



COUNCIL MEETING

Wednesday, 19th November, 2014

8.00 pm

Town Hall, Watford

Please note the start time of this meeting

Publication date: 11 November 2014

CONTACT

If you require further information or you would like a copy of this agenda in another format, e.g. large print, please contact Caroline Harris on 01923 278372 or by email – legalanddemocratic@watford.gov.uk .

Welcome to this meeting. We hope you find these notes useful.

ACCESS

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Visitors may park in the staff car park after 4.00 p.m. and before 7.00 a.m. This is a Pay and Display car park; the current charge is £1.50 per visit.

The Council Chamber is on the mezzanine floor of the Town Hall and a lift is available.

Induction loops are available in the Council Chamber.

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11 November 2014

Councillor

You are hereby summoned to attend a meeting of the Council of the Borough of Watford to be held on Wednesday, 19th November, 2014 starting at 8.00 pm at the Town Hall, Watford to take into consideration and determine upon the following subjects, namely: -

1. APOLOGIES FOR ABSENCE

2. DISCLOSURE OF INTERESTS

3. MINUTES

The minutes of the meeting held on 30 July 2014 to be submitted and signed. *(All minutes are published on the Council's website.)*

4. OFFICIAL ANNOUNCEMENTS

5. MAYOR'S REPORT (Pages 1 - 6)

**6. QUESTIONS BY MEMBERS OF THE COUNCIL UNDER COUNCIL
PROCEDURE RULE 10.0**

**7. QUESTIONS BY MEMBERS OF THE PUBLIC UNDER COUNCIL PROCEDURE
RULE 11.0**

8. PETITIONS PRESENTED UNDER COUNCIL PROCEDURE RULE 12.0

**9. BUSINESS ESPECIALLY BROUGHT FORWARD BY THE CHAIRMAN OR THE
HEAD OF PAID SERVICE WHICH IN THE OPINION OF THE CHAIRMAN
SHOULD BE CONSIDERED AS A MATTER OF URGENCY.**

10. MOTIONS SUBMITTED UNDER COUNCIL PROCEDURE RULE 13.0

(1) The following motion is being moved by Councillor Nigel Bell and seconded by Councillor Jagtar Singh Dhindsa

“This Council resolves that after the Judgement in the High Court on 31st. October, that the Mayor and her Cabinet work constructively with the tenants of Farm terrace allotments to preserve the historic site and provide the extra resources needed for a popular new Community facility.”

(2) The following motion is being moved by Councillor Anne Joynes and seconded by Councillor Sohail Bashir

“Domestic Violence occurs behind closed doors. Once a victim feels able to report what is happening they need to be helped with a series of strategies in order to be able to extricate themselves from danger. This Council, therefore, should provide and maintain a current directory of the services available to victims of Domestic Violence on its website under the aegis of a council officer, as not every victim has the freedom to gain access to these services outside of their home.”

(3) The following motion is being moved by Councillor Matthew Turmaine and seconded by Councillor Seamus Williams

“This Council condemns the Conservative County Council for its callous cuts to Bus Services in Watford. We are also concerned about the deafening silence from the MP for Watford, for not sending a response to the consultation on the Bus cuts. This Council calls upon Hertfordshire County Council NOT to cut any Bus services in Watford as there is no financial need to do so.”

11. CHAIR OF HIGHWAYS PANEL (Pages 7 - 8)

Report of Democratic Services Manager

12. COMMUNITY INFRASTRUCTURE LEVY (CIL) (Pages 9 - 32)

Report of Head of Regeneration and Development

13. BOUNDARY COMMISSION REVIEW (To Follow)

Report of Head of Democracy and Governance



Manny Lewis, Managing Director

Mayor's Report – November 2014

Here is my report on information, news and updates relating to the town and my activities as Elected Mayor.

Town Centre

Big Events: a success story

Our summer of Big Events was a huge success. It's great to give families a good reason to come into this part of town and hear them talking so positively about their experiences. In December we will have our first ever outdoor winter ice rink. It's something residents have been asking for ever since the rise in popularity of winter skating at the likes of Somerset House, but until The Parade redevelopment we simply didn't have space. It will measure 25 metres by 15 metres and will have a huge Christmas tree next to it. There will be a performance space and lots of seasonal activities are planned, so do bring your families down to enjoy the festivities.

I am confident that the word has now got out among the majority of residents about the events programme. We now need to attract people from outside the town to our events, so they will make a day out of coming to Watford, and further boost trade for the local businesses.

Positive news about empty properties

The intended knock-on effect for redeveloping The Parade and making the town centre more family friendly was to revitalise the local economy, generating greater footfall and business for those shops and restaurants in the area, and in turn encourage new and different companies to open up and fill the empty shops. So it is very encouraging to hear that most of the empty shops along the High Street are currently under offer. It will take some time before tenants actually move into the vacant lots, but it's reassuring to know the ball is rolling and the capital investment was justified.

New Watford Market

Our new Watford market is now officially open. Celebrity chef Rosemary Shrager joined us for the launch event, and I had the pleasure of getting involved in her cooking demonstrations, using fresh produce from the market. She was full of praise for Watford - from the coffee she'd had from Barracuda and the excellent guinea fowl she'd got from Gibsons Butchers to the fish she'd got from our popular fish stall and the buzz on the High Street overall.

I did feel some sadness on the last day of the Charter Place market as my nostalgia kicked in, remembering back to how it once was. I am very grateful to all the traders for being so patient while the work has progressed, and to all the input they've had in shaping the new market. The important thing now is that shoppers come to the new market, that they like what's on offer and they keep coming back.

Business event: Shaping the future of Watford town centre

Our Town Centre partnership is holding its first major event for town centre businesses on 18th November, to get them involved in shaping our future town centre. All business managers and property owners have been invited to come along and tell us what is important for their business and what they believe will help Watford thrive in the future while retaining and building its reputation as a vibrant town where people want to visit and invest.

Jobs & the economy

Positive jobs news

The latest employment statistics showed that unemployment in Watford has more than halved since just before the general election in 2010. The number of people claiming job seekers allowance had dropped to 1076, compared with 2106 people in May 2010. The falls mirror what is happening nationally where unemployment is at its lowest level for almost six years.

I was interested to hear that Watford creates around 500 jobs per year, despite the fact we haven't delivered any new office space in almost 15 years, which suggests employers are making their space work more efficiently. In recent months Watford Borough Council, through our work with the Chamber of Commerce, has been directly involved in nine companies moving to the area, totalling in excess of 394 jobs created. Some of these companies have relocated due to expansion and are expected to take on a healthy level of additional staff within the next 12 to 18 months, which is all good news. We also know that many companies are keen to stay, and are currently helping a number who wish to move to larger or better quality spaces, so they can find somewhere still within the town or the border areas.

Visiting new businesses

With promoting our town's economic prosperity being a key mayoral pledge I make it a priority to meet with existing businesses on a regular basis and visit those that are new to the town. For example, earlier this month I met with the people behind Hot Yoga, a new company that has opened off Imperial Way. The company has been stunningly successful in St Albans and is looking to replicate that success now in Watford. I also went to see Rebble Pebble, a lovely craft shop that has opened on The Parade. It's run by a plucky local artist who after having success at her stall on the Queens Road Summer Market decided to have a more permanent outlet.

Growth index

I was pleased to see that Watford featured in the top ten list of local authorities for employment growth, in the recent index of 'high growth places' produced by accountancy firm Grant Thornton. With the UK emerging from the worst economic crisis in many generations, local authorities have had to pay far more attention than ever before to delivering and supporting economic growth. Growth – its stimulation, acceleration and maintenance – is at the forefront of our agenda here in Watford

and precisely why I have prioritised our major investment projects such as the Health Campus, Croxley Rail Link, the town centre improvements and the Watford Business Park. These projects are in place to ensure our town will grow and prosper, with jobs for all that want them, now and in the future.

Watford Junction

Improving access to and from the station

Earlier this month I met again with the Managing Director of London Midland to really try to nail a solution for all those residents who night after night were getting stuck waiting anywhere up to 40 minutes to try and exit from Watford Junction station. I found this to be completely unacceptable, and London Midland's MD agreed. As a result of that meeting Watford's first red route has now been created in the tunnel, which means no vehicle is allowed to stop there at all, which in turn should mean traffic can flow more freely. I will be monitoring its effectiveness.

The long term solution is to create another entrance to the station, from St Albans Road or from the rear. This is anything but straight-forward as neither London Midland nor Watford Borough Council owns the land by Penn Road which would be an obvious solution – it is owned by HSBC – and so far they have not been co-operating. We will however all be giving them one further push to attempt to get them on board.

Passenger drop-off bay

I also again raised why it was taking so long for the new passenger drop-off bay to be put in place. This was something that was agreed at an earlier meeting, at which I brought together representatives from Herts County Council, London Midland, TFL and Network Rail, and something we had asked for in the original plans. I am pleased to report that county council officers are looking at the feasibility of a drop-off bay in Station Road, between Bridle Path and St Albans Road, by reducing the large footway width here. It is frustrating how there appears to have been a lack of urgency about something that everyone agrees is important.

Buses on Woodford Road

It's also been very frustrating that we still have buses parked up in Woodford Road rather than in the bus depot. The original aim was to take all the buses off the road but this is still not happening because Transport for London says it's not safe to get all the buses into the bus station without further changes to the layout. Council officers presented some suggested changes at the meeting that should make this feasible, so I am pushing for this to happen as quickly as possible.

Culture, parks & green spaces

Public back Cassiobury Park

Investing in parks and open spaces continues to be a top priority, so it was really pleasing to see that Cassiobury Park has been voted among the top five parks in the country following a nationwide competition run by Keep Britain Tidy. Around 35,000

votes were cast and Cassiobury Park came in fourth with nearly 2,000; London's Victoria Park scooped the top spot. With the major investment planned for Cassiobury Park over the coming months, I'm confident that next year we'll do even better.

Watford Museum

I was very impressed to hear that visitor numbers to Watford Museum soared over summer to 3,286 compared to 2,336 visitors for the same period last year. This is undoubtedly down to the range of successful activities that take place there, such as the Little Gallery Tearooms and the evening music and arts events – especially the WW1 exhibition/events. We have decided that following our successful bid to the Heritage Lottery Fund for £4.5 million to restore Cassiobury Park, we are now putting the expertise and experience we have gained into a new bid to refurbish Watford Museum.

This project would see the current tired displays transformed to better care and provide better access for all, including families and disabled visitors. The plans would also celebrate the iconic building that houses Watford Museum. The project shows our long-term commitment to the heritage of Watford and reflects the high profile of Watford Museum in working in partnership with the Watford community.

Cassiobury Park book launch

I am delighted that two of our officers, Paul Rabbitts and Sarah Priestley, have teamed together to write the book 'Cassiobury: the ancient seat of the Earls of Essex'. This is the first proper book on the history of Cassiobury - a subject of local, national and international interest. It is £20 and can be bought directly from the museum, and Paul and Sarah are donating their author's commission to their favourite charities. Having the experience and knowledge of these officers, as well as their passion about Cassiobury's heritage has been an invaluable asset for our Heritage Lottery Fund bid, and for the work that follows as a result of our success.

Pump House Theatre lease renewed

I am delighted that the Pump House Theatre & Arts Centre group has signed a thirty year lease with us. They are among our best tenants, as the trustees look after this amazing building; providing excellent community facilities and activities - all at no cost to the tax payer.

Health Campus

Farm Terrace – judicial review

I was very disappointed to hear the outcome of Farm Terrace Association's judicial review into the Secretary of State's decision to allow the appropriation of the Farm Terrace Allotment site for the development of the Watford Health Campus. A lot of work has been put in by all the partners and council officers on this hugely important £300 million regeneration scheme, and to hear that a judge has effectively told us we need to get back to the Secretary of State for approval again over Farm Terrace allotments, on the basis of what he has termed 'quite narrow ground' is immensely

frustrating – especially as he dismissed every other point raised by the Farm Terrace Association and the Secretary of State’s barrister stood up in court to say the point referred to was immaterial to him reaching his decision!

We will have to now go through the time and effort of applying again, specifically addressing the issue the judge referred to. We can’t afford not to. The allotments are key to providing a scheme which will deliver on its promise to regenerate west Watford providing new homes, business and community facilities, and much-needed space for Watford Hospital. We are also confident that the Secretary of State will arrive at the same conclusion in re-taking the decision.

Progress and plans

In the meantime, we continue to work with our partners to progress other elements of the scheme. We will be signing the contractor for the road construction imminently, with work starting on the important new link road in the New Year. The Compulsory Purchase Order is on schedule. All tenants have now vacated Cardiff Road Industrial Estate allowing us to finally close the gates on the site, and clearance works have started at Cardiff Road. We have achieved Resolution to Grant Planning Permission for the Hybrid Masterplan planning application on 18th September subject to the completion of a S106 Legal Agreement, and we are continuing to work closely with the Croxley Rail Link team.

Out and about

Visit to Westfield Academy

I recently paid a visit to Westfield Academy. They are set to expand by around 25% in 2016 as they move into a brand new building with a new purpose built SEN centre, new classrooms, an improved library, seven new ICT rooms and new sports facilities including a county standard football pitch and five new outdoor tennis courts. This is thanks to government funding of around £20million as part of the Priority Schools building Programme.

Catch up with CI Wheatley

I have always recognised the importance of having a good relationship with the local police force, and meet regularly with the Chief Inspector. I am full of praise for our current Chief Inspector, Dave Wheatley and how he is dealing with matters. He assured me that although we had some high profile tragedies recently, these were isolated incidents and that overall things are very much under control.

Meeting with the community

Watford has a wonderfully diverse community and as the town’s Mayor it is important I keep my finger on the pulse on what is going on across the borough. I have regular meetings with our Muslim community – plans are progressing for the Tolpits Lane community centre, and have this month also met with the Amidayya Muslims at the Holywell Lodge, the Sikhs at the Gurdhwara and the Christians at St Matthews’s Church. I am looking forward to Diwali on the Parade and joining the

interfaith pilgrimage on the 16th, and attending the Church of the Mountains of Fire conference on the 15th.

Sports clubs

Watford benefits from a huge array of sports clubs - I genuinely believe there are very few sports you cannot do in Watford! I recently visited Kodokan, a Kendo Club located on Whippendell Road. They have 20 juniors and 15 adults practising the art of Kendo (Japanese Fencing), many of whom are from Watford. This month they are taking 4 juniors to Japan to take part in special event there, which is such wonderful opportunity for these young people.

As a council we invest significantly in sports equipment. We are currently consulting with residents about what they think of sports facilities in the town to shape our sports facilities strategy which sets our goals over the next ten years.

Events

Fireworks

We had another successful fireworks evening and I'm proud we draw such huge crowds for what is always a memorable night for local families. We raise thousands of pounds for local charities and enjoyed the entertainment provided by the local bands, organised by Vibe Fm.

Remembrance

It was an excellent turnout for this year's wreath laying ceremony at the Peace Memorials. Once again it was sun shine and blue skies, and I am proud that we hold such an important remembrance service here at the Town Hall.

Audentior Awards

We held another very successful Audentior Awards evening, at which we once again honoured the outstanding work carried out by individuals and organisations in the community. My thanks to those members that nominated, attended and helped make this evening a success. We raised over £1500 for the Chairman's charities – Herts Inclusive Theatre and Arthritis Research UK.

PART A

Report to: Council
Date of meeting: 19 November 2014
Report of: Democratic Services Manager
Title: Appointment of Chair to the Highways' Forum

1.0 SUMMARY

- 1.1 At its meeting on 12 October 2012 Council agreed that a Highway Forum be set up comprising 6 Watford Councillors (politically balanced) and 6 co-opted County Councillors each representing the County Divisions in Watford and that the Forum would meet at the same time as the County Council holds its briefing meetings with Watford Councillors on highways matters.
- 1.2 A Chair needs to be appointed in time for the next meeting of the Forum in December 2014.

2.0 RECOMMENDATIONS

- 2.1 That Council appoints a Chair of the Highways Forum for the remainder of the Municipal Year.

Contact Officer:

For further information on this report please contact Caroline Harris, Democratic Services Manager, telephone 01923 278372
email: caroline.harris@watford.gov.uk

Report approved by: Carol Chen, Head of Democracy and Governance

4.0 IMPLICATIONS

4.1 Financial

- 4.1.1 The Chair is not remunerated and is treated the same as a Task Group Chair

4.2 Legal Issues (Monitoring Officer)

- 4.2.1 The Head of Democracy and Governance comments that the Council is not the Highway Authority for Watford. It has no power to compel the County Council to co-operate with the Forum. Any decisions made by the Forum rely on the County Council to accept and implement.

4.3 **Equalities**

4.3.1 None

4.4 **Potential Risks**

None

Appendices None

Background Papers Report and minutes – Council 12 October 2012

File Reference None

*PART A

Report to: Council
Date of meeting: 19th November 2014
Report of: Head of Regeneration and Development
Title: Community Infrastructure Levy

1.0 SUMMARY

- 1.1 Community Infrastructure Levy (CIL) is the mechanism for capturing value from new development to help deliver the infrastructure required in the area. The CIL examiner has concluded that the Watford Borough Charging Schedule provides an appropriate basis for the collection of the levy in the area. The regulations require that the CIL be adopted by the full council and this report seeks adoption of the published CIL Charging Schedule.
- 1.2 Non-regulatory policies, such as instalment and Reg 123 list were consulted on but not examined through the CIL process, and this report requests the Council to approve the supporting policies document.
- 1.3 The Charging Schedule and Supporting Policies document are provided as appendices to this report. Members are asked to note that the graphics and formatting changes will be made in the coming weeks and officers request delegation of approval of final presentation to the Portfolio Holder for planning.

2.0 RECOMMENDATIONS

- 2.1 That the Council:

adopts the CIL Charging Schedule attached at appendix 1 for implementation from 1st April 2015.

approves the CIL supporting policies documents also attached at appendix 2

delegates final approval of the CIL Charging Schedule and supporting policies to reflect graphics, formatting and any grammatical updates to the Portfolio Holder for Planning.

Contact Officer:

For further information on this report please contact: Catriona Ramsay, Policy Planning Officer
telephone extension: 8377 email: catriona.ramsay@watford.gov.uk

Report approved by: Jane Custance, Head of Regeneration and Development

3.0 DETAILED PROPOSAL

3.1 Members will have noted the progress of CIL through the various stages of development and consultation. Further details can be found online at; www.watford.gov.uk/cil

3.2 The following table outlines the process to get to the CIL charges as approved by the examiner.

Viability Evidence Stage 1 + 2	Dec 2012/Feb 2013
Consultation on Preliminary Draft CIL Charging Schedule	March 2013 – April 2013
Consultation on Draft Charging Schedule	February – March 2014
Independent Examination	July 2014
Inspector's Report	August 2014
Adoption of Charging Schedule	November 2014

3.3 Other policy matters

The Draft Charging Schedule submitted for examination included a number of policies which were subject to consultation and examination. This includes policies and information related to

- instalments
- payments in kind
- exceptional and charitable relief

The schedule will be kept under review for future amendments in light of infrastructure delivery, macro economic trends and changes in local land values. Any further changes to the charging schedule will require a new viability study, a fresh set of public consultation and another independent examination.

Effective Date

Under CIL regulations Full Council must adopt CIL and indicate the date on which the charging will take effect. The recommended date of effect is Wednesday 1st April 2015. This means CIL may be charged on developments where a decision notice is issued on or after that date. Where there is a resolution to grant subject to s106 prior to 1 April, CIL will apply unless the s106 is signed and the Decision Notice is issued prior to 1st April.

As per CIL regulation 25, once the full Council has approved adoption of the CIL, officers will publish and notify members of the public and appropriate bodies of the adoption and implementation date for the Charging Schedule.

Section 106

A key driver for implementation of CIL is the pooling restrictions being introduced on the use of section 106 obligations. In practice the S106 pooling restrictions mean that from April 2015 the Council will no longer be able to collect

S106 for generic infrastructure types such as education or open space, which has typically been calculated by way of a standard formula per dwelling.

The pooling restrictions shall not apply to non-infrastructure items, such as affordable housing, on-site habitat mitigation measures, monitoring requirements, etc. S106 agreements will still be available for on-site and direct requirements including for example junctions, roads/cycle-ways, on-site community buildings and allotments and drainage.

4.0 **IMPLICATIONS**

4.1 **Financial**

4.1.1 It is currently estimated that over the Watford Borough Council Plan period CIL receipts will be in the order of £5million compared to an average of £600,000 per year (average over last 4 years).

4.2 **Legal Issues**

4.2.1 The legal implications are contained within the body of the report. Should Council decide not to adopt the charging schedule and accompanying policies the Council will be unable to collect money for infrastructure after 1 April 2015

4.3 **Potential Risks**

Potential Risk	Likelihood	Impact	Overall score
Reduction from s106 funds	3	3	9

Appendices

Appendix 1 – CIL Charging Schedule and Supporting Policy documents

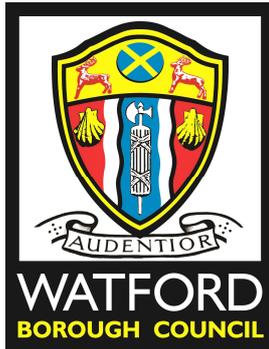
Background Papers

None

File Reference

None

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Watford Borough Council

Community Infrastructure Levy

Charging Schedule

The Charging Authority

The Charging Authority is Watford Borough Council

Date of Approval

This Charging Schedule was approved by the Council on **1st April 2015**

Date of Effect

This Charging Schedule will come into effect on **1st April 2015**

CIL Charging Rates

The Council's proposed charging rates are set out in Table 1 below.

Table 1: Draft Charging Schedule - Proposed Charges by Development Type and Location (£ per sq m)

Comparison to neighbouring authorities

Type of Development	Proposed Rate	CIL	Hertsmere (adopted)	Three Rivers (examination November)	Dacorum (examination October)	15 th
Residential	£120 per sqm					
Hotel	£120 per sqm					
Specialist accommodation for the elderly and/ or disabled 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') (within Use Class C2 and C3)	£120 per sqm					
Retail (Class A1- A5)	£120 per sqm					
Retail - Within the Primary Shopping Area (Class A1- A5)	£55 per sqm					
Office	£0 per sqm					
Industrial	£0 per sqm					
Other uses	£0 per sqm					

Major Developed Areas (MDAs)	£0 per sqm			
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The Charging Areas

The charging areas that are identified above; Major Developed Areas and the Primary Shopping Area boundaries are defined in the 'Community Infrastructure Levy Charging Area' Map in Annex 1 of this Schedule.

Statutory Compliance

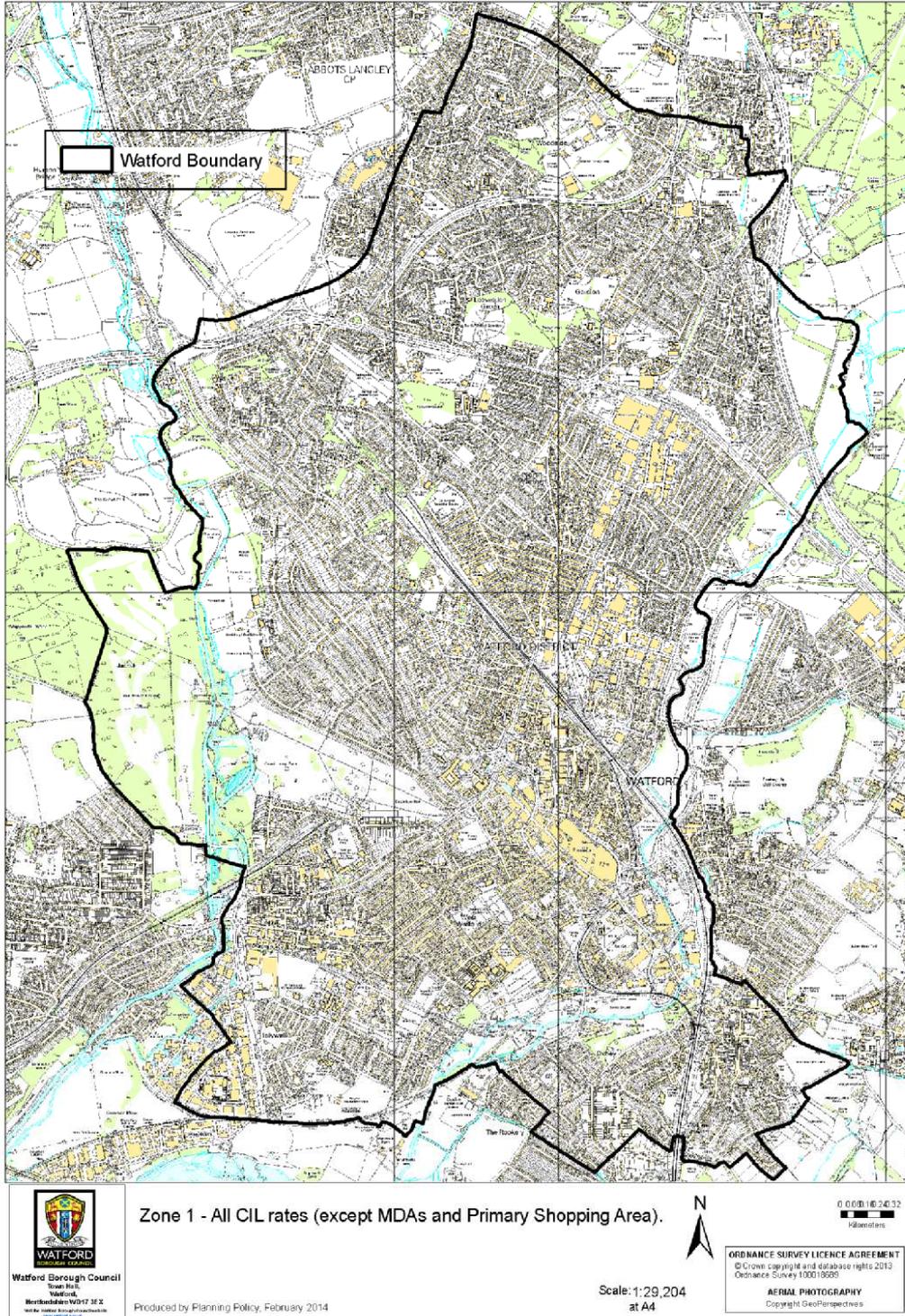
This Charging Schedule has been published in accordance with the Community Infrastructure Levy Regulations 2010 (as amended in the Community Infrastructure Levy Regulations (2011, 2012, 2013) and Part 11 of the Planning Act 2008 and in any future amendments.

Calculating the Chargeable Amount

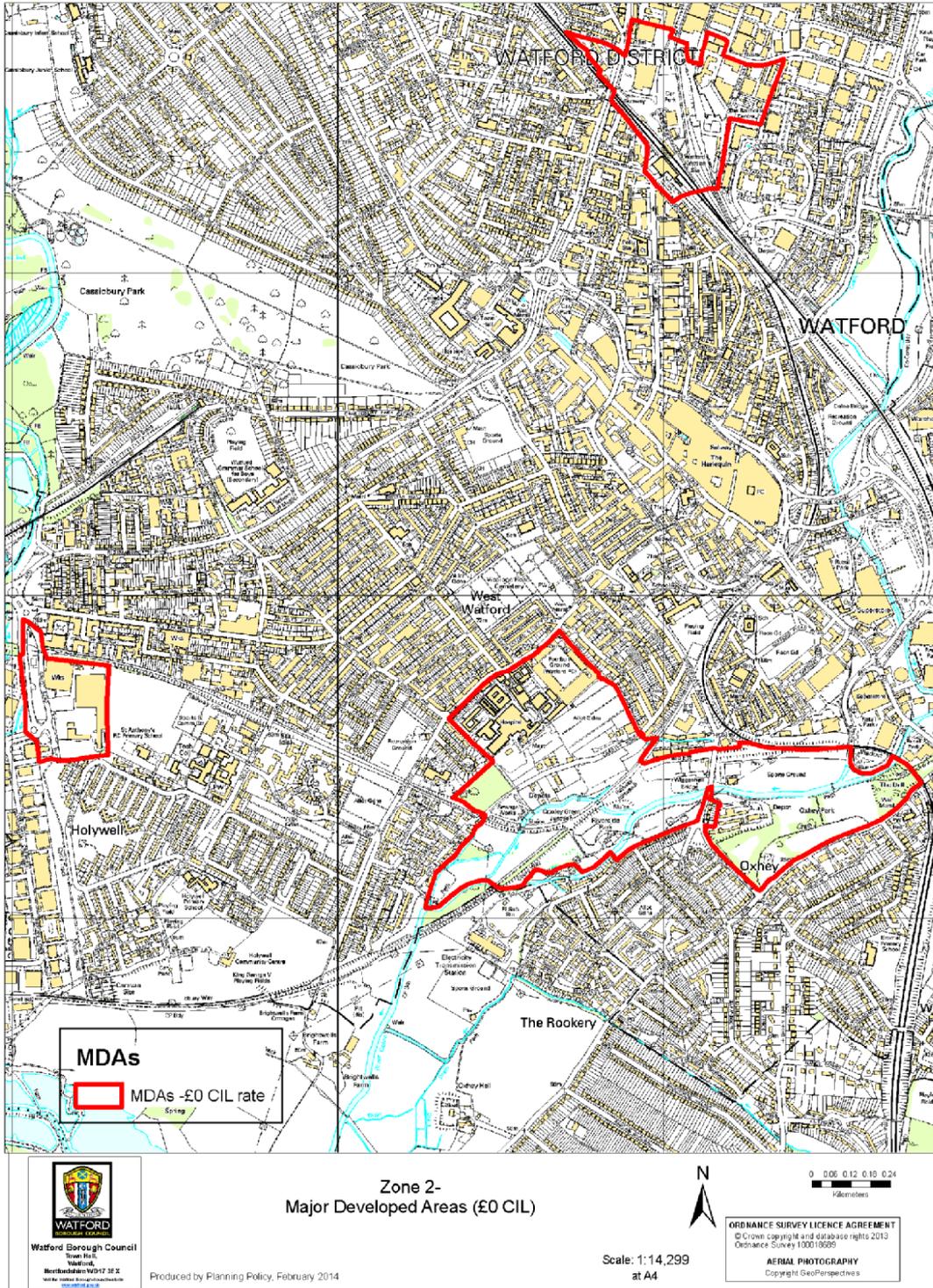
CIL will be calculated on the basis set out in Annex 2 of this schedule. In accordance with Regulation 40 of the Community Infrastructure Levy Regulations 2010 (as amended).

Annex 1

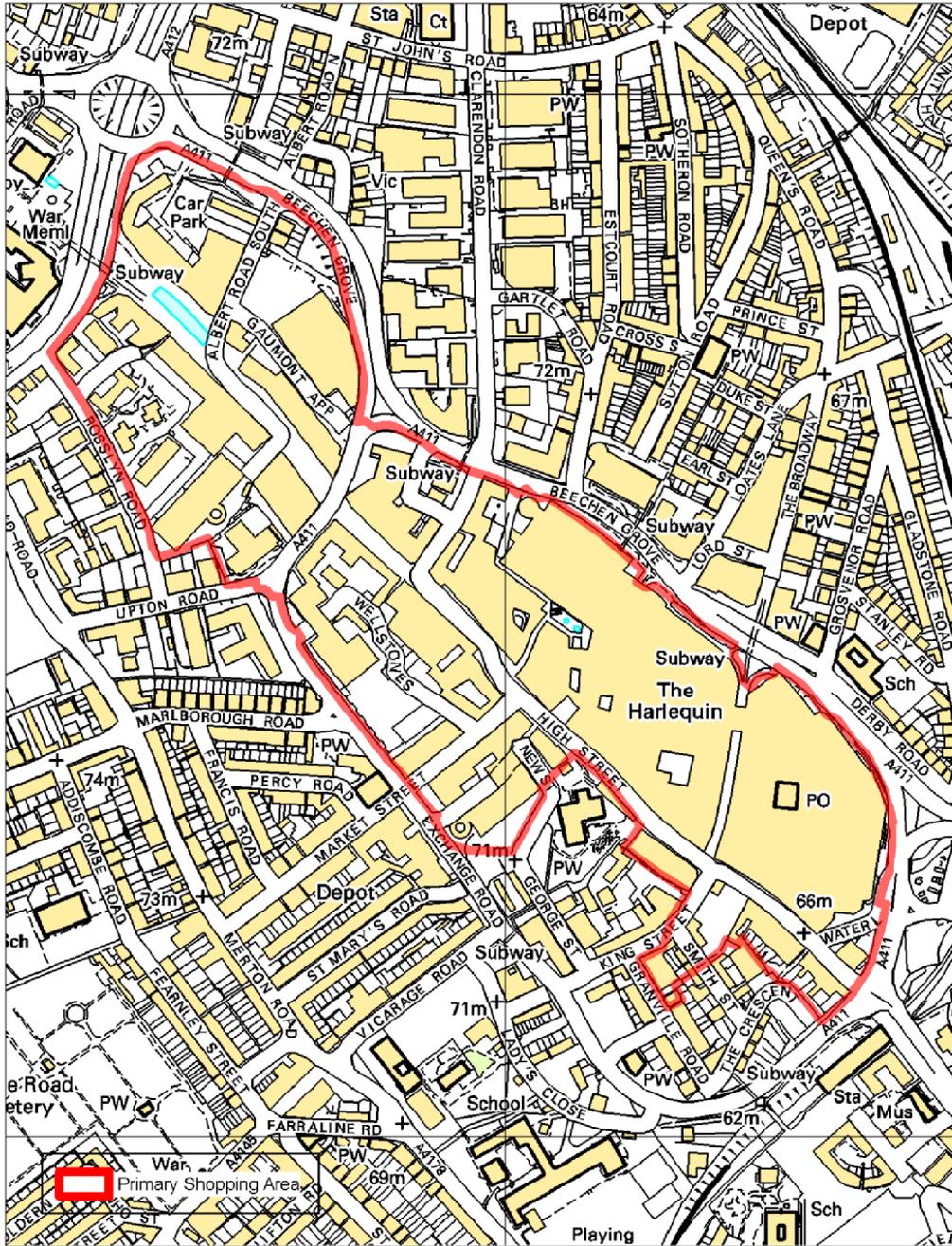
Community Infrastructure Levy Charging Areas Zone 1



Zone 2



Zone 3



Produced by CR Planning Policy, February 2014

Zone 3-
Primary Shopping Area £55 CIL rate

Scale: 1:4,789
at A4



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Annex 2- Calculation of chargeable amount

Regulation 40 of the Community Infrastructure Levy Regulations 2010, 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—

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

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—

where—

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

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 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;

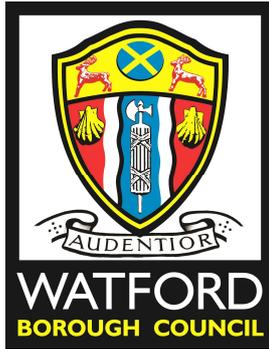
“retained part” means part of a building which will be—

(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

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Appendix 2

Watford Borough Council

Community Infrastructure Levy

Supporting policy document:

Regulation 123 List

Instalment policy

Watford Borough Council

Community Infrastructure Levy

Regulation 123 List

Regulation 123 list

This Regulation 123 list will be valid upon adoption of the CIL charging schedule.

Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) restricts the use of planning obligations for infrastructure that will be funded in whole or in part by the Community Infrastructure Levy (CIL), to ensure no duplication between the two types of developer contributions, CIL and S.106. A CIL charging authority is expected to publish a list of infrastructure that will benefit from CIL on its website.

The list below sets out those infrastructure projects that Watford Borough Council (as charging authority) currently intends will be, or may be, wholly or partly funded by CIL. The inclusion of a project or type of infrastructure in this list does not signify a commitment from the Council to fund (in whole or in part) all of the projects listed through CIL, nor does it imply any order of preference for spend. The Council will review this list at least once a year, as part of its monitoring of CIL collection and expenditure.

In accordance with Regulation 123, developer contributions to the infrastructure types or projects that are listed below will be secured through CIL, not through planning obligations and S106 agreements.

As the Watford CIL Charging Schedule will not become effective before it is adopted in 2015, and as CIL is not payable until after development commences, it is recognised that there will be limited CIL receipts available for spending in the first year of operation (2015/16).

Types of infrastructure to be funded in whole or in part by CIL

- Highways & Transport Improvements
- School Places (primary and secondary schools, excluding those associated with SPA2 Watford Junction, SPA3 Health Campus and at SPA6 Western Gateway)
- Youth facilities
- Childcare excluding those associated with SPA2 Watford Junction, SPA3 Health Campus and at SPA6 Western Gateway).
- Nursery Spaces excluding those associated with SPA2 Watford Junction, SPA3 Health Campus and at SPA6 Western Gateway).
- Children's play facilities
- Adult care services
- Health Centres
- Provision of new community facilities and improvements to existing facilities
- Libraries
- Sports Facilities as identified in the WBC Sports Facilities Strategy and Playing Pitches Strategy
- Flood Defences
- Green Infrastructure, including tree planting
- Open Space provision, excluding onsite provision of local open space for developments of over 10 dwellings in line with policies of the Local Plan
- Minerals and waste
- Waste management.

Where the need for specific infrastructure provision is identified by being excluded from the above list. Or arises directly from five or fewer developments, Section 106 arrangements will continue to be applied in order to provide the infrastructure required to make the development acceptable in planning terms. Where this is required, a Section 106 agreement will be drawn up directly with the developer, and this is likely to include:

- Affordable housing
- On-site open space and children's play facilities

- At SPA2 Watford Junction:
 - New station interchange building and access bridge
 - Improvements to the existing station including accommodating the CRL and Abbey Line improvements
 - Social facilities such as GP and adult care services
 - Primary school provision (either onsite or in the vicinity of the site)
 - Police Station facility in the vicinity.

- At SPA3 Watford Health Campus:
 - New road access arrangements to alleviate congestion on Vicarage Road
 - Traffic signalling improvements to Junction 5 of the M1 motorway
 - A primary school in the vicinity of the site

- At SPA6 Western Gateway:
 - A primary school
 - Onsite community facilities

- Other on-site infrastructure not included in the above

Watford Borough Council

Community Infrastructure Levy

Instalment Policy

The CIL Regulations set a default position that full payment of CIL must be made within 60 days of the commencement of development. The Regulations enable a Charging Authority to set an instalment policy that allows phased payments over longer periods.

In response to comments at the previous Preliminary Draft Charging Schedule consultation, the council's proposal for a draft instalment policy is set out below.

Comments are invited alongside the Draft Charging Schedule and these will be considered when finalising Watford's CIL Instalment Policy. However, the Instalment Policy itself will not be subject to Public Examination.

Watford Draft CIL Instalment Policy

Where an instalment payment is not received by the date it is due then the full unpaid balance must be paid in full immediately.

<p>1. Where the chargeable amount is <u>less than £35,000</u></p> <p>Full payment due within 60 days of the commencement of development.</p>
<p>2. Where the chargeable amount is <u>greater than £35,000 but less than £100,000</u></p> <p>Instalment 1 – 25% of payment due within 60 days of commencement date.</p> <p>Instalment 2 – remainder of payment due within 120 days of commencement date.</p>
<p>3. Where the chargeable amount is <u>greater than £100,000</u></p> <p>Instalment 1 – 25% of payment due within 60 days of commencement date.</p> <p>Instalment 2 – 50% of payment due within 120 days of commencement date.</p> <p>Instalment 3 – remainder of payment due within 360 days of commencement date.</p>

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