R09. EPUT's appointed project team is currently working up proposals for the development of the Policy R09 site to take to pre-application enquiry.

This Hearing Statement follows our response to the Preferred Options (Regulation 16 of the Community Infrastructure Levy Regulations 2010) consultation, response reference R10.

### Response to the relevant Matters, Issues and Questions

#### Matter 2 – Appropriate, Available Evidence

##### Issue 1 – Infrastructure Planning Evidence

This Statement has been prepared specifically in response to the Inspectors Matter 2 (Appropriate, Available Evidence), Issue 1 which states:

*'The Planning Practice Guidance ('the PPG') advises that charging authorities must identify the total cost of infrastructure they wish to fund wholly or partly through the levy. In doing so, they must consider what additional infrastructure is needed in their area to support development, and what other sources of funding are available, based on appropriate evidence. Information on the charging authority area's infrastructure needs should be drawn from the infrastructure assessment that was undertaken when preparing the relevant plan (in this case the Local Plan) and their CIL charging schedules. This is because the plan identifies the scale and type of infrastructure needed to deliver the area's local development and growth needs. From December 2020, local authorities must publish an infrastructure funding statement, and information should be drawn from this. The infrastructure funding statement should identify infrastructure needs, the total cost of this infrastructure, anticipated funding from developer contributions, and the choices the authority has made about how these contributions will be used... ..Charging authorities should focus on providing evidence of an aggregate funding gap that demonstrates the need to put the levy in place. Any significant funding gap should be considered sufficient evidence of the desirability of CIL funding, where other funding sources are not confirmed. (Paragraph: 017 Reference ID: 25-017-20190901).'*

The questions of relevance are set out in our responses below:

**Question 1: Has the Council prepared an Infrastructure Funding Statement to support the proposed levy? If not, what are the reasons for this?**

Whilst the Council has presented Infrastructure Funding Statements (“IFS”) as part of its supporting documents, the most recent available versions of these Statements are dated 2021/22 (refer to documents referenced SD3C & SD4C).

BBC confirmed in its Consultation Statement (document CSD2) that an updated version of the IFS will be produced as required. We consider that it is important that it does so as part of the CIL Examination process, particularly because the most up to date publicly available IFS were made available prior to the publication of the proposed CIL charging schedule.

**Question 5: Is it clear to developers, decision-makers and local communities what infrastructure will be funded by the draft charging schedule and what would be secured through planning obligations?**

We remain of the view that it is not sufficiently clear from the Core Submission Documents and Supporting Documents how the funding received from CIL and funding from S106 will sit side by side in instances where both may be applicable to sites/development proposals, and there is not sufficient clarity whether the funding for infrastructure items would be double counted.

We therefore await Brentwood Borough Council’s response to this question as part of its Hearing Statement, once published.