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Waterbeach New Town East

Greater Cambridge Draft CIL Consultation

REPORT CONTROL

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1. INTRODUCTION

- 1.1 These representations have been prepared on behalf of Waterbeach Development Company (WDC).
- 1.2 WDC has been involved in the promotion of development at Waterbeach new town for a considerable period and has secured outline planning permission at Waterbeach new town East (WNTE) (under ref: S/2075/18/OL).
- 1.3 They also achieved full planning permission for the relocated railway station (under ref: S/0791/18/FL) which is being delivered by the Greater Cambridge Partnership (GCP).
- 1.4 WDC is committed to delivering development at WNTE pursuant to the outline planning permission, which includes up to 4,500 dwellings alongside a range of commercial floorspace, community uses and recreational facilities, alongside extensive infrastructure works and contributions set out in the associated Section 106 Agreement. This includes significant funding contributions towards delivery of the relocated railway station referenced above.
- 1.5 Within these representations, which are set out in the subsequent section by way of responses to relevant questions posed through the consultation, WDC wishes to ensure that the circumstances of largescale strategic sites, such as Waterbeach new town, are suitably and clearly reflected.

2. RESPONSES TO RELEVANT QUESTIONS

Question 1: Who are you responding on behalf of?

- 2.1 Waterbeach Development Company LLP (WDC).

Question 2: Do you wish to participate in the CIL examination?

- 2.2 We would like to reserve the right for WDC to appear at the examination, although the need for them to do so clearly depends on how the CIL regime is progressed in light of these submissions.

Question 3: Do you agree that the Council should introduce CIL?

- 2.3 WDC has no in-principle objection to the proposed introduction of CIL, which can operate effectively as a mechanism for collecting developer contributions in order to fund delivery of infrastructure. It is appreciated that the Greater Cambridge area faces considerable challenges associated with delivery of infrastructure to support both plan-led growth and the Government's aspirations for enhanced levels of growth to underpin continued success of its world-renowned economy, in which context CIL could clearly play a valid role.
- 2.4 In this regard, however, it is important that there is clarity in the proposed approach with regard to operation of the CIL regime, particularly where this will operate alongside continuation of Section 106 contributions. It is noted from the consultation documents that the intention is for CIL to be collected primarily for strategic infrastructure, whilst Section 106 contributions will continue to be utilised for local community and other on-site infrastructure items.
- 2.5 WDC's interests relate primarily to ensuring that introduction of CIL would aid delivery of strategic infrastructure in the area, including that which would support development of largescale strategic sites, such as that at Waterbeach new town, rather than (and specifically avoiding) delaying or prejudicing delivery, with particular regard to viability considerations.
- 2.6 In WDC's view it is not clear that the circumstances relating to the particular challenges of delivering strategic scale development have been accounted for, whilst there is a specific lack of clarity on application of the CIL regime to existing strategic sites, namely those allocated in the Adopted 2018 Local Plans, which already benefit from outline planning permission.
- 2.7 It is therefore considered that strategic sites should be explicitly nil-rated for the reasons set out in response to subsequent questions.
- 2.8 Additionally, it is recalled that South Cambridgeshire Council's previous consultation on a proposed CIL Charging Schedule (in 2015) had proposed a nil rating for "*strategic development sites at Northstowe, Wing, Darwin Green II and III, Cambourne West, Bourn airfield new village, Waterbeach new town.*" These represented the strategic sites allocated through the, then emerging, and subsequently adopted Local Plan.

2.9 The associated 2015 draft charging schedule consequently included the following items that were explicitly excluded from the regime where required as part of allocated strategic sites (annotated by the “*” and confirmed in a corresponding footnote):

- (i) Pre-school education*
- (ii) Secondary school education*
- (iii) Libraries and lifelong learning*
- (iv) Public and community transport*
- (v) Strategic green infrastructure*
- (vi) Village halls and community centres*
- (vii) Household recycling centres*
- (viii) Primary health care*
- (ix) Major transport schemes identified in the Transport Strategy for Cambridge and South Cambridgeshire*

2.10 Funding and/or delivery of these items has invariably since been secured through the Section 106 agreements relating to the respective outline planning permissions, such as those at Waterbeach. Whilst circumstances in the sub-region may have since changed, it remains most appropriate to adopt the same approach in this instance and will be particularly important to clarify that CIL would not be applicable in cases where planning permission has already been granted ahead of CIL being activated in any event, for the avoidance of any doubt or ambiguity.

Question 5: Do you agree that the Council has used appropriate evidence to inform the proposed rates?

- 2.11 It is considered that the Council has not used appropriate evidence to inform the proposed rates, not least in failing to either adequately assess or reflect the circumstances relating to largescale strategic development sites.
- 2.12 It is noted that National Planning Practice Guidance (PPG) supports the setting of differential rates to help ensure that the viability of development is not put at risk. This includes that such provisions could include the setting of low or zero levy rates for strategic sites which have low, very low or zero viability (Paragraph: 022 Reference ID: 25-022-20230104). Subsequent passages of the PPG include reference to setting rates in a manner that does not undermine deliverability of the plan (Paragraph: 025 Reference ID: 25-025-20190901).
- 2.13 WNTE and WNTW both secured outline planning permission including 30% affordable housing, based on respective viability assessments which demonstrated the difficulties of achieving the policy target 40% level, in view of the wide-ranging infrastructure requirements associated with development that will collectively deliver 11,000 new homes across the new town site.

Question 6: Do you agree that the Council has struck an appropriate balance between additional investment and the potential effect on the viability of developments?

- 2.14 As noted above, viability is a topic of particular sensitivity for largescale strategic developments, both in a general sense, but also having regard to the economics of delivery for such sites. In the case of the respective applications at Waterbeach new town, the Section 106 regime has enabled agreement of suitable infrastructure funding, balanced against affordable housing proportions in the context of viability assessment activities. Both have viability review mechanisms built into the legal agreements that will capture enhancements to either strategic transport or affordable housing provision if an improved viability position is achieved.
- 2.15 It also enables timely delivery of infrastructure to be achieved, control over which is of fundamental importance where Grampian conditions relating to significant infrastructure may be required, as is the case at Waterbeach new town.

Question 7: Do you agree that it is clear how CIL will operate alongside Section 106 Planning Obligations?

- 2.16 As noted above, it is important that there is clarity as to items that are to be funded via CIL and those which are to continue to be funded via contributions or direct delivery governed by Section 106 agreements. This will need to be the case for developments on which planning applications are determined beyond activation of the CIL charging regime, a fundamentally critical principle being the avoidance of double-charging which would place unreasonable burdens on developments that could render them unviable. It is not evident that sufficient clarity exists within the schedule.
- 2.17 It is also important to raise the issue of clarity over the application of any CIL charges in cases where planning permission has been granted prior to the CIL charging schedule. This is clarified within the PPG, with explicit consideration given to so called “Transitional cases” where Section 73 revisions may be secured post activation of CIL, where additional liability relating to any up-lift in development quantum may accrue (Paragraph: 109 Reference ID: 25-109-20190901). In this context it is confirmed that CIL should not be charged on development that is already permitted through the pre-CIL permission, and also *that “Where an outline permission has been granted before a charging schedule is in effect, but reserved matters are not approved until after a charging schedule has come into effect, the development should not be subject to the levy.”* (Paragraph: 112 Reference ID: 25-112-20190901). To avoid any ambiguity in this regard and to also avoid unnecessary complexity arising from application of dual regimes under transitional cases, it is considered that this represents a further reason for clear statement that strategic sites, including Waterbeach new town, are to be nil rated.
- 2.18 In respect to largescale strategic development sites there is particular merit in enabling sole reliance on Section 106 agreements to enable adoption of more flexible provisions that will more appropriately reflect their implementation over considerable timeframes, realistically multiple decades in the case of Waterbeach new town.

- 2.19 For the reasons set out above, it is therefore requested that largescale strategic sites be nil rated, with reliance placed solely on negotiated Section 106 agreements. This will ensure retention of sufficient flexibility and control over delivery timescales for key strategic infrastructure, whilst enabling appropriate weight to be given to viability considerations.
- 2.20 It also removes any ambiguity over operation of the CIL regime for strategic site already benefitting from planning permission.

