

Planning Act 2008 (As Amended)

Community Infrastructure Levy Regulations 2010 (as amended)

WESTMINSTER CITY COUNCIL

COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE

2016



**WESTMINSTER CITY COUNCIL
PLANNING ACT 2008 (AS AMENDED)
COMMUNITY INFRASTRUCTURE LEVY REGULATIONS 2010 (AS AMENDED)**

CHARGING SCHEDULE

The Charging Authority

Westminster City Council is a charging authority for the purposes of Part 11 of the Planning Act 2008 (as amended) and may therefore charge the Community Infrastructure Levy in respect of development in the City of Westminster.

Rates

Westminster City Council intends to charge the Community Infrastructure Levy at the rates shown in Table 1 (expressed as pounds per square metre) in respect of the different types of development in each of the Charging Zones identified in the area of the City of Westminster, as shown on the maps in Appendix 1. **It is important to note that there are different zones for each type of land use identified as being chargeable in Table 1.**

Table 1: Westminster CIL charging rates (per square metre)

| Area | Prime | Core | Fringe |
|--|-------|------|--------|
| Residential (including all residential 'C' use classes) | £550 | £400 | £200 |
| Commercial (offices; hotels, nightclubs and casinos; retail (all 'A' use classes and sui generis retail) | £200 | £150 | £50 |
| All other uses | Nil | | |

The amount to be charged for each development will be calculated in accordance with regulation 40 of the Community Infrastructure Levy Regulations 2010 (as amended) or any provision which amends or replaces it for the purpose of calculating the chargeable amount of CIL payable. For these purposes, the relevant rate (R) is the rate for each land use and charging zone shown in Table 1 above.

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

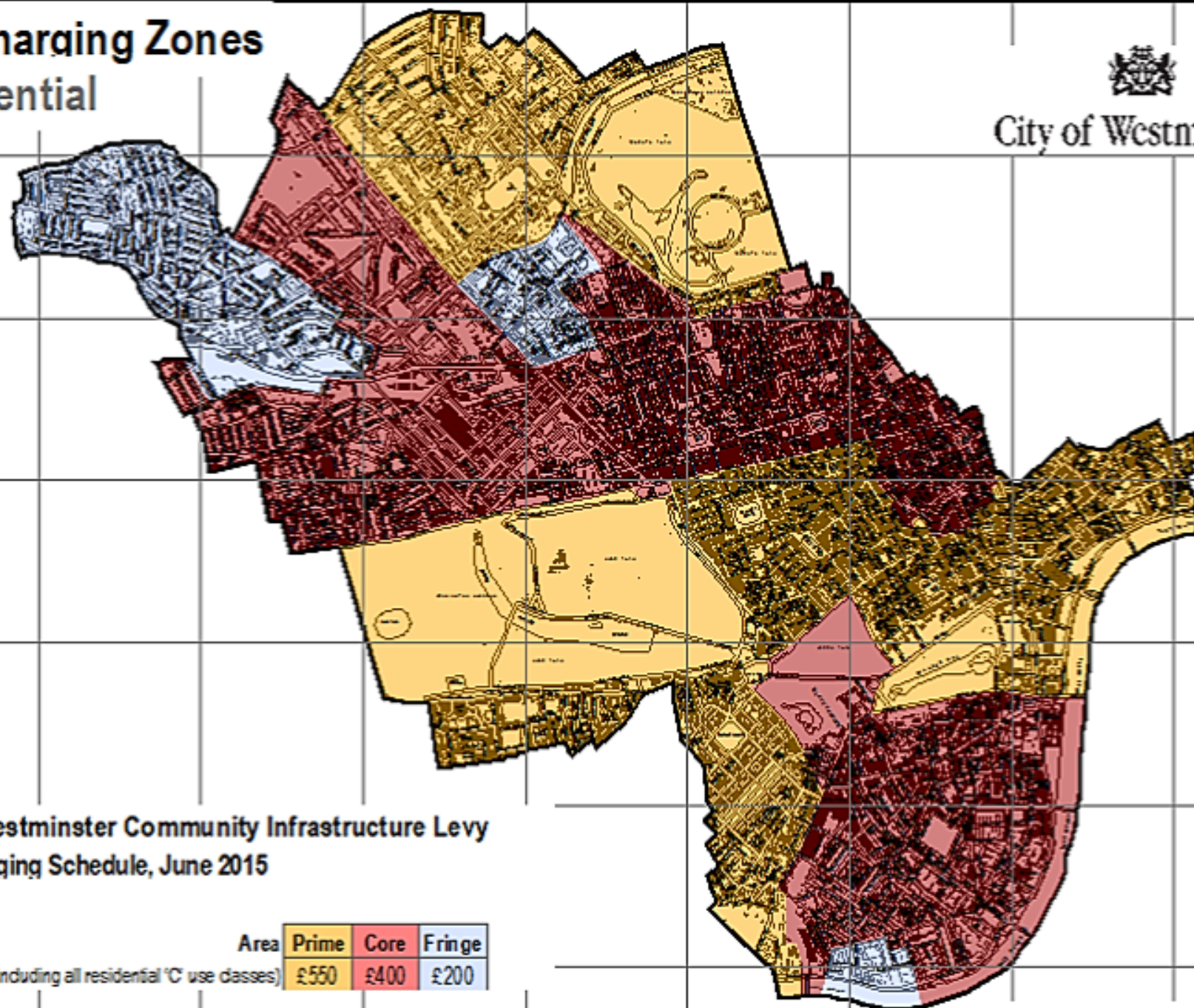
This Schedule was approved by the Council of the City of Westminster on 20th January 2016 and takes effect on **1st May 2016**.

Appendix 1 – Westminster Community Infrastructure Levy Charging Zones

CIL Charging Zones Residential

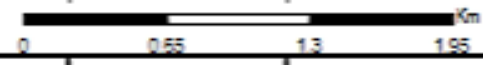


City of Westminster



City of Westminster Community Infrastructure Levy
Draft Charging Schedule, June 2015

| Area | Prime | Core | Fringe |
|---|-------|------|--------|
| Residential (including all residential 'C' use classes) | £550 | £400 | £200 |



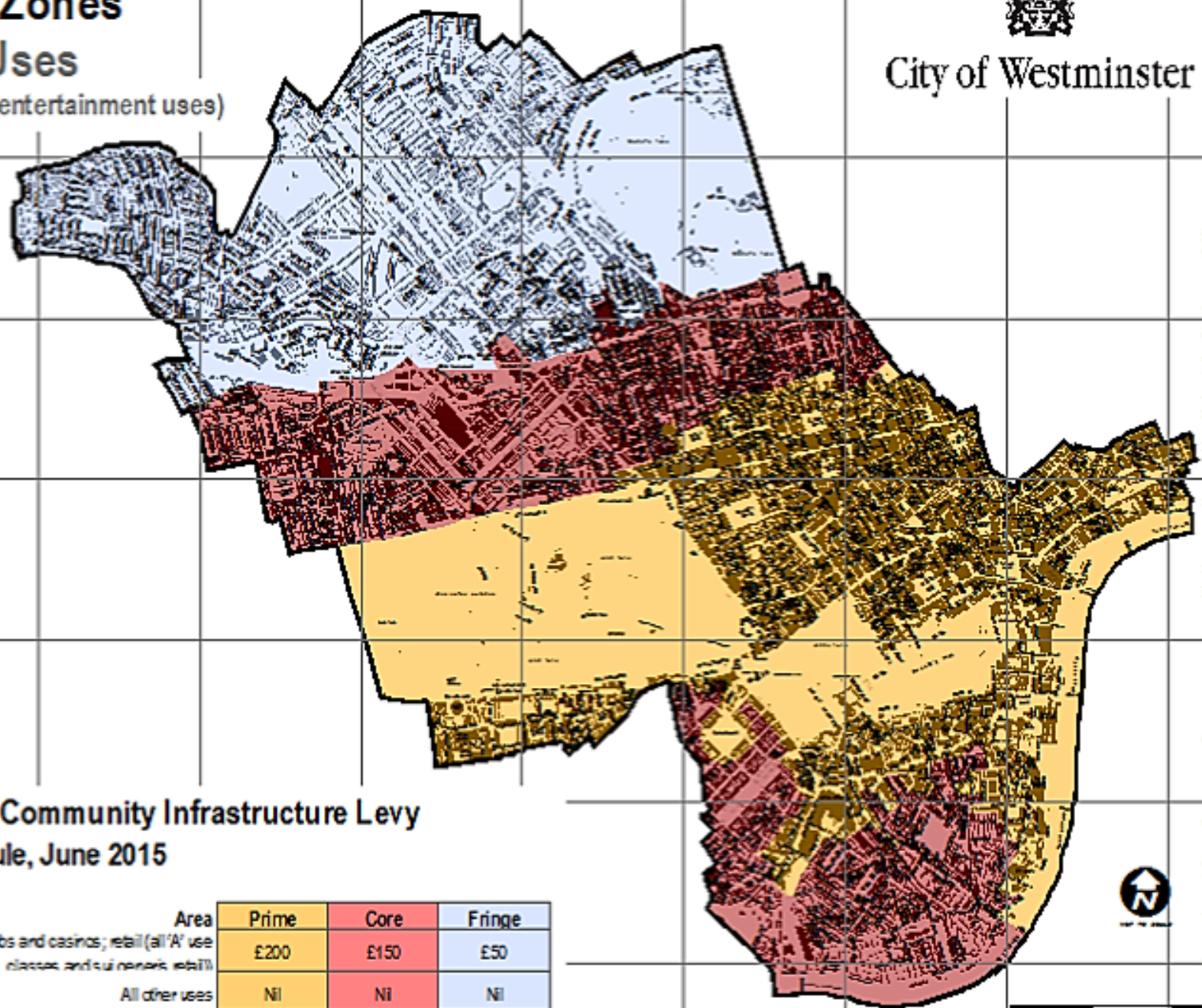
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CIL Charging Zones Commercial Uses

(Office, hotel, retail and entertainment uses)



City of Westminster



City of Westminster Community Infrastructure Levy Draft Charging Schedule, June 2015

| Area | Prime | Core | Fringe |
|---|-------|------|--------|
| Commercial (offices; hotels; nightclubs and casinos; retail (all 'A' use classes and sui generis retail)) | £200 | £150 | £50 |
| All other uses | Nil | Nil | Nil |

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EXPLANATORY NOTES

For the avoidance of doubt, this section does not form part of the Charging Schedule. National government is currently reviewing the CIL legislation and the details given here may change.

Liability to pay CIL

A chargeable development, for the purposes of determining a CIL liability, is the development for which planning permission is granted. This includes development where planning permission is granted by way of a general consent if it is of a sufficient scale or type which would trigger liability to pay CIL.

CIL will be chargeable on most development of buildings that include an increase of new build floorspace of 100 square metres or more of gross internal (GIA) floorspace. For developments that comprise a residential dwelling the amount of new build floorspace is irrelevant as liability to pay CIL is triggered on any scheme that comprises a residential dwelling whether this is from new build or existing floorspace (although development comprising residential extensions or residential annexes may in some circumstances qualify for an exemption to pay CIL). Notwithstanding, providing that a building has not been left vacant the GIA of any existing buildings on the site which are due to be demolished, or which will form part of the new development, would normally be deducted from the chargeable area (See Regulation 40 of the CIL Regulations 2010 (as amended)).

CIL will not be payable in respect of: development that comprises: buildings in to which people do not normally go; buildings in to which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery; or structures which are not buildings such as pylons and wind turbines.

Exemptions, reliefs and payment flexibilities

Some forms of development are exempt, or can be granted relief, from CIL. In some cases these are mandatory exemptions (for development by charities for charitable purposes, domestic extensions or annexes, for example) or reliefs (for social housing, for instance), all of which must be applied for to the charging authority. There are also a number of discretionary reliefs (for exceptional circumstances, certain types of affordable housing or development by charities for investment purposes, for example) and an option to allow payment of CIL in kind through either the transfer of land or delivery of infrastructure that CIL was intended to fund. The council must decide whether to make these discretionary provisions available in their area and publish policies about how they will be implemented.

Calculating the chargeable amount

The amount to be charged for each development will be calculated in accordance with regulation 40 of the Community Infrastructure Levy Regulations 2010 (as amended) or any provision which amends or replaces it for the purposes of calculating CIL. For the purposes of the formulae in paragraph 5 of regulation 40, the relevant rate (R) is the rate for each specified use in the allocated charging zone as shown in the charging schedule and maps at Appendix 1.

Charging Zones

The charging zones shown in the maps form part of the charging schedule and are included as Appendix 1.

How a Westminster Community Infrastructure Levy will be used

The council will use the sums collected to fund the provision, improvement, replacement, operation or maintenance of infrastructure required to support the development of its area in accordance with the policies set out in its development plan. It will outline the infrastructure projects or types of infrastructure it intends will or may be funded wholly or in part by CIL in a list that will be published alongside the charging schedule. Things on this list, formally published under regulation 123 of the CIL Regulations, may be funded through CIL. Infrastructure not on the list will in general continue to be secured through section 106 planning obligation agreements where appropriate.

Indexation

Cost changes are taken into account when the chargeable amount is calculated as set out in regulation 40 of the CIL Regulations, by reference to the national All-in Tender Price Index figure published by the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors for 1 November of the preceding year.

Instalments

Under the CIL Regulations, the council can decide to put in place a policy allowing payment of CIL by instalment. Such a policy will state the date from which it will operate, the number of instalment payments allowed, the amount or proportion of CIL to be paid in each instalment, the time (to be calculated from the date the development concerned is commenced). It can put a policy in place, replace its policy or withdraw it at any time after it has adopted a CIL.

Date of Approval

This Charging Schedule was approved by the Council of the City of Westminster on 20th January 2016 and takes effect on **1st May 2016**.

Legislation

This Charging Schedule has been published in accordance with Part 11 of the Planning Act 2008 (as amended) and the Community Infrastructure Regulations 2010 (as amended).

Further Information

Further background information on the Community Infrastructure Levy can be found on the council's website (<https://www.westminster.gov.uk/cil>)

Detailed guidance on CIL can also be found on the Government's National Planning Practice Guidance website pages (<http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/>).