



Watford Borough Council

Community Infrastructure Levy

**Statement of Modifications
Regulation 19 (1)(d)**

April 2014

Modifications to Draft Charging Schedule

This Statement of Modifications is in accordance with regulations 11 and 19 of the CIL Regulations 2010 (as amended). It sets out the modifications which Watford Borough Council propose to make to the Draft Charging Schedule since it was published for consultation on the 17th February 2014 in accordance with Regulation 16.

Publication

In accordance with Regulation 19 of the CIL Regulations, a copy of this Statement of Modifications has been sent to each of the persons that were invited to make representations under Regulation 15 and published on the Council website.

The Statement of Modifications will also be made available at the Town Hall and Watford Central and North Watford libraries.

Submission of Representations

Comments upon the Proposed Modifications must be made in writing to the Planning Policy Team of the Council, or by email to strategy@watford.gov.uk by 5pm on the 14th May 2014. Should you wish your representations to be considered by way of an appearance at any subsequent hearing you should make this intention clear when submitting your representations. Requests to be heard must include details of the modifications on which you wish to make (by reference to the Statement of Modifications) together with whether you support or oppose the modifications and the reason.

Planning Policy
Watford Borough Council
Town Hall
Watford
WD17 3EX

Email: strategy@watford.gov.uk

Further information in relation to the Examination is available at www.watford.gov.uk/cil

Appendix 1

Proposed Modifications

Modifications			
Paragraph Number	Suggested change (deletions shown by strikethrough/additional text underlined)	Reason for modification	Change suggested by
Table 1	Add wording, 'specialist accommodation for the elderly/and or disabled' add text ' <u>including Sheltered and Retirement Housing and Nursing Homes, Residential Care Homes and Extra Care Accommodation. (This does not include registered, not for profit care homes)</u> '	Additional wording required for clarity and to reflect wording agreed and proposed by the Examiner at the neighbouring authority Hertsmere.	Hertfordshire County Council
Annex 2	<p>Annex 2- Calculation of chargeable amount Delete text: Regulation 40 of the Community Infrastructure Levy Regulations 2010, as amended in 2013.</p> <p style="text-align: center;">CHARGEABLE AMOUNT</p> <p>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.</p> <p>(2) The chargeable amount is an amount equal to the aggregate of the amounts of CIL chargeable at each of the relevant rates.</p> <p>(3) But where that amount is less than £50 the</p>	The modifications have been proposed as a result of the Amendments to CIL Regulations in February 2014.	Watford Borough Council

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;

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

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

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 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 Institute of Chartered Surveyors; and the figure for a given year is the figure for the 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 price 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 the 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 purpose 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 purposes 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.~~

Replace text with:
Regulation 40 of the Community Infrastructure Levy

2010 Regulations (as amended).

Calculation of chargeable amount

(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 (Registered in England and Wales); 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—

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

where—

G = the gross internal area of the chargeable development;

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

KR = 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 Ex (as determined under paragraph (8)), unless Ex 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 Ex must be calculated by applying the following formula—
where—

$$\frac{E_p - (G_p - K_{PR})}{}$$

EP = the value of E for the previously commenced phase of the planning permission;
GP = the value of G for the previously commenced phase of the planning permission; and
KPR = the total of the values of KR 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 KR 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

	<p><u>least six months within the period of three years ending on the day planning permission first permits the chargeable development;</u> <u>“new build” means that part of the chargeable development which will comprise new buildings and enlargements to existing buildings;</u> <u>“relevant building” means a building which is situated on the relevant land on the day planning permission first permits the chargeable development;</u> <u>“relevant charging schedules” means the charging schedules which are in effect—</u> <u>(i) at the time planning permission first permits the chargeable development,</u> <u>and</u> <u>(ii) in the area in which the chargeable development will be situated;</u> <u>“retained part” means part of a building which will be—</u> <u>(i) on the relevant land on completion of the chargeable development</u> <u>(excluding new build),</u> <u>(ii) part of the chargeable development on completion,</u> <u>and</u> <u>(iii) chargeable at rate R</u></p>		
Regulation 123 list	Replace 'specific infrastructure contributions' with 'specific infrastructure <u>provision</u> '.	The word contributions tends to be interpreted as meaning financial contributions whereas the infrastructure sought via s106 will be either actual provision or financial contributions.	Hertfordshire County Council
Regulation 123 list	Add wording after ‘Nursery Places’ <u>excluding those</u>	A caveat is required as already included in the school places	Hertfordshire County Council

	<u>associated with SPA2 Watford Junction, SPA3 Health Campus and at SPA6 Western Gateway)</u>	bullet point to clarify that this will be an exception at SPA 2,3, and 6.	
Regulation 123 list	Add wording after 'Childcare' <u>excluding those associated with SPA2 Watford Junction, SPA3 Health Campus and at SPA6 Western Gateway)</u>	A caveat is required as already included in the school places bullet point to clarify that this will be an exception at SPA 2,3, and 6.	Hertfordshire County Council