

## Guide to CIL

### **CIL Introduction**

CIL is a planning charge introduced by the Planning Act 2008, which came into force through the Community Infrastructure Levy Regulations 2010 and subsequently Community Infrastructure Levy (Amendment) Regulations 2011. The charge facilitates the implementation of infrastructure needs created through development.

The charge is effective in Tewkesbury/Gloucester/Cheltenham from 1<sup>st</sup> January 2019.

### **Liable Developments**

Most developments, over 100 square metres (or new dwellings of any size), are liable for the levy, with exceptions for circumstances such as, but not limited to, self-builders, social housing and charities.

If there are existing buildings that are to be demolished or redeveloped, the charge may be offset against this. In this instance the building must have been in lawful use for at least 6 months in the last 3 years. See The Community Infrastructure Levy (Amendment) Regulation 40 for more information - <http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>.

### **How is the charge calculated?**

The charge is calculated on a square meter basis, with different areas and uses being subject to different rates. The charging schedules for each Authority are available on the JCS CIL page.

### **Details of payment**

CIL is payable on commencement of the chargeable development. You may be eligible to pay the levy in instalments, see the JCS CIL page for each Authority's policy.

## Overview of the CIL process

### Step one

Fill in Form 0, the CIL additional questions form. This is required as part of your planning application to enable it to be validated.

### Step two

When planning consent is granted the Council will issue a CIL liability notice, which will detail the CIL charge for your development.

If you believe that your CIL charge has been incorrectly calculated, you have a right to review or appeal any time prior to commencement of the development in question. Please contact [cil@teWKesbury.gov.uk](mailto:cil@teWKesbury.gov.uk), [cil@cheltenham.gov.uk](mailto:cil@cheltenham.gov.uk) or [cil@gloucester.gov.uk](mailto:cil@gloucester.gov.uk).

### Step three

Prior to commencement of your development you will need to submit CIL Form 1 – Assumption of Liability.

If the person paying the CIL changes you can submit Form 3 to withdraw the assumption or Form 4 to transfer the liability to another party.

If the council does not receive this form prior to commencement, surcharges will apply and the development will no longer be permitted to pay in instalments.

This form must be submitted before you are able to apply for any form of exemption or relief.

### Step four

If your development is eligible for any exemption or relief the appropriate forms need to be submitted and acknowledged by the Council prior to development –

- Form 2 – claiming exemption or relief. Relief for social/affordable housing, exceptional circumstances or developments by registered charities for charitable use.
- Form 7 part 1 – self build exemption. Where you are building or commissioning a new dwelling which will be your main residence for a minimum of 3 years.
- Form 8 – self build annex exemption. Where you are building or commissioning a residential annex which will be ancillary accommodation to the main dwelling.
- Form 9 – self build residential extension exemption. Where you are building or commissioning an extension to your main residence, which is over 100sqm, for domestic use.

Please note

- You must assume liability for the charge before you are able to apply for relief or exemption of any description.
- If the development commences prior to confirmation of the relief being confirmed by the Council, the relief will no longer be applicable and the full levy will be due immediately.

### Step five

You must inform the council at least 24 hours prior to commencement that work is beginning on your development by submitting Form 6 – Commencement notice.

If your development did not require planning permission under permitted development, you must submit Form 5 – notice of a chargeable development prior to work commencing.

On receipt of this notice, the Council will issue the CIL demand notice, which will detail the total amount and date which it is due by.

Please note

- If payment is not met by the due date, surcharges will apply.
- Where payment is being made in instalments and a payment is missed, the instalment policy ceases to apply and the total CIL would be payable immediately.

#### Step six

The Council will acknowledge when full payment has been received and remove the Land Charges register.

If self-build exemption was granted you will need to submit Form 7 part 2 within 6 months of completion along with the requested supporting evidence.

If you qualified for any other type of relief please ensure that you notify the Council of any disqualifying events within the relevant time period – see PLANNING PORTAL for more information.

Please note that this publication details the process that will apply for most cases, however there may be situations that require a different process, therefore this information should be used as guidance only.