

Draft Charging Schedule

London Borough of Brent

Planning Act 2008 - Community Infrastructure Levy Regulations 2010

The Community Infrastructure Levy (CIL) is a new system of securing developer contributions through the planning system which local authorities are empowered, but not required, to charge on new development in their area. The levy can be used to fund infrastructure that supports growth and sustainable development.

CIL is a charge on new development, expressed as a cost per square metre, set at the time planning permission is granted and paid on commencement of the development, or in accordance with an instalment policy adopted by the local authority. In London CIL can be set by the local authority and by the Mayor of London. CIL is applied to any development resulting in a net increase of more than 100m² of floor space or where one or more dwellings are created by the development. For the avoidance of doubt, a material change of use, or conversion, of any land or building is not development for the purposes of CIL. Affordable housing and developments by charities for charitable purposes are exempt from CIL. The London Borough of Brent is proposing to charge differential rates of CIL dependent on land use.

CHARGING SCHEDULE

The London Borough of Brent is a charging authority according to Part 11 of the Planning Act 2008. Brent is proposing to charge the Community Infrastructure Levy in respect of development across all of the London Borough of Brent at the following rates relative to the proposed land use (expressed as pounds per square metre).

This Preliminary Draft Charging Schedule has been issued, approved and published in accordance with Part 11 of the Planning Act 2008 and the Community Infrastructure Regulations 2010, as amended.

USE	CHARGE PER SQM
Hotel (Use Class C1), Residential (Use Classes C3 & C4), Residential Institutions, except Hospitals, (Use Class C2) and all Sui Generis uses except Student Accommodation, Theatres, Fire Stations and Police Stations.	£200
Student Accommodation	£300

Office (Use Class B1a)	£40
Retail (Use Class A1), Financial & Professional Services (Use Class A2), Restaurants & Cafes (Use Class A3), Drinking Establishments (Use Class A4), Hot Food Take-aways (Use Class A5)	£80
Assembly and Leisure, excluding Public Swimming Pools (Use Class D2)	£5
Light Industry and Research & Development (Use Class B1b&c), General Industrial (Use Class B2), Storage & Distribution (Use Class B8), Health, Education, Public Libraries, Museums, Public Halls and Places of Worship (Use Class D1a-h), Hospitals, Public Swimming Pools, Public Transport Stations, Theatres, Fire Stations and Police Stations.	£0 (Zero Charge)

***The above charge will apply across all of Brent, in addition to any Mayoral CIL**

Calculating the Chargeable CIL

CIL applies to the gross internal area of the net increase in development (Regulation 14). The amount to be charged for each development will be calculated in accordance with Regulation 40 of the Community Infrastructure Levy Regulations 2010. For the purposes of the formulae in paragraph 5 of Regulation 40 (set out below), the relevant rate (R) is the differential rate relating to each specific use as set out in this Charging Schedule.

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 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—

$$\frac{C_R \times (C - E)}{C}$$

where—

C_R = the gross internal area of the part of the chargeable development chargeable at rate R, less 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.

C = the gross internal area of the chargeable development; and

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.

(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; 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.

CONSULTATION

The Council are now consulting on the above Draft Charging Schedule as the next step in working towards adopting a CIL Charging Schedule. This Draft Charging Schedule and the proposed CIL rates for different planning uses have been established through the use of appropriate available evidence which includes:

- The adopted Local Development Framework Core Strategy and Site Specific Allocations
- The adopted and revised Infrastructure & Investment Framework
- The Community Infrastructure Levy Viability Study

These documents are available to view on the Council's website throughout the consultation period.

The Draft Charging Schedule is open for consultation between the 28th February 2012 and 27th March 2012. All comments should be received in writing by **5pm on 27th March** when the consultation will close. All comments received will be passed to the examiner for consideration during the examination in public (EIP) which is expected to take place in summer 2012. Should you wish to be heard by the examiner at the EIP you should include a written request alongside your representation before the consultation closes. You should also include your contact details, including a postal address, if you wish the Council to keep you notified of the following

- the submission of the Draft Charging Schedule for examination
- the recommendation of the examiner and the reasons for those recommendations
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For further information on the proposed Charging Schedule, and to submit comments on the document please visit the Council's website at www.brent.gov.uk .

Alternatively, comments can be submitted via e-mail to jonathan.kay@brent.gov.uk or by post to Regeneration & Major Projects, Brent House, 2nd Floor East, 349-357 High Road, Wembley, Middlesex, HA9 6BZ. For any queries please call 020 8937 2348.

Please note that comments cannot be treated as confidential. They will be made available as public documents.

Draft Charging Schedule track changes against Preliminary Draft Charging Schedule

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