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Greater Cambridge Shared Planning Service
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Dear Sir / Madam,

WRENBRIDGE LAND - REPRESENTATIONS ON DRAFT CAMBRIDGE CIL CHARGING SCHEDULE

Introduction

This letter sets out our representations in response to the Cambridge Community Infrastructure Levy (hereafter 'CIL') Draft Charging Schedule on behalf of Wrenbridge Land (hereafter 'Wrenbridge'). Wrenbridge as a local developer has delivered several significant and successful schemes across Greater Cambridge. Including Brooklands a new workplace campus for Grade A workspace in Central Cambridge, and a forthcoming development on the Clarendon House site adjacent. Wrenbridge is also delivering 'The Row' at Mercers Row which is the first grade A industrial speculative city centre development for approximately two decades.

As such, Wrenbridge is well placed to comment on the impact of the proposed CIL Charging Regime alongside the implications of the emerging changes to the Local Plan which will add additional burden to development across Greater Cambridge.

CIL is recognised as a potential important source of funding for infrastructure that could support wider development in Greater Cambridge. Whilst these representations do not oppose the principle of a CIL charging schedule it does seek to ensure it is introduced at an appropriate time, necessary and that reasonable rates are proposed. These measures are to ensure CIL rates do not risk the viability and delivery of development. As drafted we consider the Council's current approach to be floored.

Viability

Bidwells has undertaken a review on behalf of Wrenbridge of the viability evidence prepared by BNPP which underpins the draft CIL Charging Regime.

The evidence is fundamentally floored and cannot be used to accurately assess the true viability of the proposed CIL rates. The evidence lacks the robustness and market realism required to demonstrate that development across Greater Cambridge can viably sustain the proposed levy. We therefore have significant reservations regarding the basis on which the draft rates have been derived and the assumptions used to support them.

CIL should be targeted so that it does not render development economically unviable. The viability evidence fails to provide a credible assessment of the actual impact the rates would have on development in Greater Cambridge. The modelling does not reflect actual market conditions, and the assumptions used, particularly around costs, values, developer margins and infrastructure requirements therefore bear little resemblance to the realities of development delivery in the area.

It is also unclear whether the appropriate developer engagement required under paragraph 015 of the PPG has taken place, calling into question whether the evidence is proportionate, representative or compliant with national guidance.

Moreover, the cost assumptions within the appraisal are materially inaccurate. Land values, construction costs and design expectations in Cambridge are considerably higher than those assumed in the analysis, resulting in the unrealistic conclusion that development can absorb larger CIL payments than is actually feasible.

In practice, introducing CIL at the levels proposed would force trade offs that directly undermine policy objectives, leading to reductions in sustainability performance, design quality and affordable housing. These impacts would materially prejudice scheme deliverability and, ultimately, reduce the likelihood of much needed development coming forward.

To summarise, introducing a CIL charge in addition to extensive site-specific policy requirements will impose further and substantial pressure on viability, increasing the risk that essential project funding is withdrawn or schemes become undeliverable. This outcome is particularly concerning given the Government's ambitions for accelerated growth in the Greater Cambridge area and the well-established challenges associated with bringing forward development in a high cost, high value market. Experience from other comparable locations, illustrates the real and immediate risk of overburdening development in areas with similar cost profiles. Most notably London, where CIL freezes are due to be implemented in response to viability pressures.

Timing

There are also concerns regarding the timing of introducing a CIL Charging Schedule given the wider changes and uncertainties currently affecting development across Greater Cambridge. Proceeding at this time risks adoption of a CIL charging schedule that is misaligned with emerging policy, funding structures and infrastructure priorities.

Firstly, the on-going consultation relating to the centrally led Greater Cambridge Development Corporation introduces significant uncertainty around future infrastructure delivery responsibilities, potential updates to infrastructure planning and the possibility of new funding streams which may address the existing funding gap, without reliance on CIL. Until these matters are much clearer, it is premature to progress a Charging Schedule that may quickly become outdated or incompatible with future infrastructure delivery priorities.

Clarity is needed on how CIL will align with the Spatial Development Strategy (SDS) being prepared by the Mayor of Cambridgeshire and Peterborough. The SDS is expected to identify strategic infrastructure requirements and may introduce a Mayoral CIL as an additional funding mechanism, thereby creating a further layer of developer contributions and increasing pressure on development viability. This is a similar burden to London where CIL will be subject to a freeze due to ongoing viability pressures.

This uncertainty is further compounded by the Local Government Reorganisation, the outcome of which could fundamentally alter governance arrangements, funding responsibilities and the wider planning framework. Despite this, within the CIL consultation documents, there has been no comment on the creation of a coherent strategy to address the risks associated with the potential for conflicting or duplicated contributions.

In addition, the emerging planning context raises several questions about the appropriateness of progressing CIL at this time. As outlined in the CIL Supporting Statement, the draft S106 Planning Obligations SPD for Greater Cambridge is expected to be adopted imminently and is set to increase S106 contributions to reflect rising costs of infrastructure. The SPD should bring about further clarity rather than increase costs and imposing a CIL charge concurrently with the adoption of the SPD would substantially compound viability pressures already highlighted elsewhere in these representations.

Finally, the evidence submitted regarding transport infrastructure requirements relies on the two adopted 2018 Local Plans. However, with the draft Greater Cambridge Local Plan now well advanced, this evidence is, by definition, time limited and is at risk of becoming increasingly misaligned with the emerging policy requirements and any revised approach to infrastructure prioritisation and delivery. In these circumstances, there is a clear risk that the draft CIL Charging Schedule is advanced on the basis of infrastructure assumptions that will not reflect the new policies or infrastructure delivery requirements of the new Local Plan. It is a CIL that will inherently become out of date very quickly if adopted.

It would therefore be preferable to align the consultation and adoption of the CIL Charging Schedule post adoption of the emerging Greater Cambridge Local Plan, so that the infrastructure evidence can be tested against the plan that will ultimately guide development in the area in the near future.

In addition, the Charging Schedule should be coordinated with the emerging SDS, the implications of Local Government Reorganisation, and the evolving role and remit of any Development Corporation. As these take clearer shape, they may alter infrastructure responsibilities, introduce or reshape funding mechanisms (including the potential for additional levy layers), and affect the prioritisation and deliverability of infrastructure projects.

Infrastructure Funding Requirements

The Infrastructure Statement published in support of the Draft CIL Charging Schedule acknowledges the importance of transport infrastructure to the delivery of growth across Greater Cambridge. While it adequately quantifies the funding requirements, the strategy does not provide a clear justification for the specific projects identified.

The Statement indicates that the proposed infrastructure programme 'builds on' the adopted 2018 Local Plans for Cambridge City and South Cambridgeshire. Those Plans, in turn, relied on the Transport Strategy for Cambridge and South Cambridgeshire (adopted in 2014). In parallel, the Greater Cambridge City Deal was agreed to support delivery of transport schemes; however, the City Deal programme was never formally assembled to support the emerging Local Plans at that time.

As a result, the current project list appears to be carried forward from a historic funding programme, rather than derived from a demonstrable assessment of necessary transport infrastructure.

On this basis, the infrastructure schedule is underpinned by evidence that is materially out of date and insufficiently robust for the purposes of setting a Charging Schedule. The transport context, costs and deliverability have changed significantly since 2014, and this must be reflected in up-to-date, plan-led evidence that meets the CIL requirement of using 'appropriate available evidence' (PPG Paragraph 020). In its current form, the Infrastructure Strategy does not sufficiently evidence the need of the transport projects it relies upon.

Further, the Infrastructure Delivery Strategy acknowledges that CIL is expected to generate no more than £50 million. Even if fully realised, this would reduce the identified funding gap only marginally, leaving a residual shortfall of £222.371 million, with no credible funding source or delivery mechanism identified to bridge that gap. Given the scale and cost of the projects listed (including those currently paused), £50 million would fund only a small fraction of the identified projects. It is therefore unclear how the Draft

Charging Schedule can be justified by reference to an infrastructure strategy that is neither adequately evidenced nor demonstrably deliverable.

Exceptional Circumstances

It is imperative that a Charging Authority introduces an Exceptional Circumstances Relief ('ECR') policy at the point of adopting the Charging Schedule. Under Regulation 55 of the CIL Regulations (2010) as amended, ECR exists precisely to prevent CIL from having an unacceptable impact on the economic viability of development. However, the relief is only available where the Charging Authority has proactively chosen to adopt an ECR policy from the outset. If the Authority refuses to implement such a policy at this time, then no developer, regardless of the severity of viability constraints or the strategic importance of a scheme, will have the ability to apply for this relief.

Given that ECR cannot be claimed alongside other reliefs and cannot be accessed retrospectively, failing to adopt the policy at this stage effectively removes the mechanism entirely. This would undermine the fundamental purpose of Regulation 55, which is to ensure that CIL does not render development undeliverable. The Charging Authority must therefore adopt an ECR policy at this time to ensure that a legitimate and nationally recognised viability safeguard remains available for circumstances where CIL would otherwise threaten the deliverability of schemes.

Summary

I hope the above points are clear. However, we would be happy to discuss these matters in more detail with officers should this be helpful.

It is clear that there are fundamental issues associated with this consultation particularly around viability and timing, and that it is based upon flawed evidence which fails to properly consider the implications of introducing CIL.

The absence of reference to other parts of the CIL evidence base within these representations should not be taken as agreement to their content, and we reserve the right to make further comments on the evidence at examination stage.

Kind regards,

[redacted]

Gareth Pritchard
Partner