

Planning Policy
Brentwood Borough Council
Town Hall
Ingrave Road
CM15 8AY

Dear Sir/Madam,

**BRENTWOOD REGULATION 16 CONSULTATION, COMMUNITY INFRASTRUCTURE LEVY (CIL)
DRAFT CHARGING SCHEDULE**

I am writing on behalf of my client, the Essex Partnership University NHS Foundation Trust ("EPUT"), to submit representations on the Regulation 16 consultation concerning the Community Infrastructure Levy (CIL) draft charging schedule. The site in which we are concerned is the Land off Warley Hill, Warley, which as you will no doubt be aware, Bidwells has worked with Brentwood Borough Council to secure the allocation of the site for residential development under Policy R09 of the now adopted Local Plan.

It should be of interest to the Council that, on behalf of EPUT, we are working up proposals in line with Policy R09 to take to pre-application enquiry with planning officers shortly.

In response to Question 8 "Do you have any other comments on the draft CIL Charging Schedule" I **object** to the CIL on the basis that there are gaps in the extent of supporting information – this therefore means that it is not currently possible to quantify the potential impacts of the draft CIL charging schedule upon EPUT and the Policy R09 allocation. This is capable of being remedied through the preparation and publication of further information/evidence prior to submission for Public Examination so we would urge the Council to do so. The reasons for this are set out below.

No apparent timetable for its implementation

This is of great importance to EPUT. The supporting information booklet to the consultation confirms that, once set, the CIL is mandatory to pay and non-negotiable. But the consultation does not identify a timetable for implementation of the CIL, which means that it is not possible to accurately factor the extent of planning obligation (and therefore viability) into our emerging scheme for the R09 site, which therefore increases EPUT's exposure to the risk of an unexpected additional cost burden arising prior to the grant of planning permission.

How the levy works alongside Section 106 contributions

It is noted from the information booklet that CIL will be used in combination with S106 agreements, and that CIL will not replace the Council's current methods of obtaining infrastructure and funding through planning obligations. We acknowledge the capacity for CIL and S106 to sit alongside each other, and also note that the Part B Schedule of the Brentwood Infrastructure Delivery Plan (2019) categorises the two side by side against specific infrastructure items. There is however no further information provided

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on *how* contributions may be apportioned between the two. For example, the regime should not allow for developers to be double charged for the same item(s) or seek inflated contributions that are in breach of Regulation 122(2) of the Community Infrastructure Levy Regulations. We consider that it is important that the Council provides further information on how this approach is to be taken, in particular on allocation sites that are not subject to a proposed variable CIL rate, such as at Policy R09.

Infrastructure Funding Statement

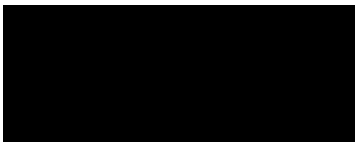
We consider that the charging schedule should be accompanied by an Infrastructure Funding Statement to demonstrate what the CIL contributions would be spent on, as this is not clearly set out within the information package accompanying the consultation. Planning Practice Guidance (Paragraph 017¹) states 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.

Summary of Comments

Overall, we currently object to the draft charging schedule because further information is required to provide clarity and certainty over the potential impacts of CIL upon EPUT and the Policy R09 allocation. This is capable of being remedied through the preparation and publication of further information/evidence prior to submission for Public Examination so we would urge the Council to do so.

If the Council requires any further information on the above, please don't hesitate to get in touch.

Yours faithfully



Alice Maguire BSc (Hons), MSc
Planner, Planning

¹ Planning Practice Guidance (2014, updated 2022) – Community Infrastructure Levy