

Definition of Community Infrastructure Levy (CIL) Chargeable Area

What is development?

For the purposes of calculating the level of CIL required, development means the carrying out of all building operations in, on, over or under land. This is with the exception of those operations referred to in Regulation 6 of The Community Infrastructure Levy Regulations 2010 (as amended).

What is Gross Internal Area (GIA)?

CIL liability is calculated deducting the Gross Internal Area (GIA) of existing (where in lawful use as defined above) from the proposed CIL liable GIA to arrive at the net chargeable area, which is then multiplied by the applicable CIL rate.

However, the definition of GIA for the purposes of calculating CIL is not specified in the CIL Regulations. The generally accepted method of calculation of GIA is set out in RICS Code of Measuring Practice 6th Edition (the RICS Code) as follows:

GIA is the area of a building measured to the internal face of the perimeter walls at each floor level (as defined by the RICS Code of Measuring Practice, 6th Edition, 2007).

The RICS definition is subject to exclusions set out within the CIL regulations referred to above. GIA could include:

- 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, pergolas, and the like;
- Structural, raked or stepped floors are to be treated as a level floor measured horizontally;
- Horizontal floors, with permanent access, below structural, raked or stepped floors;
- Corridors of 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 or a permanent nature, whether or not above the main roof level;
- Service accommodation such as toilets, toiler lobbies, bathrooms, showers, changing rooms, cleaner rooms and the like;
- Projection rooms;
- Voids over stairwell and lift shafts on upper floors;
- Loading bays;
- Areas with a headroom of less than 1.5m
- Pavement vaults;
- Canopies;

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The following will be excluded from CIL liable floorspace:

- Perimeter wall thicknesses and external projections;
- External open-sided balconies and fire escapes with no roof over;
- Voids over or under structural raked or stepped floors.

For the purposes of calculating internal floorspace for CIL, the Council will also apply the following criteria:

- It will apply to a building as defined in S.55 of the Town and Country Planning Act 1990 (as amended);
- The structure must have a solid roof but can have open sides. The roof will not be solid if the roof has gaps in it. Lightweight roof coverings, such as plastic sheeting will be considered to be a solid roof and the internal floorspace will therefore be taken into account;
- For clarification:
 - a pergola with no roofing material,
 - free standing solar panels
 - below ground swimming pools where any cover is flush with the top of the pool, and
 - raised decking that does not include any built in storage or accommodation or similar use underneath it,

Will not be counted as internal floorspace for the purposes of CIL;

- Sheds, greenhouses and conservatories are buildings and would be considered as internal floorspace when assessing CIL liability