Community Infrastructure Levy

Guide for Developers

What is CIL?

The Community Infrastructure Levy is a new system for seeking contributions from developers towards essential infrastructure to support new development

When does CIL take effect?

Our CIL charging schedule is effective from 1st April 2016. It applies to certain types of development which is permitted in Chesterfield Borough after this date

Government CIL Guidance

The Government has issued CIL Guidance and covers the majority of queries you may have about CIL.

Is my development proposal liable for CIL?

The following types of development proposals are liable for CIL in Chesterfield:

- All development containing at least 100 square metres of new build (additional floorspace)
- Development of less than 100 square metres of new build that results in the creation of a new dwelling
- The conversion of a building that is no longer in lawful use
- The development of retail floorspace

How is the size of a development calculated?

The size of development is calculated on the basis of its Gross Internal Area (GIA). The Royal Institute of Chartered Surveyors has produced guidance on how to calculate GIA Code of measuring practice 6th edition

My development is liable for CIL – What do I do now?

You should follow the Council's Stage by Stage Guide

CIL - A Stage by Stage Guide:

Stage 1:

Planning Application and CIL (Applicant):
Submission of additional Information
You must submit the **CIL Question Form 0** along with your application if it appears that your proposal is liable for CIL.

CIL Question Form (CIL Form 0) (Additional Information)

The CIL Question Form Guidance Note will help you complete the form

Stage 2:

If my planning application is granted, what happens next?

CIL Liability Notice (Council):
We will issue a **CIL Liability Notice** as soon as possible after the issuing of the planning Decision Notice. This states how much CIL is payable.

If you think that the amount has been incorrectly calculated you can request that the Council recalculates it. If on recalculation, you still consider the amount is incorrect, you may appeal the decision (see below).

The following must be completed prior to commencement of the development:

Stage 3:

Before the development commences:

Assumption of Liability Notice (CIL Form 1) (Applicant):
The person(s) responsible for paying CIL must send us an **Assumption of Liability Notice** before commencement of the development.
If this does not happen, the charge will default to the owner of the land and there may be additional costs payable. If you are submitting an application and will be responsible for paying the CIL, you can submit this Notice with the CIL Question Form

Commencement Notice (CIL Form 6) (Applicant):
A **Commencement Notice** must be sent to us with the date that development will commence.

If the **Assumption of Liability Notice (CIL Form 1):** and the **Commencement Notice** (**CIL Form 6)** forms are not submitted to the Council before the development commences, then penalty surcharges apply, and the person(s) liable to pay the CIL relating to the development loses the right to pay by instalments if this was otherwise

applicable. The **Assumption of Liability Notice** may be submitted alongside the planning application (or at any time between the submission of the planning application and the commencement of the development, once it is known who will be assuming liability to pay CIL.

Claim for Relief Form (Applicant) (if applicable):
This must be submitted prior to commencement of the development
(Further information under 'Relief from CIL' below)

Stage 4:

CIL Demand Notice (Council):
Once the Council has received the **Commencement Notice,** we will issue a **CIL Demand Notice** to the person(s) that has assumed liability to pay the CIL. This notice sets out the date that the CIL must be paid by. It also sets out the amount due in each instalment, if applicable, and the date when it must be paid by.

The Council's CIL Instalments policy sets out the circumstances where payment is allowable

If payment is not made by the due date, then penalty surcharges apply. The council does not have the flexibility to defer CIL in the same way that it can in through planning obligations and payment of CIL is enforceable through both the courts and the planning process.

Stage 5:

Receipt of payment and Land Charges (Council):
Once the Council has received the CIL payment we will acknowledge receipt of the payment. Upon receipt of the final payment due in respect of the development the CIL charge will be removed from the Land Charges Register.

This process will apply in the vast majority of cases. However there are some situations where the process may be different. For example:

- Where CIL is payable on permitted development of development granted under a general consent such as a Land Development Order
- Where someone withdraws or transfers their liability to pay CIL

In such cases there are specific forms that must be completed and submitted. (See complete List of CIL Forms below)

CIL Indexation
CIL payments must be index linked from the year that CIL was introduced (2016) to the year that planning permission is granted. The index we must use is the national All-in Tender Price Index published by the Build Cost Information Service (BCIS).

Relief from CIL
Relief from CIL is available for Social Housing, Self-Build Housing (including extensions and annexes), and Charitable Development. Detailed information for claiming this relief is contained under Community Infrastructure Levy Guidance.

CIL Payment Instalment Policy
Where a development is liable to pay more than £50,000 of CIL, it is possible to make the payment in up to 4 instalments over a period of 540 days, as set out in our instalment policy.

Permitted Development and prior notification development
In rare cases, permitted development (that is development which does not require planning permission) may be of sufficient scale to be liable for CIL. You must serve a **Notice of Chargeable Development (CIL Form 5)** on the Council before the development commences. The CIL charge is then calculated and applied as though planning permission had been granted.

The same applies to development which is granted planning permission under the Prior Notification process, particularly conversions of offices to residential development.

List of CIL Forms
CIL Form 0 - CIL Question Form
CIL Form 1 – Assumption of Liability
CIL Form 2 – Claiming exemption or relief
CIL Form 3 – Withdrawal of assumption of liability
CIL Form 4 – Transfer of Assumed Liability
CIL Form 5 – Notice of Chargeable Development
CIL Form 6 – Commencement Notice
CIL Form 7 –Self Build Exemption Claim Form Parts 1 & 2
CIL Form 8 - Self Build Residential Annex Exemption Claim Form
CIL Form 9 - Self Build Residential Extension Claim Form

(Note: Forms in **bold** type are required in every case
Forms in normal type are required only where applicable)

What happens if I do not pay the charge?
Unlike Section 106 Agreements, CIL payment is mandatory and non-negotiable. If you do not pay on time:

- You will be subject to a penalty without further notification
- Any agreement for you to pay by instalment will be withdrawn
- There are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges and prison terms

Appeals

Further advice on appeals can be found on the CLG Planning Practice Webpage CIL Appeals

There is more information on the CIL consultation page

Further information

Planning Portal
Communities and Local Government
Planning Advisory Service