

25 July 2025



Keith Holland
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By Email Only

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Dear Sir,

**REPRESENTATION ON BEHALF OF LUXGROVE CAPITAL PARTNERS
EALING COUNCIL'S DRAFT COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE
CONSULTATION**

We are instructed by our client, Luxgrove Capital Partners ('Luxgrove'), to formally submit representations to Ealing Council's ('the Council') Community Infrastructure Levy ('CIL') Draft Charging Schedule, and specifically in relation to the representations submitted by Quod on behalf of Berkeley Homes dated 19 May 2025. The Examiner has invited any further written submissions in relation to these representations before the Examination Hearing on 5 August 2025. It should be noted that we had previously submitted representations on behalf of Luxgrove to the first round of CIL Consultations which ran from 28 February – 10 April 2024.

Firstly, we wish to highlight that we endorse and support the main themes and issues raised within Quod's representation. We share the concerns raised in respect of the Council seek to bring forward its CIL Charging Schedule before its emerging Local Plan is finalised and the impact it could have on the viability and deliverability of development in the Borough, particularly on the basis of an insufficient and dated evidence base.

In particular, the observations that the adopted costs and values in the 2023 Viability Assessment produced by BNP Paribas to underpin the draft Charging Schedule are outdated, unrealistic and not aligned to local evidence are echoed by Luxgrove. Market conditions have changed dramatically since the Viability Assessment was undertaken in 2023, and rising build costs and other factors such as Gateway and Building Safety processes have significantly impacted the viability of residential schemes in the Borough. Some of these, such as the Building Safety Levy which stands at a charge of £33.24/sqm, have not been considered. Failing to properly consider current market conditions could result in significant viability and deliverability issues for development in the Borough.

Given the above, and also in light of recent discussions during the Block 1 Hearing Sessions of the draft new Local Plan surrounding the Council's difficulties in demonstrating sufficient housing supply, we query whether the draft CIL Charging Schedule is appropriate and justified in respect of both the proposed charge for C3 Residential uses as well as the proposed zoning approach which only applies to C3 Residential uses and not other uses listed within the draft Charging Schedule.

The draft Local Plan seeks to prioritise the development of 'traditional' C3 Residential uses across the Borough, and given that the Council cannot demonstrate a five-year housing land supply as part of the draft Local Plan evidence base, it is queried why the CIL charge for C3 uses has been set at such a high level compared to other uses within the Borough if the Council wishes to prioritise and encourage residential development in the Borough. As set out within our initial representations, the introduction of any CIL charge would have a significant detrimental impact on the viability of residential development in the Borough and the ability for schemes to deliver policy-compliant levels of affordable housing.

As supported by Quod's evidence, the challenges in market conditions and build costs facing residential developers should apply fairly uniformly across the Borough. It is therefore not reasonable that an arbitrary 'Central Ealing' Charging Zone has been drawn, whereby the proposed CIL charge for C3 Residential development stands at double the rate charged within other areas of the Borough. The Central Ealing Charging Zone covers neighbourhoods that are vastly different in character and values, including Ealing Metropolitan Centre which is vastly different in character and land values to areas such as Pitshanger and Hanger Hill. This brings into question how the boundaries of the Charging Zone were established and how the Council would be able to justify this.

Further, if the Council considers it reasonable or justifiable that development proposals in the Central Ealing Zone can viably support a CIL charge at double the rate of developments elsewhere in the Borough, then it is queried why the Charging Zone only applies to C3 Residential uses and not any other uses which would (in the Council's view) presumably also generate a higher development value if located within the Central Ealing zone. Equally, there may be forms of development (LSPBSL, Hotels, PBSA) which have a flat rate across the Borough, whilst the land values across the borough vary significantly and the intended flat rate CIL charge does not reflect that the viability of these schemes will vary depending on location. For example, a LSPBSL development in Central Ealing (Ealing Broadway) will have a greater value than one in Greenford or Southall, yet the same CIL applies.

On this basis, we agree with Quod's conclusions that the evidence base underpinning the draft CIL Charging Schedule is insufficient for the Examiner to be able to clearly establish a balance between the desirability of funding from CIL versus the potential effects of the imposition of CIL on the economic viability of development in the Borough, as set out in Part 14 of the CIL Regulations (2010). We remain of the view that the draft CIL Charging Schedule is not sufficiently justified and evidenced to ensure that it does not make development in the borough economically unviable, as envisaged by the Planning Act 2008.

We trust that the above representations will be taken into account during the CIL Examination process and we look forward to discussing these representations with the Council and the Examiner on 5 August.

It would be appreciated if you would acknowledge receipt of this letter of representation. If there are any queries, please do not hesitate to contact myself or my colleague Fergus Wong.

Yours sincerely,

A handwritten signature in dark ink, appearing to read "Mark Thomson", with a stylized flourish at the end.

Mark Thomson MRTPI
Director