

**COMMUNITY
INFRASTRUCTURE
LEVY CHARGING
SCHEDULES
ISSUE 1
HEARING STATEMENT
DEVELOPMENT
CONSORTIUM**

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1.0 Introduction

- 1.1 This Hearing Statement addresses Issue 1 of the Issues and Questions published by the Examiner to the Cambridge City Council (CCC) and South Cambridgeshire District Council (SCDC) Community Infrastructure Levy (CIL) examination.
- 1.2 The Draft Charging Schedule is a single charging schedule covering the administrative areas of Cambridge City Council and separately South Cambridgeshire District Council. Together these comprise 'Greater Cambridge'.
- 1.3 This Hearing Statement forms part of a suite of three Hearing Statements prepared on behalf of a Development Consortium (the "Consortium") of interested parties that have come together to make representations to the Examination:
- **Hearing Statement 1 (Issue 1):** Bidwells Planning
 - **Hearing Statement 2 (Issue 2):** KMC Transport Planning
 - **Hearing Statement 3 (Issues 3-8):** Bidwells Land and Development, supported by expert appendices covering:
 - Residential Costs: Cast
 - Commercial Costs: Gardiner & Theobald
 - Commercial Agency: Bidwells Agency
- 1.4 The core Consortium comprises:
- **Brockton Everlast**
 - **Railpen Limited**
 - **Stanhope PLC**
 - **Pioneer Group**
- 1.5 All of the above Consortium members have long-term interests in Greater Cambridge and contributed to the earlier CIL consultation process and registered their interest to participate in the Examination. In preparing these representations these core consortium members have been supported by others with similar interests who have helped to inform the information submitted in support of this submission. They include:
- **The Chancellor, Masters, and Scholars of the University of Cambridge**
 - **Wellcome Genome Campus Limited**
 - **Pigeon Investment Management Limited**
 - **St John's College, Cambridge**

- 1.6 The Consortium has come together because its members share significant concerns regarding the proposed CIL Charging Schedule and the potential implications of the proposed charging rates for development viability and the delivery of development across Greater Cambridge. It is relevant and important that the Consortium has chosen to act together on this issue.
- 1.7 The Consortium represents organisations with substantial experience of bringing forward, investing in and delivering development across Greater Cambridge. Collectively, its members have extensive experience across residential, commercial, education, science and technology, research and development and other development sectors including the delivery of thousands of new homes and millions of square feet of commercial floorspace.
- 1.8 This experience is directly relevant to the Examination of the Charging Schedule. The Consortium members have up-to-date and first-hand experience of the costs, values, development requirements and market conditions that affect the viability and delivery of development in Greater Cambridge.
- 1.9 The Consortium evidence includes a presentation of real benchmarking examples. Commercial confidentiality prevents an open-book presentation of specific schemes, but the costs evidence is an account of actual schemes, validated by the accredited cost assessors. It is of great weight that the Consortium can validate the costs, market and viability evidence within Hearing Statement 3 (Issues 3 to 8).
- 1.10 The Consortium's position is that the Council's viability evidence does not properly reflect the characteristics and costs of development in Greater Cambridge. In short, the Council understates development costs and overestimates development values. The Council's conclusion that there is headroom in development profits to substantiate the proposed CIL is entirely flawed. It is a conclusion that does not reflect reality and it risks the introduction of a charge that will threaten the viability and thus delivery of development in the Greater Cambridge area.
- 1.11 The detailed evidence supporting this position is presented in the Hearing Statement 3 for Issues 3 to 8 and its expert appendices.
- 1.12 The Council's evidence (CCC and SCDC Cabinet Papers, Appendix A Community Infrastructure Levy Consultation Statement, page 15) identifies a present-day strategic transport infrastructure cost of more than £891 million, with identified funding of £618 million and a residual funding gap of £272 million. The Council estimates that CIL would generate between £25 million and £50 million over the plan period. As such, CIL would contribute only a relatively small proportion of the overall funding requirement and would not materially reduce the identified funding gap. In these circumstances, it is particularly important that the charging rates are set at a level that does not place at risk the viability and delivery of development needed to support economic growth and wider planning objectives.
- 1.13 This is all set in the context of the Government-led growth ambition for Greater Cambridge. This initiative started under the previous Conservative government and continues under the current Labour Government. On 23 August 2024 Matthew Pennycook MP (Minister of State for Housing

and Planning) wrote¹ to the Cambridgeshire and Peterborough Combined Authority Mayor to embark on an approach to “realise the full potential of Greater Cambridge” saying “*The city’s strengths in knowledge-intensive businesses and its unique innovation ecosystem are well documented, with strong connections between investors, researchers, businesses and local government. The economic growth of Cambridge has been a phenomenal success and we should seek to maximise the potential contribution that Greater Cambridge could make to the UK economy*”.

- 1.14 Action followed with the centrally-led Greater Cambridge Development Corporation officially established² 23 July 2026 to “*deliver an ambitious plan for long-term sustainable growth for Greater Cambridge by coordinating the delivery of infrastructure, investment and strategic developments*”. This all chimes with the Peterborough and Cambridgeshire Combined Authority Mayor’s stated ambition³ to “*triple the size of our [Combined Authority area] economy*”.
- 1.15 The Consortium has a shared ambition with the Planning Authorities for improved strategic transport provision across Greater Cambridge and accepts that the development sector should make a fair contribution towards its delivery. However, the proposed CIL charging rates cannot be supported as they would put at risk the viability of the very developments needed to deliver the Government’s and local authorities’ growth ambitions.

¹ Matthew Pennycook MP letter 23 July 2024 ‘[Realising the Full Potential of Greater Cambridge](#)’

² [Greater Cambridge Development Corporation announcement and stated purpose](#)

³ Combined Authority [announcement to triple the size of the economy, 31 July 2026](#)

2.0 Issue 1

2.1 Legislative requirements and consultation

1) Have the Councils complied with relevant requirements for the format and content of the Draft Charging Schedules and the publication, submission and availability of documents?

2.2 The Council appears to have complied with the mandatory procedural requirements in relation to the publication, submission and availability of documents related to the Draft Charging Schedule.

2.3 However, as noted further in the response to other questions, even though it may not be unlawful to adopt a Charging Schedule by reference to out-of-date development plans, it is evident that the 2018 Local Plans have a very limited remaining life which is a highly material consideration going to the weight and appropriateness of the evidence supporting the CIL charge and whether it is rationally and reasonably based.

2.4 The evidence base underpinning the CIL charge, including the infrastructure requirements, the transport strategy, the viability assumptions, and the policy cost burdens, all relate to the current (2018) plans, which are expected to be superseded within the next 18 to 24 months. Indeed, the creation of a development corporation exercising local planning authority functions will deliver a fundamental change in the administration of planning and the delivery of development in Greater Cambridge. A CIL charge adopted on this basis, and in this rapidly changing context, risks being based on evidence that is already, or will very shortly become, out of date. This is a factor which the Examiner must take into account when considering whether the evidence is “appropriate” for the purposes of section 211(7A) of the Planning Act 2008.

2.5 Furthermore, the CIL Regulations procedures require the charging authority to “take account of” representations received during consultation (see Regulation 17 of the CIL Regulations 2010). This is not a mere formality; it is a substantive obligation which requires conscientious consideration of any responses received. It is not a box-ticking exercise. The charging authority must demonstrate that it has properly considered the representations and, where they raise legitimate concerns about the evidence base, engaged with those concerns in a meaningful way.

2.6 Here, the Quintic advisory report (CIL examination library document 5.2 ‘*Quintic Advisory response to viability representations*’ (the “Quintic Report”)), responding to the consultation representations, is materially deficient and was dismissive of the detailed submissions made by Bidwells and others.

2.7 In particular, the Quintic report appears to have:

- a) Summarily dismissed the detailed viability evidence submitted by Bidwells and others without substantive rebuttal evidence;
- b) Maintained, without any real or adequate justification, that the proposed rates remained appropriate;
- c) Failed to engage with the specific technical criticisms made regarding build costs, rental values, benchmark land values, and other key viability inputs;

- d) Dismissed cost evidence on the basis that it could not be “interrogated”, rather than seeking further information or engagement as PPG paragraph 015 would require.

2.8 By way of example, at page 1 the Quintic Report notes a Bidwells comment “*Land values in GC [Greater Cambridge] are higher than those in the viability study*” and replies (partial quote) “*This therefore demonstrates that development in the area is more viable than elsewhere, given that land value is the product of scheme GDV less construction costs, fees, profit etc.*” However, Greater Cambridge has exceptionally high employment land demand, competing land uses and landowner expectations. Values may be relatively high but build costs and Existing Use Values and thus Benchmark Land Values are high too. The product of the equation means that development is not notably more viable in Cambridge than elsewhere. It is not possible to conclude that because land values are high, development is more viable without also having regard to costs. The response from Quintic is thus without rational foundation.

2.9 By way of further example, at page 2 the Quintic Report notes a comment from Bidwells “*Provides claimed build costs for 6 new build lab/office developments*” and replies “*Further information would need to be provided for these figures to be capable to interrogation. Furthermore, no information on the expected rent levels at these six schemes has been provided. If these costs were correct, then they indicate that the developers involved will be expecting significantly higher rents than existing available stock and this should be clarified*”. There is no effort to seek additional information to undertake the ‘interrogation’ and no new modelling undertaken with new cost data provided. The representation is simply ignored with no change in the Council’s approach or engagement with the issue. No further evidence is sought to verify whether the data supplied should be rejected or whether the Quintic approach should be rejected. No explanation why the data provided should not be accepted at face value is set out. In short no rational reason for concluding that the data Bidwells provided should be rejected and the Quintic approach adopted has been given. The issue raised has not been engaged with in any meaningful way. The Council has simply acted as if the representation was not made because it has been dismissed so swiftly and without rigour. It is submitted that this is because the Council and Quintic do not have evidence to counter that provided. If they did have such evidence, they would have provided it.

2.10 There are two key aspects of the evidence relevant to the examination of the CIL charge:

- a) the Examiner must satisfy himself that the evidence base is robust. Where the charging authority’s own consultants have failed to engage with substantive criticisms raised by experienced market participants, the Examiner should give significantly less weight to Quintic’s conclusions. It is submitted that the failure to engage is itself evidence that the criticisms cannot be answered on the merits.
- b) The Examiner must consider the question of whether the charging authority has used “appropriate available evidence” as required by section 211(7A) of the Planning Act 2008. A viability assessment that dismisses relevant market evidence without proper engagement and without counter market evidence of similar or better quality cannot properly be described as using “appropriate” evidence.

2.11 In addition to the short shelf life of the 2018 Local Plans, the following procedural and timing matters go to the heart of whether the Examiner can be satisfied that the charging schedule is soundly based:

(A) The transport infrastructure evidence base is materially out of date.

- 2.12 The Transport Strategy for Cambridge and South Cambridgeshire was adopted in 2014 — over twelve years ago. The infrastructure programme was “built on” this strategy, but the Greater Cambridge City Deal programme has changed significantly since adoption. Several schemes have been paused, redesigned or abandoned. There is no clear evidence linking the infrastructure schemes identified in the Charging Schedule to those that are necessary to support the development that is provided for in the current Local Plans.

(B) The CIL charge is expected to generate only a fraction of the identified funding gap.

- 2.13 The Infrastructure Delivery Strategy acknowledges that CIL is expected to generate no more than £50 million. The identified funding gap is £272 million. Even if fully realised, CIL would reduce this gap only marginally, leaving a residual shortfall of approximately £222 million with no credible funding source identified. This raises a fundamental question about the proportionality and justification for the proposed CIL rates. It is not reasonable or proportionate to charge CIL to fund infrastructure that has no reasonable prospect of coming forward. CIL can only be justified if there is reasonable evidence that funding of £272 million will be found and the infrastructure actually delivered. The Councils have not produced any such evidence.

(C) There is significant institutional and governance uncertainty.

- 2.14 Local Government Reorganisation proposals, the establishment of the Greater Cambridge Development Corporation (GCDC), and the possibility of a Mayoral CIL under the Spatial Development Strategy being prepared by the Mayor of Cambridgeshire and Peterborough all create material uncertainty about future infrastructure delivery responsibilities and funding mechanisms.
- 2.15 A consideration of the GCDC position finds:
- a) S206(2) Planning Act 2008 provides that a local planning authority is the charging authority for its area.
 - b) When a development corporation is created, the Secretary of State may provide by order for the corporation to be the local planning authority for a specified area: s7A(2) New Towns Act 1981
 - c) The Greater Cambridge Development Corporation (Establishment) Order 2026 created the development corporation with effect from 23rd July 2026.
 - d) That Order did not include any order pursuant to s7A(2).
 - e) If the GCDC is designated as the local planning authority, then it will become the charging authority for its area.
 - f) A charging schedule is a document “setting rates, or other criteria, by reference to which the amount of CIL chargeable in respect of development in its area is to be determined.” – s211(1) Planning Act 2008

- g) It is understood that the GCDC will obtain “Stage 1” Development Management powers in early 2027 and “Stage 2” plan-making powers, most likely, once the emerging Greater Cambridge Joint Local Plan (JLP) is adopted; perhaps in 2028. The Government stating its intention that the GCDC will prepare a “successor” plan to replace the JLP4.
- h) As such the GCDC may well shortly become the LPA and thus charging authority. In that circumstance, the charging schedule produced by the joint authorities will fall away in any event.

2.16 Thus there is considerable uncertainty in relation to the future of the administration of planning in Greater Cambridge and the implications for any CIL charge that might be levied. Proceeding with CIL adoption in this context is simply not proportionate, rational or reasonable.

2.17 In summary under this question, it is submitted that the timing of this CIL Charging Schedule is premature and that the Examiner should either refuse to approve the Charging Schedule in its current form or recommend that it not be approved until the evidence base has been updated to reflect the emerging Joint Local Plan and its associated infrastructure requirements and once evidence that the £272 million funding gap will be bridged such that there is a reasonable prospect of the infrastructure the CIL relates to actually coming forward. Further representations on this point are raised in Hearing Statement 2 on behalf of the Consortium.

2) Have the Councils undertaken adequate and appropriate consultation on the Draft Charging Schedules?

How has the development sector been involved in the preparation of the Draft Charging Schedules?

2.18 We respond taking the two parts of Question 2 together.

2.19 The Councils undertook one round of formal consultation to the CIL Charging Schedule between 16 February and 29 March 2026.

2.20 Outside of the formal consultation the Council did engage with the development sector. The Council’s “CIL Consultation Statement”, supporting the 23 June SCDC Cabinet and the 7 July 2026 CCC Cabinet meeting whereat the Draft CIL Charging Schedule was endorsed by both Councils to be submitted for Examination, noted at the bottom of Page 4:

Presentations were given to stakeholders as follows

- *27 February: Cambridge Ahead (a 50-member forum who produce data-driven insight, collaborate with policymakers, and champion the contribution Cambridge city region makes nationally and locally.*

⁴ [Greater Cambridge Development Corporation: Analysis of consultation responses and next steps](#) – MHCLG, 03 June 2026

- *6 March: Cambridge Development Forum (a 31-member forum who act as a strategic voice, championing practical solutions to planning challenges and advancing the efficient delivery of high-quality, sustainable housing and commercial development).*
- *11 March: The Councils viability consultants Quintic Advisory (previously BNP Paribas Real Estate) gave a presentation to developers and agents.*

- 2.21 This is the extent of direct engagement reported with the development sector. Firstly, both Cambridge Ahead and the Cambridge Development Forum only allow attendance for paying members. While both groups have good attendance, it is by no means a complete attendance from the development sector. Secondly, while there was some discussion, these events operated to enable the Planning Authority (and in part its advisers) to describe the CiL process, what their proposals were and direct comments towards the formal consultation round. It was most helpful for Officers to present this information, but it was not a structured and meaningful two-way engagement. Indeed, it was said at these events that the proposed CIL Charging rates were set but that there would be formal consultation to direct any comments to them.
- 2.22 The “Quintic Report” is also relevant in considering the extent of engagement with the development sector.
- 2.23 The Report is helpful in that it summarises comments from ‘submitting organisations’, draws out viability points, makes comment to them, and recommends any action arising. 139 individual respondents submitted representations; only 18 agreed that the Council had relied on appropriate evidence, while 47 expressly disagreed and a further 32 provided comments on the matter. Except for some minor detailed suggestions, there is no acceptance in the Quintic Report that the Council’s viability appraisal work may be wrong. This in the face of repeated concerns from many well-established developers acting in the Greater Cambridge area. At the CIL consultation round there was no consortium approach, but nevertheless there was broad consensus and mutual concern evident across key stakeholders.
- 2.24 The CIL Charging Schedule was item 18 at the SCDC Cabinet and consideration of the issue lasted eight minutes. There were no questions about the level of the CIL charging rates and no public scrutiny of them.
- 2.25 The CIL Charging Schedule was item 11 at the CCC Cabinet and consideration of the issue lasted nine minutes. It was noted that developers had made representations expressing concerns that the rates were too high. The lead officer said that the consultation comments had been assessed with their viability experts and no changes were deemed necessary. There was no further debate or scrutiny on the matter.
- 2.26 The National Planning Policy Guidance (NPPG): 013 Reference ID: 25-013-20190901 says (partial excerpt):
- In summary, a charging schedule is prepared and adopted as follows:*
- *the charging authority must take into account any representations made to it before submitting a draft charging schedule for examination;*
- 2.27 The Councils have consulted the development sector and have spoken to it outside of the formal CIL consultation, but the mere act of engagement is not in itself the key point, it is the nature of that engagement and whether meaningful dialogue has been had so as to demonstrate that the

Councils have properly and lawfully “taken into account” any representations made. The lack of meaningful engagement demonstrates that this is not a case where the Councils have engaged conscientiously and with an open mind with the representations received.

- 2.28 The evidence in the Consortium’s Hearing Statement 3 is compelling and provides a real-world account of viability that is in stark contrast to the generic assumptions made in the Council’s viability evidence. Concerns from Consortium members were expressed to the formal CIL consultation and in dialogue outside of the consultation, yet (apart from one small change to one part of the payment installation policy) the Councils have not changed their CIL Charging Schedule at all. Nor has any credible real-world evidence been produced to rebut that provided by the Consortium; rather, the councils have simply ploughed on.
- 2.29 Where consultation is undertaken, the law requires that decision-makers must do more than a box-ticking exercise when considering consultation responses. The fourth **Gunning** principle requires that “the product of consultation must be conscientiously taken into account when the ultimate decision is taken”. This means that decision-makers must genuinely consider the responses with a receptive mind rather than merely going through the motions.
- 2.30 The courts have emphasised that consultation is “far from an empty duty” and imposes “flexible but demanding procedural requirements” including the obligation “to consider carefully any responses received”. In **R. (on the application of Gatwick Airport Ltd) v Secretary of State for Transport** [2026] EWHC 1733 (Admin), the court found that evidence showing consultation responses were “conscientiously considered” and that the final regulations differed from the proposal in response to concerns raised was “inconsistent with any suggestion that the consultation was cosmetic or box-ticking”. Similarly, in **R. (on the application of Addison) v Southwark LBC** [2022] EWHC 3211 (Admin), the court held that the authority’s detailed assessment and practical mitigation measures demonstrated it “did not approach equalities as a ‘box ticking’ exercise but instead correctly focused on the substantive/practical impacts”.
- 2.31 However, a failure to conscientiously consider responses can render a decision unlawful. In **R. (on the application of Kohler) v Mayor’s Office for Policing and Crime** [2018] EWHC 1881 (Admin), the court found that where a material proposal raised during consultation had not been considered at the decision-making meeting and the decision-maker had not addressed it, this constituted a “clear error of law” because the authority had “failed to consider a material point raised during the consultation exercise”.
- 2.32 The Councils have failed to conscientiously consider responses received. In particular, they have failed to address the significant viability concerns raised by a wide range of experienced developers, landowners and institutions with interests and an active role in delivering growth across Greater Cambridge. The consultation responses reveal substantial and recurring concerns regarding the assumptions underpinning the viability evidence and the potential impact of the proposed CIL rates on development delivery. Notwithstanding the breadth and consistency of these concerns, the Councils have not produced any credible market evidence to counter that produced by the Consortium and have proceeded without amendment to the charging schedule. This unwillingness to engage on a real-world basis has led to the formation of the Consortium to present coordinated representations to the Examination.
- 2.33 In this context and in reply to Question 2, the Consortium accepts that the Councils received, recorded and responded to consultation representations. The concern is that in effect the process was treated as tick-box exercise. There has not been any material engagement with the

substantive viability evidence submitted by a broad range of experienced developers, landowners and institutional interests active in the Greater Cambridge market. Whilst the Council produced responses to those representations, it did not meaningfully engage with the underlying evidence or explain why the consistent concerns raised regarding costs, values, benchmark land values, profit assumptions and development deliverability should be rejected; notwithstanding the breadth and consistency of those concerns, the Councils proceeded with the Charging Schedule substantially unchanged. It did not seek out engagement with the development sector to understand the representations and why there was a stark difference to the position of its own advisors. Indeed, (as evidenced in Hearing Statement 3) it is not clear whether the Councils assessed why there are different viability assumptions adopted in its CIL preparation and separately within its Local Plan preparation. The Consortium is not aware of the Council producing any credible market evidence that counters the market evidence that it has provided.

- 2.34 The Consortium therefore considers that the consultation process did not provide a sufficient basis for the Councils to conclude that the proposed charging rates were justified by the evidence presented. Further, the Consortium considers that the consultation process followed was legally flawed because the representations received were not lawfully taken into account in the sense that there was no genuine consideration of the responses received with a receptive mind.

