

# Old Oak and Park Royal Development Corporation Community Infrastructure Levy Examination

Hearing to be held 10am, on 6 December 2023  
in Boardrooms 3 and 4, The Drum at Wembley,  
Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ

## Agenda

### 1. Examiner's Introduction

- Formal opening and introduction of participants.
- Reference to the Modified Draft Charging Schedule, June 2023, as the subject of the Examination.
- Reference to the OPDC Community Infrastructure Levy Viability Study of April 2022, and the Draft Charging Schedule that was consulted on between 28 November 2022 and 23 January 2023.
- Reference to Viability Study (Update) of May 2023 (VS23), taking account of representations and market changes.
- Reference to my questions and the subsequent invitation to respondents to provide further evidence and comment.

Discussion will then follow on the following matters.

### 2. The OPDC Draft Revised Planning Obligations SPD

- 2.1 Concern has been expressed in the representations about the impact of the Draft Planning Obligations SPD together with the proposed CIL charges would make development unviable. Particular concern is the allowance of £1,500 per residential unit and £30psm for commercial schemes. As a result of and in response to my questions, OPDC provided a track change version of the Obligations SPG (Ref. ED-001-OPDC-A), and a spreadsheet of an Assessment of s106 Monies Secured from Permitted Schemes (August 2023) – revised edition (ref. ED-001-OPDC-B).
- 2.2 I drew attention to these matters and circulated the documentation to representors at the beginning of September.

Comments received regarding document ref. ED-001-OPDC-B

- 2.3 Savills – 10/10 letter page 2, 2<sup>nd</sup> sentence: out of date and low residuals. Was this written having regard to ED-001-OPDC-B revised edition?

### **3. The Viability Evidence - General**

- 3.1 Savills – VS23 sales assumptions not updated, house prices fallen by 5.3% 8/23, build cost inflation, rise in cost of debt.
- 3.2 Residential - Not represented at the hearing, but concerns raised principally about site specific abnormal costs (TfL and Gempoint) and specific forms of residential development (Pocket Living). I note that there has been no update on the representations since January 2023, but I may want a brief and general discussion relating to these matters.
- 3.3 Student Rates - Savills – incorrect rental levels and yields, and dynamic pricing v captured rents and yield too light. Also high inflation, high interest rates and legislative changes.

### **4. Strategic Sites**

- 4.1 Savills make the point that strategic sites are large scale mixed-use, complex former industrial sites, with lengthy delivery – specific or nil rates would be appropriate.

### **5. Industrial development**

- 5.1 Lichfields explains that Prologis UK Ltd specialises in development of multi-storey industrial buildings. These have internal floorspace that includes access roads, ramps and service yard areas which, in single-storey schemes would not be subject to CIL. Having held discussions with OPDC, a Statement of Common Ground (SoCG) has been submitted to me, signed on behalf of Prologis and OPDC, that would add to the list of excluded development under the 'All other uses' category "enclosed access roads, ramps and service yards within multi storey industrial developments".

(The correspondence and the SoCG is available to view on the CIL webpage)

- 5.2 This appears, from what is before me, to indicate that the whole of the concerns raised in the original representations on behalf of Prologis of 23 January 2023 are resolved, and that the £35m<sup>2</sup> rate for industrial development is accepted as not jeopardising viability.
- 5.3 Quod for SEGRO suggest a zero rate for industrial and warehousing to alleviate concerns it raises; and also mention uncertainty about 'in kind' payment. Iceni Projects for GLP also seek a zero rate for industrial and warehousing on the grounds that evidence does not demonstrate that scheme viability will generally be safeguarded.

### **6. All Other uses**

- 6.1 Sport England is concerned about this category, on the basis that there is no evidence to justify the charge, but more particularly from the point of view of its possible impact on the provision of sport, leisure and

community facilities. It sees the result of charging CIL on these particular uses as schemes paying towards infrastructure and then being supported as infrastructure OB5D and OB5E in the Planning Obligations SPD (although intention of OPDC is to delete these obligations).

- 6.2 I note that, as far as offices are concerned, the £80 rate is for +20,000m<sup>2</sup> in Zone B, and assume that all other offices would attract the All Other Uses rate.

## **7. Contents of Draft Charging Schedule**

- 7.1 I wish to have clarification about certain content: definitions and uses in Table 1; 2 Zones, but only mention of Zone B for office development – assume that other use rates apply in both Zones A and B, but this unclear; charging area map.

## **8. Any other relevant matter**

- 8.1 If there is any other relevant matter that participants wish to raise that has not been covered in the discussion to this point, I will consider hearing it.

Note: The matters of Instalments Policy and Charitable Relief are not matters for the Examination

Terrence Kemmann-Lane JP DipTP FRTPI MCMI  
Examiner