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DRAFT STATUTORY INSTRUMENTS

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**2010 No.**

**The Community Infrastructure Levy Regulations 2010**

**PART 6**

**EXEMPTIONS AND RELIEF**

**Social housing relief: qualifying amount**

**50.**—(1) The amount of social housing relief for which a chargeable development is eligible (“the qualifying amount”) must be calculated in accordance with this regulation.

(2) The qualifying amount is an amount equal to the aggregate of the qualifying amounts at each of the relevant rates.

(3) The relevant rates are the rates at which, but for social housing relief, CIL would be chargeable in respect of the part of the chargeable development which will comprise qualifying dwellings.

(4) The relevant rates must be 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 is or will be situated.

(5) The qualifying amount at a given relevant rate (R) must be calculated by applying the following formula—

$$\frac{R \times N_R \times I_P}{I_C}$$

where—

$N_R$  = 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  $N_R$  in paragraph (5) must be calculated by applying the following formula—

$$\frac{Q_R \times N}{Q}$$

where—

$Q_R$  = the gross internal area of the part of the chargeable development which will comprise qualifying dwellings, and in respect of which, but for social housing relief, CIL would be chargeable at rate R;

$Q$  = the gross internal area of the part of the chargeable development which will comprise qualifying dwellings; and

$N$  = the deemed net area of the part of the chargeable development which will comprise qualifying dwellings.

(7) The value of  $N$  in paragraph (6) must be calculated by applying the following formula—

$$Q - \left( \frac{Q \times E}{C} \right)$$

where—

Q = the gross internal area of the part of the chargeable development which will comprise qualifying dwellings;

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

C = the gross internal area of the chargeable development.

(8) The index referred to in paragraph (5) has the same meaning as in regulation 40.

(9) A reference in this regulation to part of a chargeable development which will comprise qualifying dwellings includes a reference to part of a chargeable development which comprises qualifying dwellings.

(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” has the same meaning as in regulation 40.