



**Hertsmere Borough Council**

**COMMUNITY INFRASTRUCTURE LEVY (CIL)**

**DRAFT CHARGING SCHEDULE**

**July 2013**

<b>Document Title</b>	<b>Purpose</b>
Draft Charging Schedule	Examination document establishing the CIL rates for Hertsmere

### **The Charging Authority**

The Charging Authority is Hertsmere Borough Council

### **Date of Approval**

This Charging Schedule was approved by the Council on *(date to be inserted following examination and Council approval)*

### **Date of Effect**

This Charging Schedule will come into effect on *(date to be inserted following the examination and Council approval)*

### **CIL Rates**

The rate at which CIL is charged shall be:

<b>Residential Development</b>	
<b>Area</b>	<b>CIL Rate (per sqm)</b>
Area A	£120
Area B	£210
Elstree Way Corridor	£0
<b>Commercial Development</b>	
<b>Type</b>	<b>CIL Rate (per sqm)</b>
Hotel	£120
Retirement Home	£120
Retail	£80
Office	£0
Industrial	£0

### **The Charging Areas**

The Charging Areas A and B are defined in the “Community Infrastructure Levy Charging Area” Map in Annex 1 of this Schedule.

### **Calculating the Chargeable Amount**

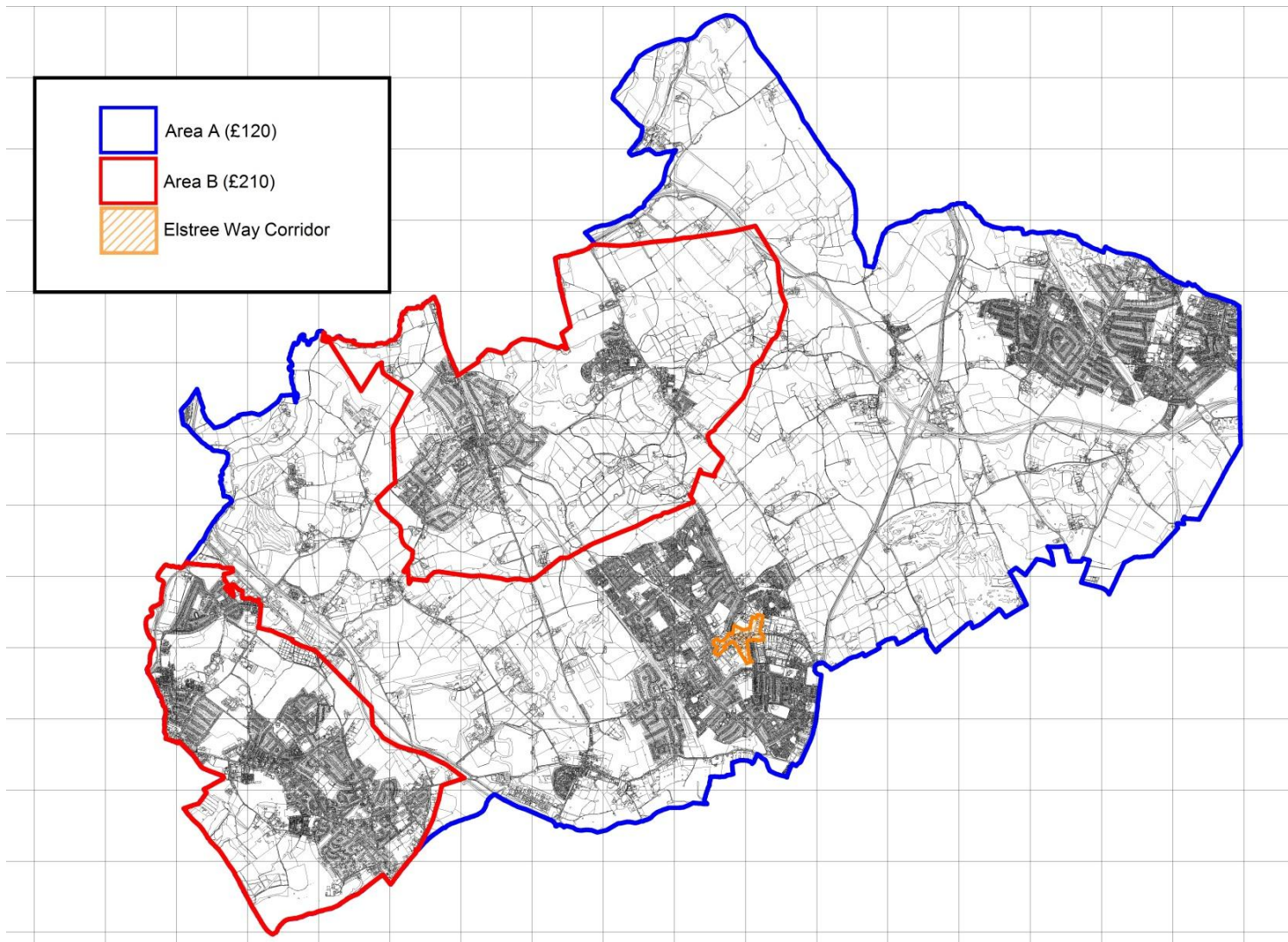
The Council will calculate the amount of CIL payable (“chargeable amount”) in respect of a chargeable development in accordance with regulation 40 of the Community Infrastructure Levy Regulations 2010 (amended 2013), see Annex 2 for calculation.

### **Statutory Compliance**

This Draft Charging Schedule has been published in accordance with the Community Infrastructure Levy Regulations 2010 (as amended in the Community Infrastructure Levy Regulations 2011, 2012, 2013) and Part 11 of the Planning Act 2008 and in any future amendments.

# Annex 1

## Community Infrastructure Levy Charging Areas



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## Annex 2

### Calculation of chargeable amount

Regulation 40 of the Community Infrastructure Levy Regulations 2010, as amended in 2013.

#### PART 5 CHARGEABLE AMOUNT

##### Calculation of chargeable amount

- 40.— (1) The collecting authority must calculate the amount of CIL payable (“chargeable amount”) in respect of a chargeable development in accordance with this regulation.
- (2) The chargeable amount is an amount equal to the aggregate of the amounts of CIL chargeable at each of the relevant rates.
- (3) But where that amount is less than £50 the chargeable amount is deemed to be zero.
- (4) The relevant rates are the rates at which CIL is chargeable in respect of the chargeable development taken from the charging schedules which are in effect—
- (a) at the time planning permission first permits the chargeable development; and
- (b) in the area in which the chargeable development will be situated.

- (5) The amount of CIL chargeable at a given relevant rate (R) must be calculated by applying the following formula—

$$\frac{R \times A \times I_P}{I_C}$$

where—

- A = the deemed net area chargeable at rate R;
- IP = the index figure for the year in which planning permission was granted; and
- IC = the index figure for the year in which the charging schedule containing rate R took effect.

- (6) The value of A in paragraph (5) must be calculated by applying the following formula—

$$G_R - K_R - \left( \frac{G_R \times E}{G} \right)$$

where—

- G = the gross internal area of the chargeable development;
- GR = the gross internal area of the part of the development chargeable at rate R;
- E = an amount equal to the aggregate of the gross internal areas of all buildings which—

- (a) on the day planning permission first permits the chargeable

development, are situated on the relevant land and in lawful use; and  
(b) are to be demolished before completion of the chargeable development;  
and

KR = an amount equal to the aggregate of the gross internal area of all buildings (excluding any new build) on completion of the chargeable development which—  
(a) on the day planning permission first permits the chargeable development, are situated on the relevant land and in lawful use;  
(b) will be part of the chargeable development upon completion; and  
(c) will be chargeable at rate R.

- (7) The index referred to in paragraph (5) is the national All-in Tender Price Index published from time to time by the Building Cost Information Service of the Royal Institution of Chartered Surveyors<sup>29</sup>; and the figure for a given year is the figure for 1st November of the preceding year.
- (8) But in the event that the All-in Tender Price Index ceases to be published, the index referred to in paragraph (5) is the retail prices index; and the figure for a given year is the figure for November of the preceding year.
- (9) Where the collecting authority does not have sufficient information, or information of sufficient quality, to enable it to establish—  
  
(a) the gross internal area of a building situated on the relevant land; or  
(b) whether a building situated on the relevant land is in lawful use,  
the collecting authority may deem the gross internal area of the building to be zero.
- (10) For the purposes of this regulation a building is in use if a part of that building has been in use for a continuous period of at least six months within the period of 12 months ending on the day planning permission first permits the chargeable development.
- (11) In this regulation “building” does not include—  
  
(a) a building into which people do not normally go;  
(b) a building into which people go only intermittently for the purpose of maintaining or inspecting machinery; or  
(c) a building for which planning permission was granted for a limited period
- (12) In this regulation “new build” means that part of the chargeable development which will comprise new buildings and enlargements to existing buildings.