CHILTERN District Council

SOUTH BUCKS District Council

Stronger in partnership

Community Infrastructure Levy (CIL)

Chiltern and South Bucks District Councils

Charging Schedules

Adopted

South Bucks District Council 15 January 2020

Chiltern District Council

7 January 2020

The Community Infrastructure Levy (CIL) Charging Schedule (CS) was adopted by South Bucks District Council 15 January 2020 and Chiltern District Council 7 January 2020.

CIL became effective on 17 February 2020. The definition of 'large sites' was corrected on 17 March 2020 in accordance the Examiners Modification in his report of 13 December 2019.

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Charging Authorities - Charging Areas

The two charging authorities are Chiltern District Council and South Bucks District Council. The charging schedule for the administrative area of Chiltern is set out in Table 1. The charging schedule for the administrative area for South Bucks is set out in Table 2. Both schedules contain the same charges.

CIL is a charge on development; it is tariff-based and enables local authorities to raise funds to pay for infrastructure. The CIL Charging Schedules set out the CIL rates that the Councils propose to charge on development within their administrative areas. Charges are set out as '£s per square metre' and are only chargeable on developments set out in Tables 1 and 2 of this document.

Statutory Compliance

The provisions for CIL are set out by Part 11 of the Planning Act 2008, the Localism Act 2011, and the CIL Regulations 2010 (as amended).

The Government's guidance on CIL and the CIL Regulations can be accessed via the following web link: https://www.gov.uk/guidance/community-infrastructure-levy#introduction

About the Community Infrastructure Levy

Most new development has an impact on infrastructure and therefore it is reasonable to expect developers to contribute to the cost of providing or improving that infrastructure. CIL in conjunction with S106 and S278 planning obligations provides a mechanism to collect funds to ensure this happens. Unlike S106 which focuses on affordable housing and site specific infrastructure, CIL charges can be collected on a wider range of developments and be spent on strategic infrastructure.

When setting rates, CIL Regulation 14 requires Councils to strike an appropriate balance between the desirability to fund infrastructure through CIL and the potential effect (taken as a whole) of the levy, on the economic viability of development in the geographical area in which CIL charges apply. When looking at infrastructure, the Councils also needed to estimate the cost of the infrastructure required to support development and consider sources of funding, including CIL that could be available.

Regulation 14 of the CIL Regulations 2010 (as amended) provides:

'*14. - (1) In setting rates (including differential rates) in a charging schedule, a charging authority must strike an appropriate balance between:*

(a) the desirability of funding from CIL (in whole or in part) the actual and expected estimated total cost of infrastructure required to support the development of its area, taking account of other actual and expected sources of funding; and

(b) the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area.

Local authorities must spend the levy on infrastructure needed to support the development of their area, and they will decide what infrastructure is needed. The levy is intended to focus on the provision of new infrastructure and should not be used to remedy pre-existing deficiencies in infrastructure provision unless those deficiencies will be made more severe by new development.

The levy can be used to fund a wide range of infrastructure, including transport, flood defences, schools, hospitals, and other health and social care facilities. This definition allows the levy to be used to fund a very broad range of facilities such as play areas, parks and green spaces, cultural and sports facilities, healthcare facilities, academies and free schools, district heating schemes and police stations and other community safety facilities. This flexibility gives local areas the opportunity to choose what infrastructure they need to deliver their relevant Plan (the Local Plan in England). Charging authorities may not use the levy to fund affordable housing.

The levy can be used to increase the capacity of existing infrastructure or to repair failing existing infrastructure, if that is necessary to support development.

CIL Regulation 13 makes provision, where relevant, for the setting of differential rates for different geographical areas /zones, different development types/uses, and scale of development size; or a combination of these factors. Any differential rate needs to be justified by viability assessments and evidence.

CIL Geographic Charging Differentials

The viability assessment for both Chiltern District Council and South Bucks District Council has established a uniform charge across both administrative geographies. This means that the CIL liability in Tables 1 and 2 applies across both districts without any differentials in geography.

By contributing to investment in the infrastructure of the area and combining this with other funding sources, CIL is expected to have a positive effect on growth, development and the environment.

CIL Liable Developments

CIL is charged on a £s per square metre basis according to the rates set out in Tables 1 and 2. The charging schedule for Chiltern District Council and South Bucks District Council collects the levy based on:

- the net additional gross internal floor space of all new residential units, regardless of their size;
- the erection of, or extensions to, other buildings creating over 100 square metres net new additional gross internal floor space; and
- the conversion of a building which is no longer in lawful use, and which has not been in use for a continuous period of 6 months over the last 3 years.

Liability to pay CIL on qualifying developments applies whether development requires planning permission or is enabled through permitted development orders (General Permitted Development Order, Local Development Orders, Neighbourhood Development Orders, and Enterprise Zones).

Once the CIL charging schedule is adopted by Chiltern District Council and South Bucks District Council, the levy charged is non-negotiable. CIL collection is triggered when the developer notifies the Council that the development due to commence.

CIL Exemptions

The Regulations exempt some development from CIL liability, including:

- Development of less than 100 square metres new build floor space measured as gross internal area (GIA), unless it results in the creation of one or more dwellings (Regulation 42);
- The conversion of any building previously used as a dwelling house to two or more dwellings, which doesn't create net additional new floor space, and which has been in use for 6 months continuous use in the last 3 years
- Development of buildings and structures into which people do not normally go into, or enter under limited circumstances (for example an electricity sub-station, or wind turbine, or for the purpose of inspecting or maintaining fixed plant or machinery) (Regulation 5(2));
- Buildings for which planning permission was granted for a limited period;
- Full relief is applied on all those parts of chargeable development that are to be used as social/affordable housing, subject to an application by a landowner for CIL relief (criteria set out in Regulation 49/49A);
- Development by charities for charitable purposes subject to an application by a charity landowner for CIL relief (CIL regulation 43-48) (mandatory charitable relief);
- Houses, flats, residential annexes and residential extensions, which are built by self-builders, subject to an application for exemption by homeowners (CIL regulations 42A, 42B, 54A and 54B);
- The conversion of or works to a building in lawful use that affects only the interior of the building;
- Mezzanine floors of less than 200 square metres inserted into an existing building, unless they form part of a wider planning permission, which seeks to provide other works;
- Vacant buildings brought back into use (Regulation 40), where there is no net gain in floor space, provided a building has been in use for 6 continuous months during the last 3 years; and
- When a CIL charge is calculated as £50 or less, a CIL payment will not be charged by a Charging Authority.

CIL and Existing Planning Permissions

CIL only applies to developments in the relevant district when the charging schedule is adopted by Chiltern District Council or South Bucks District Council. Development proposals that already have planning permission when a CIL Charging Schedule comes into force are not liable for CIL. This

includes any subsequent reserved matters applications following the granting of outline planning permission.

However, if proposed developments with planning permission are not started within the time limit stipulated on the decision notice, any subsequent application which in effect seeks a renewal may be liable to CIL where the Charging Schedule has been adopted.

Where an application is made under Section 73 of the Town and Country Planning Act 1990 for development without compliance with conditions which govern a planning permission, CIL is only chargeable on any additional floorspace over and above that approved by the original permission.

CIL Preliminary Charging Schedule (PDCS) and Draft Charging Schedule (DCS) Consultations

The Councils consulted on a CIL PDCS during November and December 2018. The Councils then consulted on the CIL DCS during June to August 2019.

Comments on both consultations were received from Town & Parish Councils, residents' groups, agents, landowners, developers, statutory bodies and residents.

An Examination in Public took place on 5 November 2019 and the Examiners report was published on the 13 December.

Infrastructure Delivery Plan & Funding Gap

An Infrastructure Delivery Plan has been prepared which sets out the infrastructure likely to be required to support the delivery of housing and commercial growth to 2036. This is a live document and will be occasionally updated.

An Infrastructure Funding Gap statement identifies that the likely CIL receipts from the anticipated new developments will be less than the costs of the infrastructure identified in the draft Infrastructure Delivery Plan. It confirms that CIL would contribute to, but not by itself, generate enough funds to pay for all the major infrastructure needs identified in the Infrastructure Delivery Plan.

CIL and Local Plan Viability Assessment

Chiltern District Council and South Bucks District Council commissioned consultants to undertake a CIL viability assessment for housing and commercial development in Chiltern and South Bucks. The findings have informed the residential and commercial CIL rates set out in Tables 1 and 2, the Councils charging schedule.

The viability assessment indicates that it is appropriate for large sites to be CIL zero rated and should continue to rely on S106 planning obligations; this is due to the scale of site-specific development mitigation and infrastructure requirements from large sites, such as new schools and roads.

The assessment also considers that uniform CIL charging rates across both Chiltern and South Bucks should be levied at £150 per square metre for residential uses; £150 per square metre for retail and related uses; and £35 per square metre for commercial and other specific development categories.

Adopted Charging Schedules

Tables 1 and 2 detail the residential, commercial and other CIL rates for Chiltern District Council and South Bucks District Council.

The CIL rates are presented for each Council area in accordance with the Government's CIL Regulations, which requires rates to be attributed to an individual Charging Authority. The administrative areas of the districts can be viewed in appendices 1 and 2. For Tables 1 and 2 below, see appendix 3 for a guide to the Use Classes.

Table 1: Chiltern District Council area CIL Rates

Table 1: Chiltern District Council area CIL Rates	
Development type (Use Class)	**CIL Rate/square metre**
A1 Shops	£150
A2 Finance and professional services	£150
A3 Restaurants and cafés	£150
A4 Drinking establishments	£150
A5 Hot food takeaways	£150
B1 Business	£35
B2 General industrial	£35
B8 Storage or distribution	£35
C1 Hotels	£35
C2 and C2A Residential institutions and Secure Residential Institutions	£35
C3 Dwelling homes*	£150
C4 Homes in multiple occupation	£150
D1 Non-residential institutions	£35
D2 Assembly and leisure	£35
Sui Generis	£35
All development types unless stated otherwise in this table	£35
Large sites of 400 homes or more (gross) or 10 hectares or more (gross) irrespective of land use**	£0
*C3 includes all self-contained accommodation, including elderly and sheltered accommodation and self-contained student accommodation.	
**Large Sites are defined as any site allocated in an emerging/adopted Local Plan with 400 homes or more (gross) or 10 hectares or more (gross), irrespective of land use and include any parcel within a Large Site irrespective of the size of the parcel.	

Table 2: South Bucks District Council area CIL Rates

Table 2: South Bucks District Council area CIL Rates	
Development type (Use Class)	**CIL Rate/square metre**
A1 Shops	£150
A2 Finance and professional services	£150
A3 Restaurants and cafés	£150
A4 Drinking establishments	£150
A5 Hot food takeaways	£150
B1 Business	£35
B2 General industrial	£35
B8 Storage or distribution	£35
C1 Hotels	£35
C2 and C2A Residential institutions and Secure Residential Institutions	£35
C3 Dwelling homes*	£150
C4 Homes in multiple occupation	£150
D1 Non-residential institutions	£35
D2 Assembly and leisure	£35
Sui Generis	£35
All development types unless stated otherwise in this table	£35
Large sites of 400 homes or more (gross) or 10 hectares or more (gross) irrespective of land use**	£0
*C3 includes all self-contained accommodation, including elderly and sheltered accommodation and self-contained student accommodation.	
**Large Sites are defined as any site allocated in an emerging/adopted Local Plan with 400 homes or more (gross) or 10 hectares or more (gross), irrespective of land use and include any parcel within a Large Site irrespective of the size of the parcel.	

Annual Index linking of CIL Rates

CIL Regulation 40 enables charging authorities to make an annual index linked increase to their CIL rates at a set time of the year, which is normally from 1 January.

The CIL Regulations current method is to use the All-in Tender Price Index, published by the Building Cost Information Service (BCIS).

Discretionary Relief from CIL

A charging authority can choose to offer discretionary relief to a charity landowner where the greater part of the chargeable development will be held as an investment, from which the profits are applied for charitable purposes (CIL regulation 44).

It can choose to offer exceptional circumstances relief (CIL regulation 55) where the charging of CIL would have an unacceptable impact on the economic viability of a development, and where the

exemption of a charitable institution from liability to pay CIL would constitute State Aid (CIL regulation 45) and would otherwise be exempt from liability under regulation 43.

Chiltern and South Bucks District Councils are not proposing to make available either discretionary charity relief or the exceptional circumstances relief (CIL regulations 44, 45 and 55).

Payments in kind

In circumstances where the liable party and the Councils agree, payment of the levy may be made by transferring land or conducting works to an equivalent value. The agreement cannot form part of a planning obligation, and must be agreed before the chargeable development is commenced and is subject to fulfilling the following:

- the acquired land or works, is used to provide or facilitate the provision of infrastructure within the Districts;
- the land is acquired, or works are conducted, by the Councils or a person nominated by the Councils;
- the transfer of the land, where relevant, must be from a person who has assumed liability to pay CIL;
- the land must be valued by an independent person agreed by the Councils and the party liable to pay CIL, whereby the party liable to pay CIL meets the cost of the land valuation; and
- 'Land' includes existing buildings and other structures, land covered with water, and any estate, interest, easement, servitude or right in or over the land.

The Councils intend to consider payments in kind on a discretionary basis within the terms set out above.

Payment of CIL and Instalments Policy

The CIL Regulations default position is that CIL payment is due within 60 days of the commencement of development. Charging Authorities can however set out an appropriate CIL payments instalments policy.

The Councils intend to operate a CIL Instalments policy according to the schedule set out by Appendix 4.

CIL Administration Fee

The CIL Regulations allow the Councils to use up to 5% of total CIL receipts to refund and meet the costs associated with the establishment and on-going administration of CIL.

Parish & Town Councils' Neighbourhood Portion

At least 15% of CIL receipts are allocated to Parish and Town Councils where CIL liable developments have taken place. This is known as the Neighbourhood Portion. If a Parish or Town Council area is covered by a 'made' Neighbourhood Plan, then the amount increases to 25% of CIL receipts from the area covered by the Neighbourhood Plan.

There is a cap of £100 (indexed) per council taxed home within a Parish or Town Council area per financial year, in areas without a made Neighbourhood Plan, but no cap if one is in place.

All Councils must pass over the Neighbourhood Portion of levy receipts from development to Parish or Town Councils if they are the accountable body. As the Chiltern and South Bucks areas are fully covered by Parish or Town Councils, the money (subject to any cap) will be passed to the relevant Parish or Town Council. CIL guidance recommends however that Charging Authorities and receiving Parish or Town Councils should engage and work closely to agree how best to spend these funds.

The CIL Regulations allow for the Neighbourhood Portion of levy receipts to be used for:

- The provision, improvement, replacement, operation or maintenance of infrastructure; or
- Anything else that is concerned with addressing the demands that development places on an area.

Provisions for the recovery of CIL monies by a Charging Authority are available, if Parish or Town Councils do not spend the Neighbourhood Portion of CIL receipts within five years of receiving it.

Councils CIL Fund

The remaining funds, after administration and neighbourhood portion deductions will be allocated by the Councils to infrastructure projects. The Councils are required to publish on their website an Infrastructure Funding Statement; no later than the 31 December each calendar year which includes:

- a statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by CIL (other than CIL to which regulation 59E or 59F applies) ("the infrastructure list");
- a report about CIL, in relation to the previous financial year ("the reported year"), which includes the matters specified in paragraph 1 of Schedule 2 ("CIL report");
- a report about planning obligations, in relation to the reported year, which includes the matters specified in paragraph 3 of Schedule 2 and may include the matters specified in paragraph 4 of that Schedule ("section 106 report").

CIL and Section 106 Planning Obligations

CIL funds can be used to provide infrastructure to support the development of a whole area, whereas S106 obligations are used to make individual planning applications acceptable in planning terms.

Section 106 agreements and Section 278 highways agreements will continue to be used to secure site-specific mitigation and affordable housing.

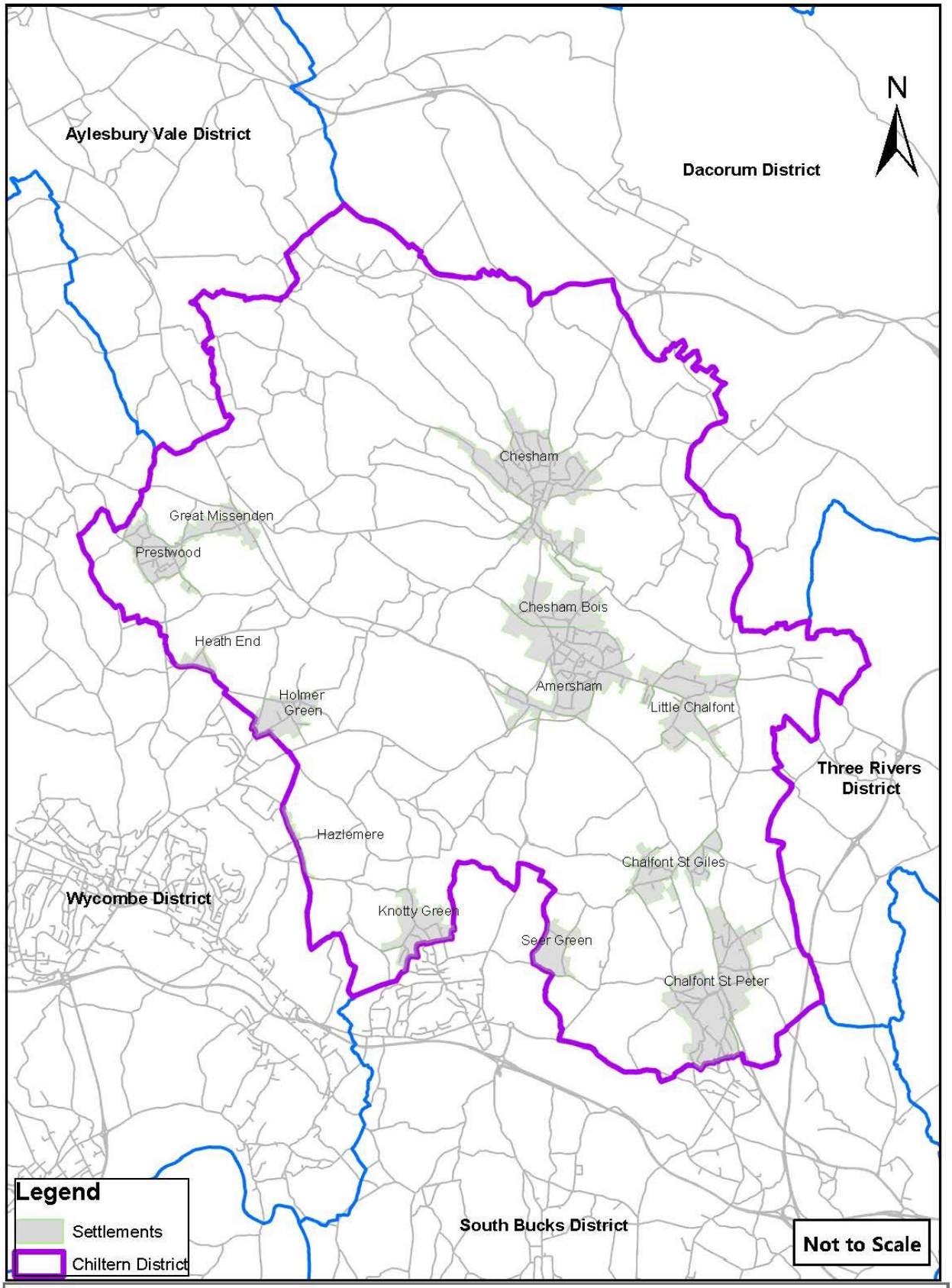
There are advantages and disadvantages in both S106 and CIL regimes. On the plus side, S106 contributions can be used to support the timely delivery of essential infrastructure, in support of specific developments. CIL funds can on the other hand be deployed with a greater degree of flexibility in supporting delivery of infrastructure across a wider area.

The Council is setting a threshold whereby developments of 400 homes or more or on sites of 10 hectares or more will be CIL zero rated. On these developments, financial contributions will be negotiated and legally bound through S106 and S278 agreements. Below these thresholds CIL will apply to all relevant development and the financial contributions will be based on the Charging Schedules. An exception to this is affordable housing which is legally required to be agreed through S106 agreements.

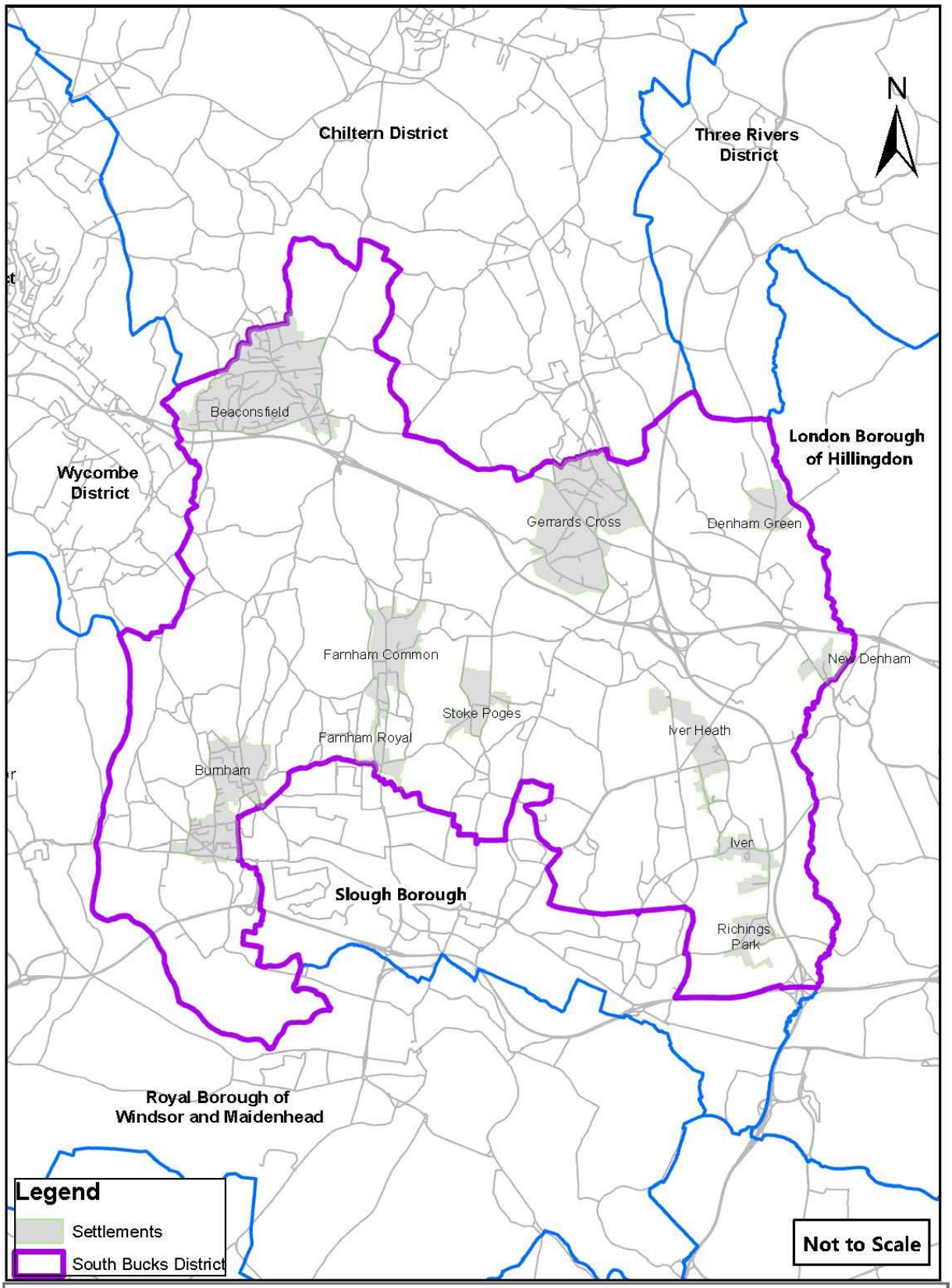
CIL Administration

Appendix 5 provides further information on CIL administration and information for developers on some of the implementation issues that they will need to be aware of, in relation to CIL liable planning consents and permitted developments.

Appendix 1: Chiltern District Council's CIL Charging Areas



Appendix 2: South Bucks District Council's CIL Charging Areas



The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'. The following list is based on the Government's guide to Use Classes. It is not a definitive source of legal information. The list gives an indication of the types of use which may fall within each use class. Please note it is for local planning authorities to determine the use class a particular use falls into.

Part A

- **A1 Shops** - Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices, pet shops, sandwich bars, showrooms, domestic hire shops, dry cleaners, funeral directors and internet cafés.
- **A2 Financial and professional services** - Financial services such as banks and building societies, professional services (other than health and medical services) and including estate and employment agencies. It does not include betting offices or pay day loan shops - these are now classed as "sui generis" uses (see below).
- **A3 Restaurants and cafés** - For the sale of food and drink for consumption on the premises - restaurants, snack bars and cafes.
- **A4 Drinking establishments** - Public houses, wine bars or other drinking establishments (but not night clubs) including drinking establishments with expanded food provision.
- **A5 Hot food takeaways** - For the sale of hot food for consumption off the premises.

Part B

- **B1 Business** - Offices (other than those that fall within Class A2), research and development of products and processes, light industry appropriate in a residential area.
- **B2 General industrial** - Use for industrial processes other than those falling within Class B1 (excluding incineration purposes, chemical treatment or landfill or hazardous waste).
- **B8 Storage or distribution** - This class includes open air storage.

Part C

- **C1 Hotels** - Hotels, boarding & guest houses where no significant element of care is provided (excludes hostels).
- **C2 Residential institutions** - Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres.
- **C2A Secure Residential Institution** - Use for a provision of secure residential accommodation, including use as a prison, young offenders' institution, detention centre, secure training centre, custody centre, short term holding centre, secure hospital, secure local authority accommodation or use as a military barracks.
- **C3 Dwelling houses** - this class is formed of three parts:
  - C3 (a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.

- C3(b): up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.
- C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.

- **C4 Houses in multiple occupation** - small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.

Part D

- **D1 Non-residential institutions** - Clinics, health centres, crèches, day nurseries, day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls, law courts. Non-residential education and training centres.
- **D2 Assembly and leisure -** Cinemas, music and concert halls, bingo and dance halls (but not night clubs), swimming baths, skating rinks, gymnasiums or area for indoor or outdoor sports and recreations (except for motor sports, or where firearms are used).

Sui Generis

- Certain uses do not fall within any use class and are considered 'sui generis'. Such uses include betting offices/shops, pay day loan shops, theatres, larger houses in multiple occupation, hostels providing no significant element of care, scrap yards. Petrol filling stations and shops selling and/or displaying motor vehicles. Retail warehouse clubs, nightclubs, launderettes, taxi businesses and casinos.

This policy is made in line with Regulation 69B of the CIL (Amendment) Regulations 2011. The Councils will allow the payment of CIL as outlined in the points below:

1. Where the chargeable amount is less than £200,000, the chargeable amount will be required within 60 days of commencement.

2. Where the chargeable amount is between £200,000 and £2 million, the chargeable amount will be required as per the following four instalments:

1st instalment	2nd instalment	3rd instalment	4th instalment
25% within 60 days	25% within 160 days	25% within 260 days	25% within 360 days

3. Where the chargeable amount is over £2 million, the chargeable amount will be required as per the following four instalments:

1st instalment	2nd instalment	3rd instalment	4th instalment
25% within 60 days	25% By end of year 1	25% By end of year 2	25% By end of year 3

Commencement will be taken to be the date advised by the developer in the commencement notice under CIL Regulation 67.

Notes:

N1: When the Councils grant an outline planning permission which permits development to be implemented in phases, each phase of development is a separate chargeable development and the instalment policy will apply to each separate phase.

N2: This policy will not apply, and will be superseded by a default payment position allowed by the CIL Regulations, if:

a) A commencement notice is not submitted prior to commencement of the chargeable development.
b) Nobody has assumed liability to pay CIL in respect of the chargeable development prior to the intended day of commencement.
c) Failure to notify the Council of a disqualifying event before the end of 14 days beginning with the day the disqualifying event occurs.
d) An instalment payment has not been made in full after the end of the period of 30 days beginning with the day on which the instalment payment was due.

Calculating the chargeable amount

The Councils will calculate the amount of CIL chargeable using the locally set rates multiplied by the gross internal area of the new buildings and enlargements to existing buildings, taking demolished floor space into account. The formal calculation methodology is set out by CIL Regulation 40, as follows:

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, taken from the relevant charging schedules, at which CIL is chargeable in respect of the chargeable development.

(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, calculated in accordance with paragraph (7);

I_P = the index figure for the year in which planning permission was granted; and

I_C = the index figure for the year in which the charging schedule containing rate R took effect.

(6) In this regulation the index figure for a given year is -

(a) the figure for 1st November for the preceding year in 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(**1**); or

(b) if the All-in Tender Price Index ceases to be published, the figure for 1st November for the preceding year in the retail prices index.

(7) The value of A 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;

G_R = the gross internal area of the part of the chargeable development chargeable at rate R;

K_R = the aggregate of the gross internal areas of the following—

(i) retained parts of in-use buildings, and

(ii) for other relevant buildings, retained parts where the intended use following completion of the chargeable development is a use that is able to be carried on lawfully and permanently without further planning permission in that part on the day before planning permission first permits the chargeable development;

E = the aggregate of the following—

(i) the gross internal areas of parts of in-use buildings that are to be demolished before completion of the chargeable development, and

(ii) for the second and subsequent phases of a phased planning permission, the value E_x (as determined under paragraph (8)), unless E_x is negative,

provided that no part of any building may be taken into account under both of paragraphs (i) and (ii) above.

(8) The value E_x must be calculated by applying the following formula—

$$E_P - (G_P - K_{PR})$$

where—

E_P = the value of E for the previously commenced phase of the planning permission;

G_P = the value of G for the previously commenced phase of the planning permission; and

K_{PR} = the total of the values of K_R for the previously commenced phase of the planning permission.

(9) Where a collecting authority does not have sufficient information, or information of sufficient quality, to enable it to establish that a relevant building is an in-use building, it may deem it not to be an in-use building.

(10) Where a collecting authority does not have sufficient information, or information of sufficient quality, to enable it to establish—

(a) whether part of a building falls within a description in the definitions of K_R and E in paragraph (7); or

(b) the gross internal area of any part of a building falling within such a description, it may deem the gross internal area of the part in question to be zero.

(11) In this regulation—

"building" does not include—

(i) a building into which people do not normally go,

(ii) a building into which people go only intermittently for the purpose of maintaining or inspecting machinery, or

(iii) a building for which planning permission was granted for a limited period;

"in-use building" means a building which—

(i) is a relevant building, and

(ii) contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development;

"new build" means that part of the chargeable development which will comprise new buildings and enlargements to existing buildings;

"relevant building" means a building which is situated on the relevant land on the day planning permission first permits the chargeable development;

"relevant charging schedules" means the charging schedules which are in effect—

(i) at the time planning permission first permits the chargeable development, and

(ii) in the area in which the chargeable development will be situated;

"retained part" means part of a building which will be—

(i) on the relevant land on completion of the chargeable development (excluding new build),

(ii) part of the chargeable development on completion, and

(iii) chargeable at rate R."

Appendix 6: Measuring CIL liable floor space

Calculating CIL liability depends on the amount of CIL liable floor space that forms part of a proposal, using Gross Internal Area (GIA) measured in accordance with the Royal Institute of Chartered Surveyors (RICS) Code of Measuring Practice. The table below is based on the RICS's Code of Measuring Practice (6th edition, with amendments). The full Code of Measuring Practice is available on the RICS website at www.rics.org

GIA is the area of a building measured to the internal face of the perimeter walls at each floor level.

Including:

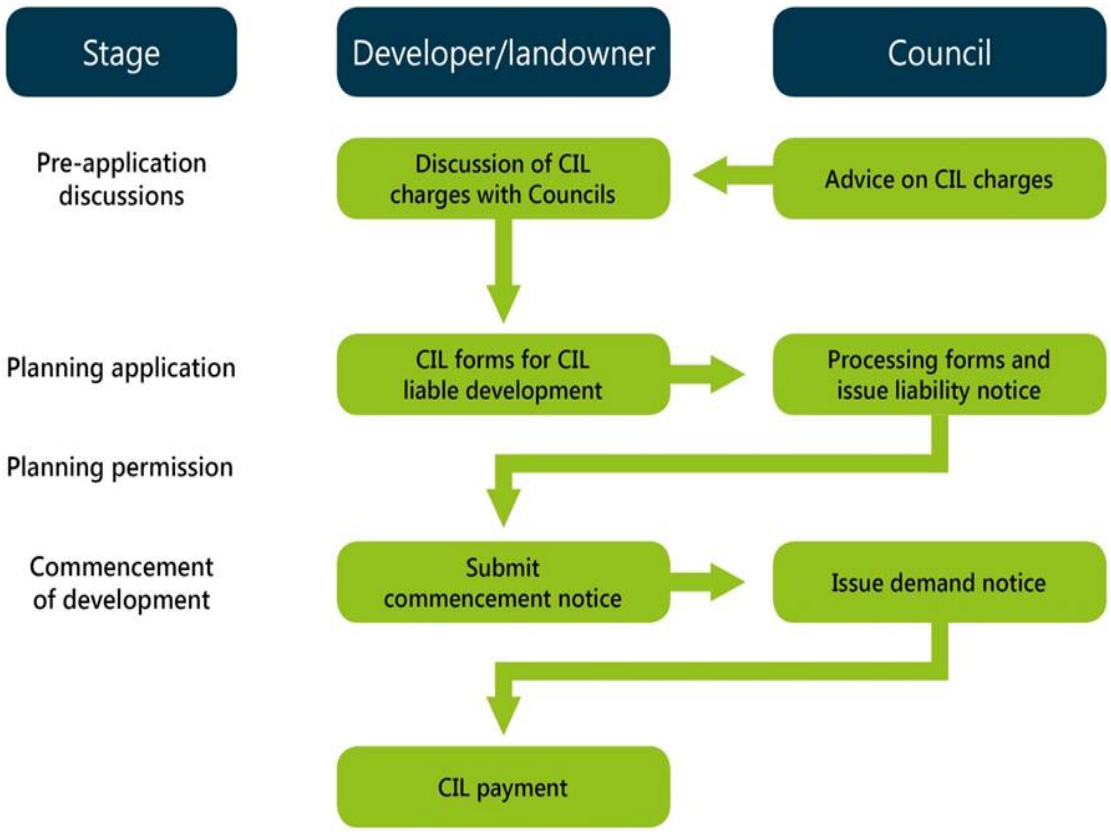
- Areas occupied by internal walls and partitions
- Columns, piers, chimney breasts, stairwells, lift-wells, other internal projections, vertical ducts, and the like
- Atria and entrance halls, with clear height above, measured at base level only
- Internal open-sided balconies, walkways, and the like
- Structural, raked or stepped floors are property to be treated as a level floor measured horizontally
- Horizontal floors, with permanent access, below structural, raked or stepped floors
- Corridors of a permanent essential nature (e.g. fire corridors, smoke lobbies)
- Mezzanine floor areas with permanent access
- Lift rooms, plant rooms, fuel stores, tank rooms which are housed in a covered structure of a permanent nature, whether or not above the main roof level
- Service accommodation such as toilets, toilet lobbies, bathrooms, showers, changing rooms, cleaners' rooms, and the like
- Projection rooms
- Voids over stairwells and lift shafts on upper floors
- Loading bays
- Areas with a headroom of less than 1.5m*
- Pavement vaults
- Garages
- Conservatories

Excluding:

- Perimeter wall thicknesses and external projections
- External open-sided balconies, covered ways and fire escapes
- Canopies
- Voids over or under structural, raked or stepped floors
- Greenhouses, garden stores, fuel stores, and the like in residential

GIA is the basis of measurement in England and Wales for the rating of industrial buildings, warehouses, retail warehouses, department stores, variety stores, food superstores and many specialist classes valued by reference to building cost (areas with headroom of less than 1.5m being excluded except under stairs).

Once planning permission is granted, the CIL Regulations encourage any party, (such as a developer submitting a planning application, or a landowner), to assume liability to pay the CIL charge. CIL liability runs with the land. If no party assumes liability to pay before development commences, land owners will be liable to pay the levy. The Councils will put in place procedures that relate to establishing CIL liability and making the relevant payments, modelled on the flow-chart diagram below.



Collection of CIL

The Councils are to be the collecting authority for the purpose of Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended).

When planning permission is granted, the Councils will issue a liability notice setting out the amount of CIL payable, and the payment procedure.

In the case of development enabled under permitted development orders, the person(s) liable to pay will need to consider whether their proposed development is chargeable, and to issue the Councils with a notice of chargeable development.

The diagram above provides a summary of the collection process. A key trigger for collection of CIL is commencement of a development on site, with payment due thereafter in accordance with the Council's CIL instalments policy.

Appeals

A liable person can request a review of the chargeable amount by the charging authority within 28 days from the issue of the liability notice. The CIL Regulations allow for appeals on:

- The calculation of the chargeable amount following a review of the calculation by the Councils.
- Disagreement with the Councils' apportioned liability to pay the charge.
- Any surcharges incurred on the basis that they were calculated incorrectly, that a liability notice was not served or the breach did not occur.
- A deemed commencement date if considered that the date has been determined incorrectly.
- Against a stop notice if a warning notice was not issued or the development has not yet commenced.

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