

Brentwood Borough Council – Community Infrastructure Levy (CIL) Regulation 122 Justification for proposed contributions in respect of land south of Chelmsford Road, Shenfield, Brentwood

Prepared by: Camilla Carruthers, Senior Policy Planner, Brentwood Borough Council

Date Prepared: 15/01/2025 (updated 28/01/2025)

- 1.1 This document sets out the Council's justification for the proposed planning obligations in respect of land south of Chelmsford Road, Shenfield, Brentwood, Essex, which is subject to a planning appeal (LPA ref: 23/01164/FUL, PINS ref: APP/H1515/W/24/3353271). These planning obligations are presented in the context of if the appeal was allowed.
- 2.1 Where relevant each planning obligation includes the appropriate reference from the item in the [Brentwood Infrastructure Delivery Plan](#) (January 2021) (IDP) and in particular the [Part B Schedule](#). This is the most recently published version which informed the Inspectors' of the Examination in Public of the Brentwood Local Plan. [Their report](#) (published February 2022) concluded that the Local Plan was sound subject to Main Modifications. In respect of the IDP the Inspectors' concluded in paragraph 280 that overall, they were satisfied that the approach set out in the IDP for identifying necessary infrastructure, was justified and consistent with national policy. The Brentwood Local Plan 2016-2033 was adopted by the Council on the 23 March 2022.
- 3.1 The approach of determining the relevant proportion of contributions for each Local Plan allocation against individual IDP items has been based on the amount of proposed development arising. The calculation for the contributions, particularly in relation to transport items, has been set out in the individual tables below. This is based on number of residential dwellings.
- 4.1 The [Brentwood Local Plan Viability Assessment](#) tested the impacts of full compliance with policies within the plan. This concluded in paragraph 10.29: 'The analysis shows that all the typologies and the four Strategic Sites can bear up to £40,000 per unit of developer contributions and most can bear more than this'. The Inspectors' in paragraph 355 their [report](#) concluded in respect of viability that overall the evidence credibly indicates that the cumulative impact of the Plan's policies will not put implementation of the Plan at serious risk.

5.1 The approach to the requested contributions outlined within this CIL Compliance Statement follows the same reasoning and methodology as that considered in Appeal Ref: APP/H1515/W/22/3301674, Land at Wates Way, Ongar Road, Brentwood, Essex (Decision date 1 February 2023). Within the [‘Appeal Decision’](#) for which the Inspector noted “*the approach adopted by the Council seems to be a reasonable one*” (Paragraph 55), concluding that “*in respect of the schemes that come under the category of Highways and Transport contributions [within the IDP] the Council’s figures are to be taken into account in the PO [Planning Obligations]*” (Paragraph 74).

CIL:

6.1 The Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on 27 September 2023 with an effective date of the 15 January 2024. The preparation of the CIL charging schedule was supported by a [viability assessment](#) which was accepted by an independent Planning Inspector through Examination in Public as being appropriate evidence. In considering appropriate CIL rates, the Council has taken into account development viability and contribution requirements from strategic site allocations (including Land north of Shenfield R03).

7.1 The Council outlines the infrastructure that will be funded by CIL receipts within its [Infrastructure Delivery Plan \(IDP\) Schedule, 2021](#). The IDP Schedule was a key evidence document, used to support the Brentwood CIL Charging Schedule at Examination, and illustrates the existence of an infrastructure funding gap. The Schedule also sets out which infrastructure items the Council currently identifies as being funded by CIL.

Planning obligation:	Healthcare Contribution
IDP reference:	HC2
CIL Regulation 122 Tests	
Test 1 – Necessary:	<p>The obligation towards increasing capacity for local Primary care facilities is necessary to comply with Policy MG05 of the Brentwood Local Plan.</p> <p>Policy MG05 sets out that new development will be expected to make direct provision or contribute towards the delivery of relevant infrastructure as required by the development either alone or cumulatively with other developments, as set out in the Infrastructure Delivery Plan and other policies in this Plan.</p> <p>It is also necessary to make the development acceptable in planning terms based on the expected impact on these local services having regard to the demands that would be placed upon local Primary care facilities as determined by the NHS</p>
Test 2 – Directly related to the development:	Due to the policy context and given the occupiers of the development will benefit from increased capacity of local Primary care facilities.

Test 3 – Fairly and reasonably related in scale and kind:	The provision of infrastructure is related to the nature of the development, and it is reasonable to require proportionate contribution towards their delivery in the public interest.
Sums/quantum sought:	£170,700.00
How the contribution has been calculated:	This is based upon the standard formula used by the NHS for assessing all development proposals. This takes account of the expected number of patients arising per dwelling and then the amount of additional floorspace required per patient with an equivalent cost.
How the contribution would be spent:	For the improvement of capacity for the benefit of patients of the primary care network operating in the vicinity of the Development and at Mount Avenue Surgery and Rockleigh Court Surgery in particular.
Justification and purpose:	Ensures compliance with Policy MG05 of the Brentwood Local Plan 2016-2033 as it would provide necessary investment and improvement to local primary care capacity to deal with additional patients arising from proposed development.

Planning obligation:	Outdoor Sport Contribution
IDP reference:	N/A
CIL Regulation 122 Tests	
Test 1 – Necessary:	<p>The obligation towards outdoor sports provision is necessary to comply with policy NE05: Open Space and Recreational Facilities, of the Brentwood Local Plan 2016-2033.</p> <p>Policy NE05 sets out “where it can be clearly demonstrated that proposals are not able to incorporate new provision or enhance existing provision to serve the new community, then a commuted sum may be requested in line with Policy MG05 Developer Contributions where such contributions will provide alternative or enhanced and conveniently accessible off-site open space provision.”</p> <p>The obligation towards outdoor sports provision is necessary to make the development acceptable in planning terms, having regard to the additional demand the increase in population resulting from the development will generate, as demonstrated through:</p> <ul style="list-style-type: none"> - the Sport England’s Playing Pitch Calculator (informed by Brentwood Borough Council’s Playing Pitch Strategy). - Brentwood’s Adopted Planning Obligations SPD (Table1: On-site outdoor sport and open space requirements and how the Council calculates commuted sum in lieu of on-site provision and maintenance, page 54).
Test 2 – Directly related to the	Due to the policy context and given that the occupiers of the development will benefit from the provision of additional outdoor sport / open space facilities.

development:											
Test 3 – Fairly and reasonably related in scale and kind:	The provision of outdoor sport facilities is related to the nature of the development, and it is reasonable to require proportionate contribution towards their provision / enhancement in the public interest.										
Sums/quantum sought:	Changing Room Contribution - £488,823.00 Pitches Contribution - £359,661.00										
How the contribution has been calculated:	<p>The contribution has been calculated using the Sport England Playing Pitch Calculator outputs for the Croudace application at land north of Shenfield. The calculator outputs are based on 860 estimated population (344 dwellings at 2.4 persons per dwelling) and are summarised below:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th>Number of pitches required to meet the estimated demand</th> <th>Capital Cost</th> <th>Changing rooms (number)</th> <th>Changing rooms (capital cost)</th> </tr> </thead> <tbody> <tr> <td>Total</td> <td style="text-align: center;">2.1</td> <td style="text-align: center;">£359,661</td> <td style="text-align: center;">2.47</td> <td style="text-align: center;">£488,823</td> </tr> </tbody> </table>		Number of pitches required to meet the estimated demand	Capital Cost	Changing rooms (number)	Changing rooms (capital cost)	Total	2.1	£359,661	2.47	£488,823
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Total	2.1	£359,661	2.47	£488,823							
How the contribution would be spent:	<ul style="list-style-type: none"> - £359,661 toward the provision / enhancement of natural turf pitches and artificial grass pitches at the Football Hub Brentwood Centre site. - £488,823 toward the provision / enhancement of changing room facilities at the Football Hub Brentwood Centre site. 										
Justification and purpose:	Ensures compliance with Policy NE05 of the Brentwood Local Plan 2016-2033 as it would allow for the provision / enhancement of existing facilities to meet the demands of the additional population arising from the proposed development, as informed by data from the Council's Playing Pitch Strategy.										

Planning obligation:	Indoor Sport Contribution
IDP reference:	N/A
CIL Regulation 122 Tests	
Test 1 – Necessary:	<p>The obligation towards indoor sports provision is necessary to comply with policy NE05: Open Space and Recreational Facilities, of the Brentwood Local Plan 2016-2033.</p> <p>Policy NE05 sets out “where it can be clearly demonstrated that proposals are not able to incorporate new provision or enhance existing provision to serve the new community, then a commuted sum may be requested in line with Policy MG05 Developer Contributions where such contributions will provide alternative or enhanced and conveniently accessible off-site open space provision.”</p> <p>The obligation towards indoor sports provision is necessary to make the development acceptable in planning terms, having regard to the additional demand the increase in population</p>

	<p>resulting from the development will generate, as demonstrated through:</p> <ul style="list-style-type: none"> - Indoor Built Facilities Calculator (informed by Brentwood Borough Council's Leisure Strategy 2018 – 2028)
Test 2 – Directly related to the development:	Due to the policy context and given that the occupiers of the development will benefit from the provision of additional recreational facilities.
Test 3 – Fairly and reasonably related in scale and kind:	The provision of indoor sport facilities is related to the nature of the development, and it is reasonable to require proportionate contribution towards their provision / enhancement in the public interest.
Sums/quantum sought:	<p>Sports Hall Contribution - £353,543 Swimming Pool Contribution - £390,313 Total: 743,856</p>
How the contribution has been calculated:	<p>The contribution has been calculated using the Sport England Built Facilities Calculator outputs for the Croudace application at land north of Shenfield. The calculator outputs are based on 860 estimated population (344 dwellings at 2.4 persons per dwelling) and are summarised below: Sports Hall Contribution - £353,543 Swimming Pool Contribution - £390,313</p>
How the contribution would be spent:	<ul style="list-style-type: none"> - £353,543 toward the enhancement of sports hall facilities at the Brentwood Centre. - £390,313 toward the provision / enhancement of swimming pool facilities at the Brentwood Centre.
Justification and purpose:	Ensures compliance with Policy NE05 of the Brentwood Local Plan 2016-2033 as it would allow for the provision / enhancement of existing facilities to meet the demands of the additional population arising from the proposed development.

Planning obligation:	Quietway Contribution
IDP reference:	T10
CIL Regulation 122 Tests	
Test 1 – Necessary:	<p>The obligation towards the 'quietway' cycle routes is necessary to comply with policies MG05 and R15 (4b) of the Brentwood Local Plan 2016-2033.</p> <p>Policy MG05 sets out that new development will be expected to make direct provision or contribute towards the delivery of relevant infrastructure as required by the development either alone or cumulatively with other developments, as set out in the Infrastructure Delivery Plan and other policies in this Plan.</p> <p>Policy R15 (4b) requires the applicants to make necessary financial contributions towards 'quietway' cycle routes connecting transfer hubs to schools in Brentwood Town Centre.</p> <p>The obligation towards the 'quietway' cycle routes is necessary to make the development acceptable in planning terms, having regard to:</p>

	<ul style="list-style-type: none"> - The cumulative traffic impacts from the site, allocated Local Plan sites and committed development in this local area. Altogether they will have a cumulative impact on traffic levels. - The existing capacity of the road network in accommodating future growth (as discussed in the Brentwood Local Plan Transport Assessment). <p>It is therefore necessary to secure financial contributions towards this infrastructure to encourage the shift towards sustainable travel.</p>																																																																						
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Sums/quantum sought:	£830,117.00																																																																						
How the contribution has been calculated:	<p>Total sum identified for item T10 of the Infrastructure Delivery Plan amounts to £5,000,000. The following Local Plan site allocations are identified as being liable for contributing towards this item:</p> <table border="1"> <thead> <tr> <th>Ref</th> <th>Name</th> <th>Dwellings</th> <th>%</th> <th>£</th> </tr> </thead> <tbody> <tr> <td>R03</td> <td>Land north of Shenfield</td> <td>718</td> <td>35%</td> <td>£1,732,625</td> </tr> <tr> <td>R04</td> <td>Ford HQ & Council Depot</td> <td>239</td> <td>12%</td> <td>£576,737</td> </tr> <tr> <td>R06</td> <td>Land off Nags Head Lane</td> <td>137</td> <td>7%</td> <td>£330,598</td> </tr> <tr> <td>R07</td> <td>Sow & Grow Nursery</td> <td>38</td> <td>2%</td> <td>£91,699</td> </tr> <tr> <td>R09</td> <td>Land at Warley Hill</td> <td>43</td> <td>2%</td> <td>£103,764</td> </tr> <tr> <td>R10</td> <td>Brentwood railway station car park</td> <td>200</td> <td>10%</td> <td>£482,625</td> </tr> <tr> <td>R11</td> <td>Westbury Road car park</td> <td>45</td> <td>2%</td> <td>£108,591</td> </tr> <tr> <td>R13</td> <td>Chatham Way car park</td> <td>31</td> <td>1%</td> <td>£74,807</td> </tr> <tr> <td>R14</td> <td>William Hunter Way car park</td> <td>300</td> <td>15%</td> <td>£723,938</td> </tr> <tr> <td>R15</td> <td>Wates Way</td> <td>46</td> <td>2%</td> <td>£111,004</td> </tr> <tr> <td>R16</td> <td>Land off Doddinghurst Road</td> <td>200</td> <td>10%</td> <td>£482,625</td> </tr> <tr> <td>R19</td> <td>Land at Priests Lane</td> <td>45</td> <td>2%</td> <td>£180,985</td> </tr> <tr> <td>Total</td> <td></td> <td>2,024</td> <td>100%</td> <td>£5 million</td> </tr> </tbody> </table>	Ref	Name	Dwellings	%	£	R03	Land north of Shenfield	718	35%	£1,732,625	R04	Ford HQ & Council Depot	239	12%	£576,737	R06	Land off Nags Head Lane	137	7%	£330,598	R07	Sow & Grow Nursery	38	2%	£91,699	R09	Land at Warley Hill	43	2%	£103,764	R10	Brentwood railway station car park	200	10%	£482,625	R11	Westbury Road car park	45	2%	£108,591	R13	Chatham Way car park	31	1%	£74,807	R14	William Hunter Way car park	300	15%	£723,938	R15	Wates Way	46	2%	£111,004	R16	Land off Doddinghurst Road	200	10%	£482,625	R19	Land at Priests Lane	45	2%	£180,985	Total		2,024	100%	£5 million
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How the contribution would be spent:	Towards the delivery of improved pedestrian and cycling links from the application site to Shenfield and the local area. This shall include, but not necessarily be limited to Alexander Lane, Oliver Road and Hunter Avenue. Where possible segregated routes will be created, or alternatively, contra-flow cycle lanes will be delivered on new one-way residential roads.																				
Justification and purpose:	Ensures compliance with policies MG05 and R15 (4b) of the Brentwood Local Plan 2016-2033. Further context provided in Transport Assessment, 2021 (Chapter 3/ Section 3.2/ Table 3-1)																				

Planning obligation:	Station Public Realm Infrastructure Contribution
IDP reference:	T8
CIL Regulation 122 Tests	
Test 1 – Necessary:	<p>The obligation towards the enhancement of Brentwood Town Centre public realm is necessary to comply with policies MG05, BE08 (a) and BE12 (2b) of the Brentwood Local Plan 2016-2033.</p> <p>Policy MG05 sets out that new development will be expected to make direct provision or contribute towards the delivery of relevant infrastructure as required by the development either alone or cumulatively with other developments, as set out in the Infrastructure Delivery Plan and other policies in this Plan.</p> <p>Policy BE08 (a) is clear that in order to support and address the cumulative impacts of planned and other incremental growth, allocated development within the Local Plan shall provide reasonable and proportionate contributions towards the circulation arrangements, public realm and multimodal</p>

	<p>integration around Brentwood, Shenfield and Ingatestone stations.</p> <p>Policy BE12 (2b) requires that new development proposals to be supported by proportionate financial contributions to accommodate the use of sustainable modes of transport or measures to promote behavioural change.</p> <p>The obligation towards Brentwood and Shenfield Railway Station Public Realm Improvement is necessary to comply with the above policies and to make the development acceptable in planning terms, having regard to:</p> <ul style="list-style-type: none"> - the proximity of the site to Brentwood and Shenfield stations, - the existing capacity of public realm and cycling infrastructure of these stations in accommodating sustainable travels, as identified in the Local Plan evidence base (as discussed in the Brentwood Local Plan Transport Assessment). <p>It is therefore necessary to secure financial contributions towards this infrastructure identified in the IDP to encourage the shift towards sustainable travel.</p>																																													
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Sums/quantum sought:	£1,826,255																																													
How the contribution has been calculated:	<p>Total sum identified for item T8 of the Infrastructure Delivery Plan amounts to £11,000,000. The following Local Plan site allocations are identified as being liable for contributing towards this item:</p> <table border="1"> <thead> <tr> <th>Ref</th> <th>Name</th> <th>Dwellings</th> <th>%</th> <th>£</th> </tr> </thead> <tbody> <tr> <td>R03</td> <td>Land north of Shenfield</td> <td>718</td> <td>35%</td> <td>£3,811,776</td> </tr> <tr> <td>R04</td> <td>Ford HQ & Council Depot</td> <td>239</td> <td>12%</td> <td>£1,268,822</td> </tr> <tr> <td>R06</td> <td>Land off Nags Head Lane</td> <td>137</td> <td>7%</td> <td>£727,317</td> </tr> <tr> <td>R07</td> <td>Sow & Grow Nursery</td> <td>38</td> <td>2%</td> <td>£201,737</td> </tr> <tr> <td>R09</td> <td>Land at Warley Hill</td> <td>43</td> <td>2%</td> <td>£228,282</td> </tr> <tr> <td>R10</td> <td>Brentwood railway station car park</td> <td>200</td> <td>10%</td> <td>£1,061,776</td> </tr> <tr> <td>R11</td> <td>Westbury Road car park</td> <td>45</td> <td>2%</td> <td>£238,900</td> </tr> <tr> <td>R13</td> <td>Chatham Way car park</td> <td>31</td> <td>1%</td> <td>£164,575</td> </tr> </tbody> </table>	Ref	Name	Dwellings	%	£	R03	Land north of Shenfield	718	35%	£3,811,776	R04	Ford HQ & Council Depot	239	12%	£1,268,822	R06	Land off Nags Head Lane	137	7%	£727,317	R07	Sow & Grow Nursery	38	2%	£201,737	R09	Land at Warley Hill	43	2%	£228,282	R10	Brentwood railway station car park	200	10%	£1,061,776	R11	Westbury Road car park	45	2%	£238,900	R13	Chatham Way car park	31	1%	£164,575
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How the contribution would be spent:	Improvements or re-design of public realm at Shenfield station.																									
Justification and purpose:	Ensures compliance with Policies MG05, BE08 (a) and BE12 (2b) of the Brentwood Local Plan 2016-2033. The nature of public realm improvements is set out within the Brentwood Town Centre Design Plan and Feasibility Studies, 2017 and Brentwood Cycling Action Plan, 2018.																									

Planning obligation:	Railway Station Cycling Infrastructure
IDP reference:	T12
CIL Regulation 122 Tests	
Test 1 – Necessary:	<p>The obligation towards Railway Station Cycle Infrastructure (Central Growth Corridor) is necessary to comply with policies MG05, BE08 (a) and BE12 (2b) of the Brentwood Local Plan 2016-2033.</p> <p>Policy MG05 sets out that new development will be expected to make direct provision or contribute towards the delivery of relevant infrastructure as required by the development either</p>

	<p>alone or cumulatively with other developments, as set out in the Infrastructure Delivery Plan and other policies in this Plan. Policy BE08 (a) is clear that in order to support and address the cumulative impacts of planned and other incremental growth, allocated development within the Local Plan shall provide reasonable and proportionate contributions towards the circulation arrangements, public realm and multimodal integration around Brentwood, Shenfield and Ingatestone stations.</p> <p>Policy BE12 (2b) requires that new development proposals to be supported by proportionate financial contributions to accommodate the use of sustainable modes of transport or measures to promote behavioural change.</p> <p>The obligation towards Railway Station Cycle Infrastructure (Central Growth Corridor) is necessary to comply with the above policies and to make the development acceptable in planning terms, having regard to:</p> <ul style="list-style-type: none"> - the proximity of the site to Brentwood and Shenfield stations, - the existing capacity of public realm and cycling infrastructure of these stations in accommodating sustainable travels, as identified in the Local Plan evidence base (as discussed in the Brentwood Local Plan Transport Assessment). <p>It is therefore necessary to secure financial contributions towards this infrastructure identified in the IDP to encourage the shift towards sustainable travel.</p>																				
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Test 3 – Fairly and reasonably related in scale and kind:	The provision of infrastructure is related to the nature of the development, and it is reasonable to require proportionate contribution towards their delivery in the public interest.																				
Sums/quantum sought:	£42,226																				
How the contribution has been calculated:	<p>Total sum identified for item T12 of the Infrastructure Delivery Plan amounts to £300,000. The following Local Plan site allocations are identified as being liable for contributing towards this item:</p> <table border="1" data-bbox="528 1778 1385 2018"> <thead> <tr> <th>Ref</th> <th>Name</th> <th>Dwellings</th> <th>%</th> <th>£</th> </tr> </thead> <tbody> <tr> <td>R03</td> <td>Land north of Shenfield</td> <td>718</td> <td>30%</td> <td>£88,134</td> </tr> <tr> <td>R04</td> <td>Ford HQ & Council Depot</td> <td>239</td> <td>10%</td> <td>£29,337</td> </tr> <tr> <td>R06</td> <td>Land off Nags Head Lane</td> <td>137</td> <td>6%</td> <td>£16,817</td> </tr> </tbody> </table>	Ref	Name	Dwellings	%	£	R03	Land north of Shenfield	718	30%	£88,134	R04	Ford HQ & Council Depot	239	10%	£29,337	R06	Land off Nags Head Lane	137	6%	£16,817
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R07	Sow & Grow Nursery	38	2%	£4,664
R09	Land at Warley Hill	43	2%	£5,278
R10	Brentwood railway station car park	200	8%	£24,550
R11	Westbury Road car park	45	2%	£5,524
R13	Chatham Way car park	31	1%	£3,805
R14	William Hunter Way car park	300	12%	£36,825
R15	Wates Way	46	2%	£5,646
R16	Land off Doddinghurst Road	200	8%	£24,550
R19	Land at Priests Lane	45	2%	£9,206
R21	Land south of Ingatestone	161	7%	£19,763
R22	Land adjacent to the A12, Ingatestone	57	2%	£6,997
E08	Land adjacent to the A12 slip road, Ingatestone	154**	6%	£18,903
Total		2,414	100	£300,000

*% Figures rounded to the nearest whole number

**Where appropriate a dwelling equivalence for employment trip generation is used.

Breakdown for development parcels in R03:

Developer	Number of dwellings	Contributions to T12	Cost per dwelling
Croudace	344	£42,226	£122.75
Countryside	142	£17,431	
Stonebond	41	£5,033	
Redrow	191	£23,445	
Total	718	£88,134	

As set out in the figures above the total amount of dwellings arising from all identified allocations is anticipated to be 2,414. These sites are identified on the basis of being in within the Central Growth Corridor.

The dwellings from site R03 Land north of Shenfield amount to a proportion of 30% which equates to a contribution of £88,134. This is further broken down by development parcel, for the Croudace parcel the contribution equates to £42,226.

How the contribution would be spent:

Introduce high quality cycle parking and supporting facilities at Shenfield railway station which currently suffers from poor cycle infrastructure, and requires upgrading

Justification and purpose:

Ensures compliance with policies MG05, BE08 (a) and BE12 (2b) of the Brentwood Local Plan 2016-2033. Further context provided in the Brentwood Cycling Action Plan, 2018.