

Community Infrastructure Levy – submission of Draft Charging Schedule and Statement of Modifications, Brighton & Hove City Council

Nil CIL Sites Informative - January 2019

A Community Infrastructure Levy (CIL) Charging Schedule supports the delivery of the Local Development Plan. The levy is based upon a proportionate and area wide approach and is not intended, or able, to reflect potential issues on individual sites of a scale that are not critical to overall plan delivery when viewed individually. It is acknowledged that there are a wide range of sites and proposals likely to come forward over the Plan period, with varying characteristics. Representations made in relation to the Preliminary Draft Charging Schedule and the Draft Charging Schedule have triggered further review of some sites allocated in the Development Plan which can be regarded as strategic in terms of CIL guidance. Proposed new CIL Regulations have not yet been published. The council considers that the proposed nil-CIL rating approach is appropriate for the sites/areas set out below.

DA2 Brighton Marina, Gas Works and Black Rock policy area

Policy CP1 of City Plan Part 1 identifies 1940 residential units to come forward within the DA2 development area.

It is acknowledged that 853 units relate to an existing permission at Brighton Marina Outer Harbour, which includes a s106 agreement for developer contributions. Policy DA2 (para 3.12) sets out 'the long term aspiration of the council is to address the deficiencies of the Marina and the wider area to facilitate the creation of a mixed use area of the city'. Any new permissions required to replace existing consents at Brighton Marina Outer Harbour would need to address abnormal site conditions and include s106 developer obligations to meet the need for site-specific infrastructure once CIL is in place. The Infrastructure Delivery Plan (IDP) identifies that infrastructure required for site-specific delivery at Brighton Marina is consistent across the Inner and Outer Harbour, contributing to the burden of abnormal development costs across the Brighton Marina area.

The Brighton Marina Inner Harbour strategic allocation is considered strategic in CIL terms due to the anticipated amount of housing proposed to come forward (1000 units). The infrastructure required for site-specific delivery, such as an underlying podium structure; an upgrade of sea defenses; and utilities result in abnormal costs. On review of representations made to the Preliminary Draft Charging Schedule in 2017 and Draft Charging Schedule in 2018, and given the Council's knowledge of the site and development area, the Council considers that sufficient appropriate available evidence is already in place to support a nil-rating (£0/sq. m) of the Inner and Outer Harbour Sites (boundaries as mapped in the City Plan).

This appropriate available evidence informs the City Plan Part One - [City Plan Part One Background Studies](#) (2012) including - [Viability Testing of Strategic Sites](#) and [Brighton and Hove Combined Viability Study Update](#) (2014).

The council acknowledges that the Gas Works site may have capacity for a significantly higher amount of residential development than set out in the City Plan Part 1 site allocation, subject to the satisfaction of other policy considerations. It is also acknowledged that there are abnormal costs associated with site preparation and development delivery. On review of representations made, the Gasworks site, which had not been nil-rated at the DCS consultation stage (owing to its relatively small scale in planned development terms), is now proposed to be recognised as significant in relation to the quantum of development to come forward within the wider DA2 site.

The Blackrock Regeneration project has been awarded Coast 2 Capital LEP funding of £12.1m and the Black Rock site is proposed to be included in the expanded differential CIL approach covering the whole DA2 area (boundary as mapped in the City Plan Part 1) within a nil CIL charge zone.

Thus on further review of available information including the representations and the Council's knowledge of the site and development area as a whole, the entire DA2 area is considered to be of strategic importance in terms of the overall planned amounts of development in City Plan Part One. Due to the combination of abnormal costs, the significant need for site-specific mitigation, Policy DA2 aspirations and the overall quantum of housing still to be delivered, the current nil CIL charge zone boundary for Brighton Marina Inner Harbour is proposed to be part of an expanded differential CIL approach covering the whole Policy DA2 area (boundary as mapped in the City Plan Part 1). The published DCS and Map (Appendix 1) has been amended by the Statement of Modifications.

King Alfred/RNR Site

The King Alfred site is considered strategic and this reflects the local plan policy requirement to provide new indoor public wet and dry sports facilities for the city. Evidence, including a recently successful Housing Investment Fund marginal viability bid of £15.2m as well as previous experience of an unimplemented previous scheme due to viability concerns, indicates significant viability issues associated with the delivery of this development. As CIL charging rates should not undermine the delivery of the City Plan, it is considered that sufficient appropriate evidence is in place to support a nil-rating (£0/sq. m) of the King Alfred/ RNR site (boundaries as mapped in the City Plan).

Brighton General Hospital

Further to representations received to the Draft Charging Schedule, the Council commissioned an expanded CIL viability assessment including a typology broadly representative of the nature of planned development for this site. On further review of available information including the representations, and taking account of policy requirements for the site, including the requirement to deliver Healthcare campus and community facilities together with the council's knowledge of the site including the on-site presence of significant heritage assets, the Brighton General Hospital site is now proposed to be nil-rated for CIL charging. This is consistent with CIL principles and the significance of the relationship of this single site with the development plan. The published DCS and Map (Appendix 1) has been amended by the Statement of Modifications.