

4 June 2019

Delivered by email

Mr Richard Dixon BSc (Hons) MRICS CIHM
Dixon Searle Partnership
Elm House
Tanshire Park
Shackleford Road
Elstead
Surrey
GU8 6LB

Dear Richard

Brighton & Hove City Council (B&HCC) Community Infrastructure Levy (CIL) Examination Stage Supplementary Review (Post hearing re Turley Statements)

At the B&HCC CIL Examination hearing, held on 2 April 2019, MODA and Turley made representations that B&HCC's published available viability evidence demonstrated that the SSA4 Sackville Trading Estate and Coal Yard cannot viably support CIL, in addition to meeting the adopted/emerging affordable housing policy (i.e. when applying a 'policy on' approach).

As a result, MODA and Turley invited B&HCC and the Inspector to recommend moving the draft SSA4 Sackville Trading Estate and Coal Yard site into the "NIL CIL charge zone" within the CIL Draft Charging Schedule (DCS) as a modification.

The Inspector subsequently requested that B&HCC and its consultants DSP reconsidered their evidence, and if necessary considered any further evidence and recommendations appropriate to complete the required information available to the Inspector in finalising his findings.

On 21 May 2019 DSP provided the following document to Turley: '*Brighton & Hove City Council (B&HCC) Community Infrastructure Levy (CIL) Examination Stage Supplementary Review (Post hearing re Turley Statements)*' (Draft v2) dated May 2019.

It is noted that, at paragraph 2.1.12, this document states in respect of SSA4 that:

"...on reflection the Council accepts that its evidence base for this typology, as submitted to the examination, suggests that continuing with a CIL charge as proposed could pose an additional significant risk to the viability of development here, which in this case could be around the margins of viability in any event. As such, positive CIL charging would be quite likely to exacerbate that scenario, and in doing so could place additional pressure on the AH delivery level that is ultimately achievable."

It is subsequently concluded by DSP in paragraph 2.1.20 that:

"In summary, we are able to conclude that on further review of the existing viability evidence, considered to be appropriate and robust for the purpose, we recommend the Council sets a £0/sq. m i.e. nil-CIL charging rate approach for the Sackville site – SSA4."

MODA and Turley welcome this conclusion, and strongly support a £0/sq. m i.e. nil-CIL charging rate being set for SSA4 Sackville Trading Estate and Coal Yard.

To facilitate this, it is MODA and Turley's request to B&HCC that SSA4 Sackville Trading Estate and Coal Yard is incorporated within the "NIL CIL Charge zone" within a further modified version of Table 1 of the CIL DCS Statement of Modifications (November 2018). This should be submitted to the Inspector by the deadline set of 7 June 2019.

The 'Brighton & Hove City Council (B&HCC) Community Infrastructure Levy (CIL) Examination Stage Supplementary Review (Post hearing re Turley Statements)' (Draft v2) also considers a second matter; this being the proposed £100/sq. m CIL charge applicable to extra care/assisted living developments within Table 1 of the CIL DCS Statement of Modifications (November 2018).

At paragraph 2.2.10, DSP concludes that:

"...we find that this further evidence supports the proposed £100/sq. m CIL charge applicable to extra care/assisted living developments and recommend that, aside from any clarification work that may be undertaken on the definition of this development form, the Council continues with that position)."

In light of B&HCC and DSP's conclusions and recommendations to the Inspector in respect of a £0/sq. m i.e. nil-CIL charging rate being set for SSA4 Sackville Trading Estate and Coal Yard across all the uses on the site, neither MODA nor Turley would propose to challenge B&HCC and DSP's findings further with regard to the proposed £100/sq. m CIL charge applicable to extra care/assisted living developments. This should not, however, be construed as an endorsement of, or agreement with, B&HCC and DSP's findings in respect of this matter.

Should MODA or Turley be able to assist B&HCC and DSP any further in respect of the matters referenced above, please do not hesitate to contact me directly.

Yours sincerely

Matt Spilsbury BA (Hons) MSc MRICS MRTPI
Director, Head of Development Viability
Turley
matthew.spilsbury@turley.co.uk