Representations to the Greater Cambridge Draft CIL Charging Schedule

CEG Land Promotions Limited

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Contents

Introduction

1.1 These representations have been prepared by Lichfields on behalf of CEG Land Promotions Ltd ("CEGLP") to the Community Infrastructure Levy ("CIL") Draft Charging Schedules for Cambridge City Council and South Cambridgeshire District Council (herein referred to as "the Councils"). The representations are made to the Councils together, reflecting the fact that each Draft Charging Schedule is the same.

1.2 The relevant documentation for this consultation is as follows:

Draft Charging Schedules

1. Cambridge City Council Draft charging schedule
2. South Cambridgeshire District Council Draft charging schedule

Draft Instalment Policies

3. Cambridge City Council Draft Instalment Policy
4. South Cambridgeshire District Council Draft Instalment Policy

Statement of Representations Procedure

5. Cambridge City Council Statement of Representations Procedure
6. South Cambridgeshire District Council Statement of Representations Procedure

Supporting CIL Documents

7. CIL Supporting statement
8. Greater Cambridge Viability Report ("the VR")
9. Greater Cambridge Infrastructure Statement ("the IS")

1.3 A number of background documents are also listed on the consultation website[1]. These representations have had particular regard to the following documents:

1. Cambridge Local Plan (2018);
2. South Cambridgeshire Local Plan (2018); and
3. Greater Cambridge Draft Planning Obligations Supplementary Planning Document (2026).

1.4 Regard has also been had to the "*Draft Greater Cambridge Local Plan for consultation*", which was consulted upon from 1 December 2025 to 30 January 2026. Clearly, any proposed charging schedule must be considered in the context of this joint plan and the ability of it to meet development targets.

1.5 Given that the VR references Oxford City Council's ("OCC") CIL charging schedule when seeking to justify the proposed rate for Offices and R&D, regard has been had to the OCC CIL charging schedule (2025) and associated evidence base, particularly the Examiner's report.

[1] https://www.greatercambridgeplanning.org/cil

1.6 The representations contained herewith relate primarily to the proposed residential rate of £60/sqm and the proposed rate of £175/sqm for Office and R&D.

1.7 We conclude that the Councils should consider:

1. Postponing the draft CIL charging schedule until at least after the Greater Cambridge Local Plan ("GCLP") has been adopted. Only at this point will it be possible to align actual and expected infrastructure costs and funding within Greater Cambridge, having particular regard to level of in-kind strategic transport infrastructure that is anticipated through the emerging plan;
2. Introducing a CIL which reflects the difference between land values across Greater Cambridge, as well as different development typologies, including:
   a. Charging site-specific CIL rates for allocated strategic sites which consider costs on an individual basis and set CIL rates accordingly;
   b. Introducing CIL charging zones to reflect the spatial differences in sales values; and
   c. Separating Offices from R&D in the CIL charging schedules, as they hold significantly different value and costs, particularly in Cambridge.
3. Reconsidering viability assumptions in order to capture scheme costs and the variation in varied land/sales values across Greater Cambridge.

Questions

1.8 The questions within the consultations are as follows:

1. Do you wish to participate in the CIL examination?
2. Do you agree that the Council has demonstrated a funding gap?
3. Do you agree that the Council has used appropriate evidence to inform the proposed rates?
4. Do you agree that the Council has struck an appropriate balance between additional investment to support development and the potential effect on the viability of developments?
5. Do you agree that it is clear how CIL will operate alongside Section 106 Planning Obligations?
6. Do you agree that the draft instalment policy strikes the right balance between income and developer cashflow?
7. Do you agree that the Council has met all regulatory requirements?
8. The Council is allowed to use 15% of CIL receipts to improve the area close to where development took place. This is known as the 'neighbourhood portion'. Details of how this will work in Cambridge will be worked up over the next 12 months. If you have any comments on how you feel the neighbourhood portion should be distributed, please let us know[2].

[2] Note this question is listed for Cambridge City Council only.

1.9 These representations respond only to questions 2, 3, 4, 5 and 7.

1.10 **For the avoidance of doubt, CEGLP's response to question 1 is "yes".**

Q2: Do you agree that the Council has demonstrated a funding gap?

1.11 The Councils have sought to demonstrate a £272,371,000 funding gap in relation to their respective adopted local plans. This is summarised in chapter 7 (table 10) of the IS.

1.12 Whilst the Councils may have demonstrated a funding gap in relation to their respective existing local plans, the proposed Greater Cambridge CIL is based on evidence and policy that is out-of-date and/or irrelevant to the development landscape within Greater Cambridge. CEGLP considers that if CIL is to be adopted by the Councils, it should be done so in conjunction with, or following the adoption of the GCLP, so that infrastructure funding and in-kind provision can be aligned with the charging and spending of CIL. Clearly, the GCLP will have a significant impact on the funding and delivery of infrastructure within Greater Cambridge. As per PPG 25-012:

"Where practical, there are benefits to undertaking infrastructure planning for the purpose of plan making and setting the levy at the same time. A charging authority may use a draft plan if they are proposing a joint examination of their relevant plan and their levy charging schedule."

1.13 Furthermore, it is acknowledged that there are budgetary pressures within the Councils at present, which is not helped by external factors including considerable high inflation within the construction industry. However, the Councils should consider the effects that the Cambridge Growth Company ("CGC") and the proposed Greater Cambridge Development Corporation ("GCDC") will have on funding for, and delivery of, strategic transport infrastructure. As it stands, there is little recognition of the anticipated support from these bodies in delivering strategic transport projects, despite them being a significant part of the development context in Greater Cambridge. Whilst it is acknowledged that funding from the CGC is as yet uncommitted, it is anticipated to be so shortly. By postponing the adoption of CIL Charging Schedules, the IS would be able to consider the significant effects that this funding will have for the Councils.

Q3: Do you agree that the Council has used appropriate evidence to inform the proposed rates?

1.14 As an overarching view, and in line with other arguments made in these representations, we would highlight that the VR has been conducted in relation to the emerging GCLP, whilst the remainder of the supporting documents (including the IS and CIL supporting statement) are silent on it in relation to infrastructure requirements. Therefore, there is a fundamental misalignment and inconsistency between the infrastructure that the CIL seeks to fund and the assumptions upon which it is viability tested. On this basis, the Councils have not used appropriate evidence to inform the proposed rates.

1.15 Notwithstanding, this section explores how the Draft Charging Schedules fail to consider different development typologies within Greater Cambridge, not least:

1. the role of large-scale strategic sites, whether Office, R&D, or Residential, in delivering infrastructure in-kind; and
2. the commercial differences between the delivery of Offices versus R&D, including sub-divisions within these development types.

1.16 Whilst the response to this question refers to elements of the VR, a critique of the assumptions within the VR can be found in the response to question 4.

Role of large-scale sites in delivering infrastructure in-kind

1.17 CIL Charging Schedules should recognise how different types and scales of development contribute to and deliver infrastructure. On this matter, PPG 25-022 states:

"…Differential rates may be appropriate in relation to

- *geographical zones within the charging authority's boundary;*
- *types of development; and/or*
- *scales of development.*

… Charging authorities may wish to consider how any differential rates appropriately reflect the viability of the size, type and tenure of housing needed … Charging authorities should consider the views of developers at an early stage.

If the evidence shows that the area includes a zone, which could be a strategic site, which has low, very low or zero viability, the charging authority should consider setting a low or zero levy rate in that area. The same principle should apply where the evidence shows similarly low viability for particular types and/or scales of development."

1.18 Linked to this, PPG 25-025 states:

"… Authorities may wish to align zonal rates for strategic development sites. Viability guidance sets out the importance of considering the specific circumstances of strategic sites …. This includes the potential to undertake site specific viability assessments of sites that are critical to delivering the strategic priorities of the plan.

Charging authorities may want to consider how zonal rates can ensure that the levy compliments plan policies for strategic sites. This may include setting specific rates for strategic sites that reflect the land value uplift their development creates. Low or zero rates may be appropriate where plan policies require significant contributions towards housing or infrastructure through planning obligations and this is evidenced by an assessment of viability."

Comparable authorities to Cambridge have applied the PPG above in varying ways. One way is to not require strategic residential sites to pay CIL (i.e charging at £0/sqm), in recognition that their costs are best met through S106 arrangements. This approach has been pursued by South Oxfordshire Council (adopted January 2023) and Vale of White Horse District Council (adopted April 2023). In a similar vein, Folkestone and Hythe Council has a payment-in-kind policy in place which allows land and buildings as payment in kind where the value of CIL due to be paid is equal to the agreed value of the land and buildings acquired in kind. This is allowed for by reg. 73 of the Community Infrastructure Levy Regulations 2010 (as amended) ("the CIL Regulations").

1.19 Currently, the draft Charging Schedules fail to recognise how different types and scales of development contribute to and deliver infrastructure. In particular, the Councils appear not to have considered whether CIL may not be appropriate for large scale strategic development which delivers a significant amount of infrastructure in-kind.

Offices versus R&D developments

1.20 The comparison with OCC's approach to CIL for Offices and R&D is noted. However, we remind the Councils that the charging schedule referred to only applies to OCC, which is predominantly urban, rather than the wider Oxfordshire area. Therefore, it is not appropriate to directly compare OCC's CIL with the draft charging schedules, which are intended to apply across the whole of Greater Cambridge. Indeed, viability testing underpinning the South Oxfordshire District Council CIL charging schedule (covering some of the hinterland around Oxford) demonstrated that neither office nor industrial development would have been viable with a CIL imposed[3].

1.21 The draft charging schedules have failed to consider the different commercial reality within which R&D developments and Office developments operate and are delivered. With Cambridge being at the forefront of research and development and thus hosting such a wide range of sub-categories of R&D development (explored further in the response to question 4), it would be right for the Councils to adopt a CIL charging schedule that reflects this.

1.22 Furthermore, Lichfields' analysis of CoStar data also finds that there is a significant difference in the commercial values of Offices versus R&D development in Cambridge, as shown in Table 1.1. In addition, research from Bidwells in 2026[4] has demonstrated that

[3] See paragraph 31 of the Examiner's Report.

[4] Bidwells - Cambridge: Offices and Labs Market Databook, February 2026

R&D rents are facing less certainty in the rents owing to a more volatile supply pipeline, coupled with significant variations in demand year on year.

Table 1.1 Difference between Office and R&D rents in Greater Cambridge

Development type	Mean Rent (£/sqm/yr)
Office	276.2
R&D	145.6

Source: CoStar (2026)

1.23 Further analysis of the issues surrounding assumed sales values and costs associated with Office versus R&D development is found in the response to question 4.

Concluding remarks

1.24 The economic importance of Cambridge within the national economy, and by extension the importance of ensuring Cambridge can reach its full economic potential, cannot be understated. The Government has described the Oxford-Cambridge Arc as "*a globally significant place, home to world-leading technology clusters*"[5] which has the potential to "*be one of the most productive places in the world*"[6]. The Government recognises the life sciences cluster in Cambridge as being the most productive in Europe, with 400 companies contributing £2.9bn to the UK economy and playing a critical role in developing the Covid-19 vaccine.

1.25 In order to meet their full economic potential, it is imperative that the Councils facilitate the development of new commercial and housing development. Where "*production*" will be housed within commercial spaces (including Office and R&D), housing developments will provide for the labour supply needed to support economic growth. Given the high stakes, CEGLP is disappointed that the current proposed CIL charging schedule is not informed by appropriate evidence, nor has it been tested effectively for viability purposes.

1.26 The failure to fully consider the role of in-kind infrastructure contributions agreed thorough s106 arrangements, particularly on larger scale strategic sites, is a clear omission. By grouping together Office development with R&D development, the Councils have failed to consider the wide range of specialist spaces that are anticipated within Cambridge over the coming years, designed to support and cement its position as a world leader in innovation. As it stands, the draft Charging Schedule would generate significant barriers to achieving growth. This is owing, in large part, to the inappropriate evidence base on which the draft Charging Schedule has been based.

[5] House of Commons Library Research Briefing, July 2021 (here)
[6] Creating a vision for the Ox-Cam Arc, July 2021 (here)

Q4: Do you agree that the Council has struck an appropriate balance between additional investment to support development and the potential effect on the viability of developments?

1.27 The answer to this question scrutinises the assumptions made in the VR which underpin the 'Residential' and 'Office and R&D' testing scenarios.

1.28 In terms of the proposed CIL rates, Lichfields' review has uncovered the following issues:

1. The VR fails to test the significant differences between build costs of R&D development and Office development;
2. The VR applies highly cautious costing assumptions across the board, particularly by failing to account for abnormal costs on some sites, omitting contingency costs altogether, and failing to assess the costs of achieving BREEAM of 'good' or above on non-residential development;
3. The VR does not use accurate assumptions around sales values, nor does it effectively assess the impact of the proposed CIL rates in different areas.

1.29 Next, we explain these findings in more detail.

Build costs

1.30 The use of BCIS data to inform build cost assumptions for residential development in the VR is considered an acceptable basis and not disputed. However, there is a clear omission, as shown within Table 4.11.1 of the VR, to consider BCIS data on build costs for R&D development. It is assumed that VR has tested R&D as though it were considered "offices" at a base cost of £2,555 per square metre (BCIS cat. 320 Offices air conditioned generally). However, a review of BCIS build costs for R&D development suggests that costs associated with this could range from £2,956 per square metre (BCIS cat. 731.1 Research Facilities) to £4,850 per square metre (BCIS cat. 732 Laboratories). CEGLP's research suggests that build costs associated with laboratory space in Greater Cambridge can be even higher still, owing to pressures around water scarcity and the related high costs associated with procuring sufficient potable water to deliver and operate 'wet laboratories'.

1.31 Therefore, the tested build costs for R&D in the VR differs significantly from even the median of these prices. At the very least, the VR should have considered the significantly higher build costs associated with some R&D space.

1.32 By failing to consider costs associated with R&D development, and subcategories thereof, particularly Laboratory Space the VR does not appropriately consider the effect of CIL on the viability of developments. Given the significant amount of Laboratory Space that is anticipated to be delivered across Greater Cambridge in the coming years, failure to consider this constitutes a significant oversight.

Other flawed costing assumptions

1.33 Lichfields has scrutinised the costing assumptions within the VR. In so doing, a comparison has been made against common practice standards as identified in Lichfields' *Fine Margins 2* ("FM2") research. This research reviewed 93 Local Plan and CIL viability assessments and Inspector's Reports from across England and Wales to ascertain what assumptions have been made and deemed appropriate by the Inspector in relation to viability. The research therefore establishes a firm grasp over what is considered a "*reasonable*" assumption for the purposes of viability.

1.34 When assessed against the benchmarks within FM2, the VR consistently applies conservative costing assumptions. Such conservative assumptions relate to profit, professional fees, and sales and marketing fees.

Abnormalities

1.35 In addition to the above, the VR fails to account for a range of abnormalities. Paragraph 4.33 of the VR highlights that due to an absence of details of site investigations a reliable estimate of what exceptional costs might be is not possible. The paragraph goes on to state that BCIS does account for some 'average' level of abnormal costs. This approach understates the reality of site-specific abnormal costs. By definition, they are abnormal, and thus in using an average, they will not account for the statistically inevitable situation where abnormal costs are above average. Whilst BCIS does account for a baseline level of site works (standard foundations) it does not cover site-specific abnormal costs.

1.36 It is recognised that is difficult to provide a blanket assumption regarding site-specific abnormal costs and that every site is different. However, failure to account for abnormal costs <u>at all</u> is an oversight particularly in the context of brownfield sites which are often subject to much greater abnormal costs.

Contingency costs

1.37 Finally, the VR omits an allowance for contingency costs in relation to residential development altogether. It is common practice to include a contingency allowance to account for unforeseen costs that arise throughout the development period. The study does not appear to provide an allowance for contingency and therefore is likely to underestimate the true cost of development. Lichfields' Fine Margins 2 insight identified that 90% (130/144) of studies made a contingency allowance. Of these, 91% (118/130) fell within a range of 2.5-5% of build costs, with 5% the most frequently cited.

1.38 The inclusion of contingency costs is particularly relevant in the current economic and geopolitical context. In the period 2021 to 2026, developers have had to account for an exponential and unexpected increase in build costs of c.20% between October 2021 and 2025. These are expected to rise further, by as much as 15% by 2030. This issue was recognised in a December 2025 letter from the Minister for Housing and Planning[7], which recognised the effect of the "*coronavirus pandemic, increased construction costs, high*

[7] https://assets.publishing.service.gov.uk/media/6967728797d42030a67b0d67/Letter_from_Minister_of_State_for_Housing_and_Planning_to_the_Planning_Inspectorate_Modifying_planning_obligations.pdf

interest rates, regulatory changes and wider economic conditions" on the deliverability of housing developments.

BREEAM

1.39 In addition to abnormalities and contingency costs, the VR fails to make an allowance for achieving BREEAM standards of "good" or above within non-residential development. Whilst this was not considered within the FM2 research, it is noted that this was assessed within the OCC CIL viability study separately to zero carbon matters (see paragraph 12 of the Examiner's Report[8]). Given the prevalence and desirability of achieving BREEAM certification in non-residential development, it is not clear why the costs associated with this have not been tested in the VR.

Sales Values assumptions

1.40 As well as significant flaws within the costing assumptions, the testing undertaken within the VR misrepresents the likely sales values underpinning the testing for the Residential and Office and R&D uses in turn.

Residential sales values

1.41 Figure 2.16.1 of the VR presents average residential sales values across different areas throughout Greater Cambridge which are calculated using Land Registry sales data. The data highlights that there is a significant variation in sales rates commanded throughout the authority, demonstrated on a per square foot ("psf") basis. This is not reflected in the Councils' proposal to introduce a blanket rate of CIL across the whole area.

1.42 Moreover, the study adopts sales values ranging from £4,000 psm to £9,000 psm for scenario testing. Eight scenarios are tested[9]. However, once the sales rates from across the individual areas presented in Figure 2.16.1 of the VR have been converted to psm metre basis (as opposed to psf) it becomes clear that over half of the individual sales values identified within the various areas across Greater Cambridge fall below the £4,625 sales value tested within the CIL study, the second lowest tested sales value. This proportion rises to more than 80% at the £5,250 sales rate scenario. In other words, the CIL sales values that have been tested in the VR are not reflective of the sales values across Greater Cambridge. Where the VR has tested sales values of £5,250 psm and above, as it has done in four out of the six tested scenarios, these are not relevant to the vast majority (>80%) of the sales areas identified within Greater Cambridge (at Figure 2.16.1).

1.43 It follows that the viability testing undertaken for residential CIL rate is not representative of the development landscape within the remit of the proposed charging schedules. Of the eight scenarios tested within the VR, only the bottom three (£4,000 psm, £4,625, and £5,250 psm) can be said to be relevant. Lichfields analysis indicates that even in where residential sales values are at or around £5,250 psm around 50% of development would be unviable if CIL was charged at £60 psm. Meanwhile, 71.2% of scenarios tested at a residential sales value of £4,625 per square metre are unviable at a £60 psm rate of CIL.

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[8] Scenario: 1 £4,000 psm; 2 £4,625 psm; 3 £5,250 psm; 4 £5,875 psm; 5 £6,500 psm; 6 £7,125 psm; 7 £8,375 psm; 8 £9,000 psm

[9] https://mycouncil.oxford.gov.uk/documents/s84943/Appendix%202%20Oxford%20City%20CIL%20CS%20Examiner%20Report%20300425%201.pdf

1.44 On this basis, the Councils have not appropriately considered the effect of CIL on the viability of residential development.

Office and R&D sales values

1.45 As has already been set out in these representations, CEGLP does not support the proposed approach to charge the same rate for both 'Office' and 'R&D' development. Moreover, as demonstrated by Lichfields' analysis of CoStar, the VR has assumed rents which are significantly higher than what is being offered currently. Therefore, whilst the Office and R&D rates are referenced together consistently, this is only because the VR does so.

1.46 The VR has assumed a rent for Office and R&D of £615 psm per annum (table 4.9.1). It is notable that whilst the VR states the assumptions are informed by lettings of similar floorspace in the area over the past two years, no source is given. Thus, we would query the transparency of the assumptions, and the VR's compliance with PPG 10-011[10].

1.47 Lichfields analysis of CoStar identifies that the average office rent in Greater Cambridge is £276.2 psm per annum, which is under half what the VR has assumed. This falls to £232.5 psm per annum in South Cambridgeshire. CoStar only lists four properties in the whole of Greater Cambridge that achieve this rental value for Office use. Therefore, 99.6% of the Office properties listed in the CoStar database for Greater Cambridge fall below the rental value assumed for the VR. On this basis alone, the VR is ineffective in testing how CIL may impact Office and R&D development.

1.48 For completeness, noting that Office and R&D uses in Greater Cambridge are largely centred around campuses and the city centre, an analysis of rents for Office and R&D development has been conducted for a selection of key employment areas within Greater Cambridge, as per table 1.2.

Table 1.2 Office and R&D rents in and around a selection of key employment areas within Greater Cambridge

Key Office and R&D locations	Mean Rent (£/sqm/yr)	Highest rent (£/sqm/yr)	Lowest rent (£/sqm/yr)
Babraham Research Campus	173.83	255.11	120.45
Cambridge Biomedical Campus	318.21	480.45	135.03
Cambridge Science Park	342.62	569.90	134.77
Granta Park	327.35	575.28	188.69
Central Cambridge[11]	392.04	699.66	134.93

Source: CoStar (2026)/Lichfields Analysis

1.49 Even considering demand increases anticipated over the coming years owing to the Ox-Cam arc and wider growth within the region (which may have a positive effect on values), the assumptions within the VR are clearly not representative of the development landscape

[10] PPG 10-011 states: "…Any viability assessment should follow the government's recommended approach to assessing viability as set out in this National Planning Guidance and be proportionate, simple, transparent and publicly available. Improving transparency of data associated with viability assessment will, over time, improve the data available for future assessment as well as provide more accountability regarding how viability informs decision making."

[11] Defined as "Prime Central - Cambridge" on CoStar

within Cambridge; the mean rents around key employment areas are nearly half those assumed within the VR. Only in Central Cambridge do even the highest rents reach levels akin to those tested within the VR.

1.50 With reference to points already made in response to question 3, the proposed strategic expansion of research campuses within Greater Cambridge offers the opportunity to deliver a significant amount of infrastructure in-kind. The severe overestimation of commercial land values underpinning the assessment of the proposed rate for Office and R&D within the VR means that the draft Charging Schedule would significantly hinder the ability of this infrastructure to be delivered in-kind if CIL were charged. In a worst-case scenario, charging CIL on these projects could prevent sites which do not yet have planning permission from coming forward at all.

Sales Values: Concluding remarks

1.51 Notwithstanding that the VR should be revised to assess the effects of charging CIL more appropriately, the Councils should also consider how the spatial variation in residential, office, and R&D values across Greater Cambridge would justify a zonal approach to charging CIL. This would align with the approach foreseen within PPG 25-022.

Q5: Do you agree that it is clear how CIL will operate alongside Section 106 Planning Obligations?

1.52 CEGLP does not dispute that the IS and CIL supporting statement is clear that the funds are intended for the delivery of strategic transport infrastructure, whilst s106 obligations will continue to be used for other infrastructure such as schools, libraries, doctor's surgeries, sports facilities, community centres, and green infrastructure. However, neither the IS nor the CIL supporting statement are draft policy and will not be read as such in practice. As such, there is a concerning lack of coordination between the Draft Charging Schedules and the Cambridge Planning Obligations SPD ("the SPD"), which has been approved by South Cambridgeshire Council (3 February 2026) and Cambridge City Council Cabinet (24 March 2026) and will be adopted imminently.

1.53 The SPD appears to have been drafted without reference to the fact there are emerging CIL Charging Schedules, despite being adopted around the same time as the Draft Charging Schedules were released. Further, it has been drafted in relation to the development plans for South Cambridgeshire and Cambridge City, both of which anticipate a CIL, yet still does not make provision for one being in place.

1.54 Moreover, the SPD does not make reference to how planning obligations relating to transport will be made in combination with CIL; there is no assurance within the SPD that the level of s106 contributions requested for transport will be tempered and/or removed once CIL is brought in. This is particularly relevant in the case of Chapter 10: Transport and Highways of the SPD, which, despite acknowledging some other forms of funding such as the Greater Cambridge City Deal (para 10.8), fails to acknowledge a circumstance under which CIL would fund this infrastructure. This is concerning, given that the IS and CIL supporting statement states that the CIL funds will be used for the purposes of funding transport infrastructure.

1.55 If a CIL is adopted by the Councils, the SPD would need to be withdrawn and replaced with a Supplementary Plan under the new plan-making system. Such a plan would be subject to examination and, therefore, be appropriately considered against relevant policies (likely to be those within the GCLP), funding context, and any existing CIL at that time.

CIL for other forms of infrastructure

1.56 In addition to the above, it is not clear why other forms of infrastructure have been excluded from CIL. Ultimately, since the 2019 amendments to the CIL regulations[12], the Councils would be free to spend funds levied through CIL on any form of infrastructure (save for affordable housing). Whilst the need for transport infrastructure funding may be most acute, the Councils should consider how projects that are inextricably linked to the delivery of transport infrastructure, but may not be explicitly defined as such, could be supported by CIL.

1.57 For example, with respect to CEGLP's interests in South East Cambridge, the delivery of a new Non-Motorised User route to connect Peterhouse Technology Park and the future

[12] https://www.legislation.gov.uk/ukdsi/2019/9780111187449/contents

development of Cambridge International Technology Park to Worts' Causeway, is inextricably linked with the delivery of 150-200 ha of new accessible nature-rich countryside (at Cherry Hinton Chalk Pits and the Gog Magog downs) to support the growing city and make up for the historic deficits in provision of strategic natural greenspace. Using CIL to fund only the strategic transport element of these proposals, and excluding elements of Nature Recovery would be complex, counterproductive, and could ultimately hinder the delivery of this critically important project.

Q7: Do you agree that the Council has met all regulatory requirements?

1.58 The Planning Act 2008 (as amended) and the Community Infrastructure Levy Regulations 2010 (as amended) ('the CIL Regulations') provide the legislative context for the preparation of a CIL charging schedule.

1.59 Given that a number of the preceding questions within this consultation pose similar questions to those raised within relevant legislation, CEGLP uses its response to this question to summarise points already made, with reference to elements of the regulatory requirements which have not been met.

Planning Act

1.60 Part 11 of The Planning Act 2008 (as amended) states at section 211(2):

"(2) A charging authority, in setting rates or other criteria, must have regard, to the extent and in the manner specified by CIL regulations, to—

> *(a) actual and expected costs of infrastructure (whether by reference to lists prepared by virtue of section 216(5)(a) or otherwise);*
>
> *(b) matters specified by CIL regulations relating to the economic viability of development (which may include, in particular, actual or potential economic effects of planning permission or of the imposition of CIL);*
>
> *(c) other actual and expected sources of funding for infrastructure*

1.61 At s211 (7(A)), it says:

"(7A) A charging authority must use appropriate available evidence to inform the charging authority's preparation of a charging schedule."

CIL regulations

1.62 Regulation 14 of the CIL Regulations, allowed for within the Planning Act 2008, states:

14.— Setting rates

(1) In setting rates (including differential rates) in a charging schedule, a charging authority must strike an appropriate balance between—

> *(a) the desirability of funding from CIL (in whole or in part) the actual and expected estimated total cost of infrastructure required to support the development of its area, taking into account other actual and expected sources of funding; and*
>
> *(b) the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area.*

(2) In setting rates in a charging schedule, a charging authority may also have regard to actual and expected administrative expenses in connection with CIL to the extent that those expenses can be funded from CIL in accordance with regulation 61…

Assessment against relevant regulatory requirements

1.63 With reference to s211 (7(A)) of the Planning Act, CEGLP's response to Question 2 of this consultation demonstrates that the Councils have not used appropriate available evidence to inform the preparation of their Draft Charging Schedules. This is because the proposed Greater Cambridge CIL would be based on evidence and policy that is out-of-date and/or irrelevant to the development landscape within Greater Cambridge. The fact that the VR is conducted with regard to the policies within the draft (regulation 18) GCLP whilst the IS and CIL supporting statement do not reference the draft GCLP further demonstrates that the evidence used by the Councils cannot be considered "*appropriate*" in accordance with s211 (7(A)) of the Planning Act.

1.64 With reference to regulation 14(1)(a) of the CIL regulations, it is not considered that the Councils have effectively considered the actual and expected costs of infrastructure, nor have they appropriately taken into account other actual and expected sources of funding. The Councils have failed to consider the real-world development landscape within Cambridge by not assessing the effects of the GCLP, the CGC, and the Cambridge City Deal, on infrastructure delivery. Moreover, the Councils have not sufficiently considered the desirability of funding infrastructure from CIL alongside the in-kind and financial contributions that will be made from other sources of funding. The Councils have also failed to consider the need for a joined-up funding approach to deliver certain forms of transport infrastructure, such as those which are closely linked to nature recovery.

1.65 With reference to regulation 14(1)(b), it is not considered that the Councils' have taken a robust approach to establishing the effects of the Draft Charging Schedules on development viability. There is a lack of comprehensive testing, failure to account for the real-world sales values across Greater Cambridge (including spatial variation) when testing the Residential and Office and R&D rates. Moreover, the VR contains a number of inadequate assumptions to meaning that the approach to viability testing is not robust. Not to mention, the VR has been conducted with reference to policies within the regulation 18 GCLP, which are by definition subject to change over the course of the plan-making process.