



AN EXAMINATION UNDER SECTION 212
OF THE PLANNING ACT 2008 (AS AMENDED)

**REPORT ON THE DRAFT LONDON BOROUGH OF EALING
COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE**

Independent Examiner (appointed by the Council): Keith Holland BA (Hons)
DipTP MRTPI ARICS

Charging Schedule Submitted for Examination: 15 October 2024

Date of Report: 12 September 2025

Main Findings - Executive Summary

In this report I have concluded that the draft London Borough of Ealing Community Infrastructure Levy Charging Schedule provides an appropriate basis for the collection of the levy in the area.

The Council has provided sufficient evidence that shows the proposed rates would not threaten delivery of the Local Plan.

Two modifications are necessary to meet the drafting requirements. These can be summarised as follows:

- Reduce the charge for data centres to £150; and
- Revise the definition of 'hotel'.

The specified modifications recommended in this report do not alter the basis of the Council's overall approach or the appropriate balance achieved.

Introduction

1. I have been appointed by the London Borough of Ealing, the charging authority ('the Council'), to examine the draft London Borough of Ealing Community Infrastructure Levy (CIL) Charging Schedule. I am a chartered town planner with more than 25 years' experience inspecting and examining Development Plans and CIL Charging Schedules as a Government Planning Inspector.
2. This report contains my assessment of the Charging Schedule in terms of compliance with the requirements in Part 11 of the Planning Act 2008 as amended ('the Act') and the Community Infrastructure Regulations 2010 as amended ('the Regulations').¹ Section 212(4) of the Act terms these collectively as the "drafting requirements". I have also had regard to the National Planning Policy Framework (NPPF) and the CIL section of the Planning Practice Guidance (PPG).²
3. To comply with the relevant legislation, the submitted Charging Schedule must strike what appears to the charging authority to be an appropriate balance between helping to fund necessary new infrastructure and the

¹ The Regulations have been updated through numerous statutory instruments since 2010, most notably through the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019.

² The CIL section of the PPG was substantially updated on 1 September 2019, and most recently updated 26 April 2024. At the time of completion of the examination, no further updates have been made to the CIL section of the PPG following publication of the December 2024 NPPF. For example, in relation to Development contributions, the paragraph referenced in the current PPG as 34 is now paragraph **35** (albeit the text remains unchanged).

potential effects on the economic viability of development across the Borough. The PPG states³ that the examiner should establish that:

- the charging authority has complied with the legislative requirements set out in the Act and the Regulations;
 - the draft charging schedule is supported by background documents containing appropriate available evidence;
 - the charging authority has undertaken an appropriate level of consultation;
 - the proposed rate or rates are informed by, and consistent with, the evidence on viability across the charging authority's area; and
 - evidence has been provided that shows the proposed rate or rates would not undermine the deliverability of the plan (see NPPF paragraph 34⁴).
4. The basis for the examination is the submitted Charging Schedule of October 2024, which reflects the accompanying Statement of Modifications, and is an updated version of the February 2024 Schedule.⁵ The modifications to the draft Schedule were published and consulted on for a period of 4 weeks from 15 October 2024. A hearing session was initially scheduled for 4 June 2025. However, as a consequence of a submission dated 21 May 2025 from Quod on behalf of Berkeley Homes (Southall)⁶, the hearing session was postponed in order to provide an appropriate opportunity for the Council (and others) to respond.⁷ Following receipt of the Council's response of 3 July 2025⁸, the hearing session was rescheduled and held on 5 August 2025.
5. In summary, the Council propose a matrix approach. In this report, all references to the proposed CIL rates are £ per square metre. Most of the rates would be uniformly applied throughout the Borough but the rates for residential vary between Central Ealing (£300) and the rest of the local authority area (£150). The highest proposed charge of £350 would apply to student housing, Houses in Multiple Occupation and large-scale purpose-built shared living. The proposed rates for offices would be nil throughout the

³ See PPG Reference ID: 25-040-20190901.

⁴ Paragraph 35 of the NPPF December 2024.

⁵ View all the examination documents, including the representations and other submissions made during the examination (where accepted by the Examiner) at: https://www.ealing.gov.uk/info/201162/planning_policy/1536/community_infrastructure_levy_cil

⁶ View at: https://www.ealing.gov.uk/downloads/download/8315/quod_representation_on_behalf_of_berkeley_homes

⁷ See Examiner letter of 23 May 2025: https://www.ealing.gov.uk/downloads/download/8313/cil_examiner_letter_to_council

⁸ View at: https://www.ealing.gov.uk/downloads/download/8451/council_letter_and_annexes_to_cil_examiner_keith_holland

Borough. Industrial development would attract a £40 charge. For data centres, the proposed charge is £200 and for hotels it is £50. For retail, food and beverage uses and affordable workspace the proposed charge is nil. A nil charge would also apply to publicly funded and not for profit development including medical, health, educational and leisure uses. For uses that are not detailed in the draft Schedule, the proposal is for a £25 charge.

6. The modifications referred to above involved a reduction of the residential rate for the rest of the Borough from £200 to £150; making the office charge nil throughout the Borough – previously the proposal was for £75 in the Ealing Metropolitan Town Centre; reducing the charge for industry from £100 to £40; and increasing the data centre charge from £150 to £200. The modifications also specified a nil charge for floorspace comprising access roads, ramps and service yards within multi-storey industrial development and provided a revised definition of a hotel.

Has the charging authority complied with the legislative requirements set out in the Act and the Regulations, including undertaking an appropriate level of consultation?

7. The initial Charging Schedule was subject to public consultation between 28 February 2024 and 10 April 2024. The draft Charging Schedule and supporting evidence were made available online on the Council’s website and a printed copy was available to view at the Council’s offices. Representations could be made via email or by post.⁹ A consultation summary and response to representations to the Charging Schedule and viability assessment are set out on pages 3-45 to the Modifications Statement (October 2024). The Modifications Statement explains the principal revisions made by the Council, as set out in paragraph 6 above. The modifications made by the Council to the Schedule were subject to a further round of consultation between 15 October 2024 and 12 November 2024. All the representations received as a result of the respective consultations have been made publicly available¹⁰, and are considered as part of this examination.
8. There is a challenge to the Council’s approach to the preparation of the draft Charging Schedule by Quod on behalf of Berkeley Homes (Southall). A further submission dated 25 July 2025 from Savills on behalf of Luxgrove Capital Partners¹¹ also expresses support for the main themes and issues raised within Quod’s submission. Two arguable legal flaws are claimed. First, the draft Schedule should not be progressed as the emerging Local Plan has not yet been through examination and remains subject to change. Second, the Council has not “focussed its mind on how much it seeks to raise from CIL”.

⁹ View at:

https://www.ealing.gov.uk/download/downloads/id/19596/cil_public_notice.pdf

¹⁰ View at: https://www.ealing.gov.uk/download/downloads/download/7980/cil_representations

¹¹ View at:

https://www.ealing.gov.uk/download/downloads/id/20884/written_representation_from_luxgrove_capital_partners.pdf

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9. There is counter legal advice obtained by the Council that rejects these two points and concludes that there is no legal reason why the examiner cannot conduct this examination and conclude that the draft Schedule should be approved, provided the relevant tests are met.
10. My independent review of the respective submissions from Quod on behalf of Berkeley Homes (Southall) and the Council did not in any way alter my earlier assessment that there was no legal impediment to the examination proceeding. I also note that legal advice provided to the Council observes that the identified infrastructure requirements will need to be checked for reliability and accuracy (to the extent needed for this examination) and I address this in my report below.

Infrastructure planning evidence

11. A detailed and very comprehensive Infrastructure Delivery Plan (IDP) was prepared for the Council by Ove Arup and Partners Ltd in February 2024. This IDP sets out the infrastructure that will be needed to deliver growth across the Borough. Growth across the Borough is informed by the London Plan 2021 and several adopted Development Plan Documents (DPD) including the Ealing Development (or Core Strategy) DPD April 2012 and the Development Sites DPD 2013. Also relevant is the emerging new Local Plan for Ealing that is currently being examined by the Planning Inspectorate (PINS).¹² The April 2012 Development Strategy DPD provided for 14,000 additional homes in the period to 2026 as well as a substantial amount of additional office and retail floorspace. The IDP relates to the period from 2024 to 2039 and provides for 41,571 additional dwellings. The IDP figure includes 14,237 dwellings on sites that have planning permission, are pending planning decisions or are awaiting the signing of legal agreements, and 17,908 dwellings on large allocated sites. The IDP does not include the infrastructure implications for employment growth as there are no set levels over the plan period.
12. The IDP sets out a value for those infrastructure projects that are costed. The most significant of these relate to transport (£7,810,750,000), health and social care (£300,646,217), sport and leisure (£173,570,000) and education (£133,200,000). From information given to the CIL examination I understand that, following negotiations with Transport for London, the transport figure is now around £3 billion. The IDP identifies funding that has been secured for some of the identified projects. In many instances no secured funding can be identified at this time. What is clear from the available evidence is that there is a very large funding gap for the identified infrastructure projects. The Council has calculated that over 15 years the highest CIL revenue is expected to be £326 million. I am satisfied that, notwithstanding the uncertainty about the final form of the emerging Local

¹² View progress of the Local Plan examination at:
https://www.ealing.gov.uk/info/201164/local_plan/3429/new_local_plan_examination_news

Plan, the evidence shows a very substantial need for a range of infrastructure projects and that there is a large infrastructure funding gap.

13. No challenge to the detail of the infrastructure evidence has been made in the representations. As regards the Local Plan inquiry, the PINS Inspectors have raised three points relating to infrastructure. These points do not relate to the quantum of needed infrastructure. The issue is the lack of clarity about the relationship between infrastructure projects and specific allocations. The proposed CIL would make a very modest contribution to reducing the infrastructure funding gap.
14. The Charging Schedule complies with the Act and the Regulations, including in respect of the statutory processes and public consultation, consistency with the adopted Local Plan and the Infrastructure Delivery Plan, and is supported by an adequate financial appraisal. I also consider it compliant with the national policy and guidance contained in the NPPF and PPG respectively.

Is the draft charging schedule supported by background documents containing appropriate available evidence?

Economic viability evidence

15. The Council commissioned a CIL Viability Assessment (VA) which was carried out by BNP Paribas Real Estate (BNPP) in December 2023. The VA related to both the Local Plan viability and the potential CIL rates. The assessment uses a conventional residual valuation approach. BNPP also produced a response to the consultation comments received.¹³
16. The VA tested 30 development typologies. The choice of typologies was informed by past forms of development that have taken place in the Borough as well as “pipeline” sites. In the residential field, the typologies ranged from 1 house to a 500-unit flats scheme as well as a 200 unit co-living development. Mixed use schemes of various types were included as were commercial developments including retail, data centres, offices, hotels and light industrial schemes.
17. As regards standard residential development values, over 4,600 transactions recorded by the Land Registry (January 2021 – July 2023) were examined. This material was brought up to date by reference to the House Price Index. The evidence is that prices on average vary per square metre from £7,260 to £10,764, with the highest prices in Ealing Town Centre and the lowest in the western parts of the Borough. Private units as rented were included on the basis of discounting the market value of the units by 10%. In the VA, this discount has been offset by 5% to reflect a degree of reduced profit margin. The residential values have been subject to sensitivity testing based on a growth scenario and a downside scenario. BNPP note that these sensitivity tests are purely for indicative purposes.

¹³ See pages 3 - 45 of the Modifications Statement (October 2024).

18. For affordable housing, the VA takes into account the emerging Local Plan policy for sites of 10 or more units. The policy requirement is 40% on-site affordable housing, with a tenure mix of 70% social rent and 30% intermediate. To establish the capital value of rented units, the discounted cash flow model as used by registered providers of affordable housing is used. Shared ownership units are valued on the basis of two elements – the initial equity stake and the capital value of the rental income. The assessment assumes a nil grant funding.
19. For commercial development, the evidence relies on 338 lettings for retail, office and industrial floorspace recorded by CoStar in the Borough since October 2020. A 12-month rental free period is assumed. Investment yields used range from 6.0% to 4.5%. For Co-living/purpose built shared housing developments, the VA assumes a gross rent per en-suite room of £295 per week with operating costs at 25% of gross rent. For data centres, the assumed rent is £400 per square metre and the yield is 4.50%.
20. For build costs, the VA uses the RICS Building Cost Information Service (BCIS) which is based on tenders for actual schemes. The base costs are increased by 10% to account for external works. No allowance is made for exceptional costs, as these are site specific and an average level of exceptional costs is in any event reflected in the BCIS data. Other development cost elements including those relating to zero carbon, accessibility standards, fees, marketing costs, biodiversity net gain and urban greening are taken into account. Development finance is assumed to be 6% inclusive of arrangement and exit fees. The Mayoral CIL is included as a cost element. In relation to s106 costs, the VA assumes £25 per square metre for non-residential development and £5,000 per unit for residential schemes. Section 278 works are allowed for on the basis of £1,000 per residential unit and £25 per square metre for commercial developments.
21. For residential schemes, the VA assumes a sales rate of 6 units per month. BNPP describe this as a conservative figure reflecting a relatively depressed housing market. A standard approach to developers' profit is used. 17.5% of Gross Development Value (GDV) is allowed for standard residential schemes, 6% for affordable housing development and 15% for commercial developments.
22. Turning to benchmark land values, the VA notes that the majority of sites in the Borough are likely to be on previously developed land. This means that existing use values are critical to establishing a benchmark figure. A difficulty is that existing use values can vary significantly. The VA therefore uses what is described as a broad judgement of existing use values and applies a 20% uplift to these values.

Are the proposed rates informed by and consistent with the evidence on viability across the charging authority's area?

23. The VA uses two approaches to test the appropriateness of a CIL. The first approach includes specific potential CIL rates in the appraisals as a

development cost. The second looks to finding potential maximum CIL rates by taking the benchmark land value from the residual land value for each typology. The appraisals undertaken by BNPP show a wide spread of maximum CIL rates, the variables being benchmark land values, residential sales values and the mix of uses tested.

24. The VA at Tables 7.7.1 to 7.7.9 show the theoretical maximum CIL rates before a buffer is applied. For example, using the 70 flats unit typology with a mid-range private residential sales value of £9,012 per square metre and assuming 40% affordable housing, the analysis undertaken in the VA shows a theoretical maximum CIL of £549 on a site with a secondary offices benchmark value. On a secondary industrial site the maximum would be £630. The maximum possible CIL rate tables in the VA demonstrate the wide variety of potential CIL charges depending on sales values, benchmark land values, the proportion of affordable housing, and the size of the scheme. For example, a 500 unit flats scheme with a sales value of £9,012 per square metre with 40% affordable housing on a secondary office site could not support a CIL charge, whereas a 500 unit development of the same sales value with 20% affordable housing would have headroom of £428 for a CIL. The same development on a secondary industrial site could support a maximum CIL of £186 with 40% affordable housing or £722 with 20% affordable housing. The VA calculates that a twenty-unit flats development on a secondary industrial site would have CIL headroom of £987 with 40% affordable housing or £1,578 with 20% affordable housing. Maximum CIL value estimates using private residential sales values ranging from £7,260 to £10,764 are provided.
25. Looked at from a different perspective, on the 70 flats development referred to above, a CIL of £250 would reduce the residual land value by 20%. Based on the wide variation in the theoretical CIL detailed in the VA, BNPP conclude that applying a CIL would not generally prevent development coming forward or significantly impact on the delivery of affordable housing. To test the impact of a CIL on the provision of affordable housing using sales values of £9,012 per square metre, the VA looks at 19 typologies applying a rate of £250 with 40% affordable housing. To restore the residual land value to the position with no CIL, i.e. fully mitigate the impact of CIL, the reduction in affordable housing required would be about 6% or less.
26. For Co-living developments, which includes student housing, the VA calculates that there is considerable headroom within most circumstances for the possibility of a CIL charge of over £2,000 before any buffer is applied.
27. BNPP concluded that office development in the Ealing Broadway area could support a modest CIL but not elsewhere in the Borough. In the event, the modified proposed rate for offices is nil throughout the area. The VA notes that retail development is unlikely to involve additional floorspace and a nil rate is recommended. As regards industrial schemes, the VA concludes that a falling supply has led to increased capital values and that such development could support a charge of up to £200.

Has evidence been provided that shows the proposed rate or rates would not undermine the deliverability of the plan (see NPPF paragraph 34¹⁴).

28. The decision by the Council to introduce modifications to the Charging Schedule seek to take into account the Council's response to the representations received following the first consultation which started in February 2024 and the spatial and development objectives of the draft Ealing Local Plan. The Local Plan has been submitted to the Planning Inspectorate for examination, which is on-going.
29. In relation to residential development there are a number of representations that challenge the assumptions and conclusions in the viability work undertaken by BNPP. Many of these challenges follow a familiar pattern in relation to proposed CILs.
30. Some of the objections argue that the sales values used in the VA are too high and that prices in the housing market are falling. Savills' Residential Forecast 2023 predicted a cumulative growth in London of 14.2% in the five years to 2028. The evidence from the Molior database shows values of over £1,000 per square foot in Central Ealing. This aligns with the figures in the VA that are based on Land Registry transactions between January 2021 and July 2023. The VA work uses a variety of sales values. It is considered that the VA is based on justified sales values.
31. In relation to affordable housing, there is a challenge on the basis that the BNPP viability work uses shared ownership values whereas the Council insist on values being based on London Living Rent. The contention is that London Living Rent attracts much lower values. This contention is disputed by BNPP. To resolve this matter in relation to the Green Quarter application, Berkeley Homes sought a Direction from the Mayor of London under Article 7 of Mayor of London Order 2008¹⁵ requesting that the Mayor acts as the planning authority. This request was withdrawn in May 2025, following agreement with the Council who accept that an element of shared ownership housing is acceptable.
32. There is a contention that the introduction of a CIL will discourage developers from investing in Ealing. This looks very unlikely. There is no evidence to support this view and looking at what is happening in the area generally points to the opposite conclusion. In nearby Brent, for example, a major development of almost 6,000 homes is going ahead, despite Brent having a CIL charge of £340.18 compared with the proposed charges in Ealing of £300 in Central Ealing and £150 in the rest of the Borough. Some quote comparisons with other Boroughs with lower charges but, significantly, these lower rates are from Boroughs with lower house prices on the other side of London.

¹⁴ Paragraph 35 of the NPPF December 2024.

¹⁵ View at: <https://www.legislation.gov.uk/ukSI/2008/580/article/7>

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33. A number of the representations point to a poor record of housing delivery in Ealing and argue that the additional cost imposed by a CIL would further jeopardise housing delivery in Ealing. Housing delivery has, in recent times, been falling in London generally and there is no evidence that this is due to the fact that other London Boroughs have a CIL in place. If CIL were to be the decisive factor it might be expected that Ealing, with no CIL in place, would have out-performed other Boroughs. This is not the case. The argument also fails to take into account that if Ealing adopts a CIL, it is reasonable to expect s106 charges in Ealing to be lower.
34. As regards residential profit margins, some claim that the margins in the VA are too low particularly for large developments on brownfield sites which carry a greater than usual risk and can take a long time to be completed. The contention is that the added risk arises from several sources including legislative changes, holding costs and the need to provide infrastructure at an early stage. BNPP counter this by pointing out that large schemes can use phasing to adapt to market conditions and often benefit from rising prices. In relation to the large Green Quarter development, BNPP points out that the later stages of this development are progressing through the London Plan "Fast-track" approach showing that there are no fundamental viability issues with this development. BNPP also point out that the margins used in the VA are the same as those used in a large number of viability assessments in London. I am satisfied that there is no convincing evidence that points to significantly higher risks of developing in Ealing.
35. Some respondents argue for a nil CIL rate for strategic brownfield sites. As far as strategic sites are concerned, the counter argument is that in Ealing there are only two large brownfield sites – the John Lewis Partnership/Waitrose site and the Green Quarter site. The Waitrose site has been granted planning permission on appeal. The Green Quarter site has planning permission and the first three phases are under construction. Both of these developments, as permitted, would not be affected by the proposed charge. The developers of the Green Quarter are looking for a new permission for the latter phases on the scheme which would provide for 5,000 dwellings. Ealing's planning committee have resolved to grant outline permission for the new master plan for the Green Quarter. At the hearing, the Council stated that the s106 agreement that relates to Green Quarter is close to being finalised and the Council's expectation is that the agreement will be signed before the proposed CIL is adopted. If the Council's expectation is met, the revised Green Quarter development will not be subject to the CIL.
36. Berkeley Homes, the developers of the Green Quarter, point out that there is no guarantee that the legal agreement will be signed before the CIL is adopted. To avoid complications, they want a nil charge to apply to strategic brown field sites. Given the advanced state of the s106 negotiations, it is arguable that applying a nil charge specifically to strategic brown field sites/the Green Quarter site would do no harm other than make the Charging Schedule slightly more complicated. On the other hand, leaving the Charging Schedule as it is, relates to the type of development expected in Ealing, excluding the Waitrose and Green Quarter sites. Berkeley Homes

can be expected to want the matter settled to avoid the need for further, potentially complicated, negotiations if the s106 arrangements have to be revised should the CIL be adopted in advance of the s106 agreement. The Council can be expected to want to improve their housing delivery record.

37. There are challenges to the build cost figures used. BNPP point out that the VA residential build costs are based on a recognised and reliable source of data (BCIS) and that the objections do not take into account the additional costs applied in the VA that arise from policy requirements and external works. Once these are added, the build costs used in the VA are over £3,000 per square metre. While I accept that build costs for complicated very large-scale developments on brown field sites could be higher than the figures used by BNPP, the types of development expected to be subject to CIL in Ealing are more modest. The build costs for these more modest proposals are likely to reflect the figures used in the VA
38. In relation to development costs, there are also challenges to the finance assumptions, the effect of the Mayoral CIL and s106 requirements. None of these challenges are convincing. The finance costs assumed, reflect long-term well-established rates that reflect the fact that development finance is not directly related to the bank rate in the way mortgage costs are. The Mayoral CIL is not an additional unexpected cost and the s106 costs can reasonably be expected to fall once a CIL is in place. Up to now, Ealing has not had a CIL in place and thus the s106 charges to date have been higher than the figures assumed in the VA. In any event, in appropriate circumstances, a developer can apply for CIL in kind relief.
39. Other challenges to the assumptions in the VA relate to considerations that are relatively minor in terms of their impact on the overall viability picture. The VA takes into account the implications of emerging Local Plan policies and other considerations, such as Urban Greening in the London Plan and carbon off-setting.
40. Some claim that abnormal costs should be included as a cost assumption. To support this contention, Quod quote a figure of £251 million of abnormal costs required to deliver the Green Quarter development. Reasonably, the VA is based on the view that abnormal costs should not be included as they will be varied depending on site circumstances and should be taken into account in the price paid for the development site. BNPP also point out that some typical abnormal costs are already included in the BCIS data.
41. There are a limited number of challenges to the benchmark land values used. The VA reasonably looks at the types of land likely to come forward for redevelopment in the area and applies a premium to the existing use value. Challenges to this approach appear to use land values that reflect the opportunity for redevelopment on sites. The VA approach is both reasonable and logical.
42. There is a challenge to the way the Council has defined the charging zones in the draft Charging Schedule. The definition of the zones is supported by variations in property values detailed in the VA.

43. In relation to the proposed charge for industrial development, some contend that the charge is unreasonable given that other Boroughs do not charge for industrial development. This is a weak argument given that most other Boroughs set their rates some time ago when industrial values were much lower. No convincing evidence has been produced showing that the proposed rate would threaten the delivery of industrial schemes, especially as the modifications reduce the rate from £100 to £40.
44. In relation to offices, the modifications introduced by the Council reduce the rate to nil throughout the Borough, thereby addressing any issue regarding the rate for offices. There is no convincing evidence that the proposed rates for student housing and large-scale built shared living and other houses in multiple occupation would threaten the delivery of these forms of development.
45. The increase in the rate for data centres from £150 to £200 proposed in the modifications is challenged, among others, by Quod on behalf of Global Technical Realty. The challenge points out that data centres are seen as "Critical National Infrastructure" by the government and that there is limited viability evidence for data centres compared to other uses. BNPP recommended a rate of £150 for data centres on the basis that such developments could accommodate a maximum rate of £270 - £600. The recommended rate is described as a "cautious approach to rate setting to avoid driving delivery elsewhere". In relation to yields, Quod point out that the VA uses data that is at least three years old and largely from outside West London. Quod dispute the investment yield figure of 4.5% used by BNPP. Based on more recent data from CBRE, Quod favours a yield of 5.5%. It is not clear what evidence the Council relied on when proposing an increased rate in the modifications. The data centre rate in the Old Oak and Park Royal Development Corporation area is £123.15. I consider that in the light of the relatively limited viability evidence, and the importance attached to data centres by the government, the cautious approach recommended by BNPP should be followed. For these reasons I recommend that data centres should be subject to a £150 charge. **(EM1)**.
46. In relation to hotels, the modifications introduce a clause that limits hotels to premises offering accommodation for less than three months. The use of a three-month limit appears to be an arbitrary figure and no strong justification is provided for this limit. It is clear from the officers' report regarding an application for an apart-hotel (241463FUL) that the Council is able to distinguish between an apart-hotel and large shared purpose-built living accommodation. The Council should also be able to distinguish between a conventional hotel and large shared purpose-built living accommodation. It is important that the distinction is made, as the proposed CIL rate is much lower for the former. It is recommended that the pre-modification approach be adopted. This involves the simple statement that the definition of hotels excludes serviced apartments that form a primary place of residence. **(EM2)**
47. There are some representations that are essentially a matter for the Local Plan inquiry or relate to the question of discretionary relief. These are not

matters that this report can deal with. They are matters for the Council and/or the Local Plan Inspectors.

Overall Conclusion

48. In setting the CIL charging rates, the Council has had regard to detailed evidence on infrastructure planning and the economic viability evidence of the development market in Ealing. The Council has tried to be realistic in terms of achieving a reasonable level of income to address an acknowledged gap in infrastructure funding, while ensuring that a range of development remains viable across the authority area. The proposed rates have set a generous viability buffer to ensure that the CIL does not seriously threaten the delivery of development in the Borough.
49. I conclude that the draft London Borough of Ealing Community Infrastructure Levy Charging Schedule, subject to the making of the modifications set out in EM1 and EM2, satisfies the drafting requirements and I therefore recommend that the draft Charging Schedule be approved.

Keith Holland

Examiner

Attachments:

Appendix – Modifications that the examiner specifies so that the Charging Schedule may be approved.

Appendix

Examiner Modifications (EM) recommended in order that the charging schedule may be approved.

Examiner Modification (EM)	Page no./ other reference	Modification
EM1	Charging Schedule. Rate per sqm for data centres	£150
EM2	Charging Schedule definition of hotel	Delete: "(Excludes premises offering occupancy for 3 months or more, these will constitute LSPBSL)." And replace with: "(Excludes serviced apartments that form a primary place of residence)."