



## **CIL Guidance Note**

### **1.0 Introduction**

- 1.1 Bedford Borough Council brought the Community Infrastructure Levy (CIL) into effect on 1<sup>st</sup> April 2014.
- 1.2 This advice note aims to advise applicants about the Levy, when information needs to be submitted with a planning application and the process involved. It also highlights where additional information can be found. It is not intended to be a definitive interpretation of the legislation or CIL Regulations and applicants may wish to seek professional advice about any issue in this note.
- 1.3 The government issued updated Community Infrastructure Levy Guidance in February 2014 which is available at <http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/>

### **2.0 What is the Community Infrastructure Levy?**

- 2.1 CIL is a tariff in the form of a standard charge on new development, to help the funding of infrastructure. The principle behind CIL is that most development has some impact on infrastructure and should contribute to the cost of providing or improving infrastructure.
- 2.2 CIL applies to new floor space and charges are based on the size and type of the new development. The Council will collect the Levy, co-ordinate the spending of the funds and report this to the community.

### **3.0 Will CIL replace Section 106 agreements?**

- 3.1 For residential developments CIL will largely replace off- site Section 106 (S106) contributions, e.g. towards off-site sports provision or school places. The borough will continue to use S106 agreements to secure affordable housing from residential developments and essential site specific mitigation from residential and other types of development that are needed to enable developments to proceed. In some instances, S106 agreements may also be used for larger development sites that have their own specific infrastructure needs that may be more suitably dealt with through S106 agreements. The Council will also utilise Section 278 Highways agreements to address the highway needs/impacts of a development. For further information see "Planning Obligations Supplementary Planning Document 2013" on the Council's website.

### **4.0 When did CIL come into effect in Bedford Borough?**

- 4.1 The Community Infrastructure Levy came into effect in the Borough on 1<sup>st</sup> April 2014.

- 4.2 Planning permissions issued on or after 1<sup>st</sup> April 2014 may be subject to CIL. Any planning permission issued before 1<sup>st</sup> April 2014 but which is implemented pursuant to that planning permission after 1<sup>st</sup> April 2014 will be unaffected. Planning permission deemed to be granted by way of permitted development rights but not implemented until after 30<sup>th</sup> March 2014 may also be liable to CIL.
- 4.3 If a scheme was granted outline planning permission before 1st April 2014, the subsequent approval of reserved matters does not trigger a liability to pay CIL. If a scheme was granted full planning permission before 1<sup>st</sup> April 2014, the subsequent approval of pre-commencement conditions does not trigger a liability to pay CIL. However, if there was a refusal of planning permission before 1<sup>st</sup> April 2014, but an approval of planning permission is granted on appeal on or after 1st April 2014, the development may be liable to pay CIL.
- 4.4 Where planning permission is granted under Section 73 of the Town and Country Planning Act on or after 1<sup>st</sup> April 2014 to vary a planning permission that was granted before 1st April 2014, CIL is only due in relation to the increase in floor space over the original planning permission i.e. additional liability.

## **5.0 What type of development is liable for the Levy?**

- 5.1 In the borough it is proposed that CIL will apply to:-
- residential development - that is new dwellings of any size, (including holiday lets and houses in multiple occupation) through conversion or new build together with any buildings ancillary to the dwelling and other residential floorspace of 100 sq. m and above subject to any qualifying exemptions that may apply to residential extensions or annexes. Residential floorspace includes all floors of a building including habitable attics and basements and all buildings ancillary to dwellings such as garages, conservatories and sheds. Elements of development that are open to the weather (for example, canopies, fully open sided car ports, covered walkways, external balconies) are excluded. This reflects the definitions of Gross Internal Area in the RICS Code of Measuring Practice.
  - convenience based supermarkets and superstores and retail warehouses (net retailing space over 280 sq m) and extensions of over 100 sq. m to them.
- 5.2 Other permissions for uses such as offices, small retail etc, whether granted on application or deemed to have been granted by way of permitted development rights etc, will have a zero charge.
- 5.3 In order to assess whether development is liable to contribute to CIL, applicants are required to submit a CIL Questions form with their planning application for the following types of development:-

All applications for full planning permission, Section 73 variations to relevant applications granted pre or post April 2014 and reserved matters if the outline planning permission was granted on or after April 1<sup>st</sup> 2014 if planning permission is sought for

- **Residential development of one or more dwellings through new build or conversions even if less than 100 sq. m.**

- **The establishment of other residential floorspace such as extensions, and other ancillary buildings such as stores, garages if over 100 sq. m gross (or less than 100 sq. m if it contributes to the creation of new dwelling).**
- **Convenience based supermarkets, superstores and retail warehouses (net retailing space over 280 sq. m) or an extension of over 100 sq. m to such retail stores.**

**For these types of applications, applicants MUST submit a CIL Questions Form with their applications for planning permission to enable the Council to assess their liability for the Levy.** A planning application **will not** be validated until the CIL Questions Form has been submitted. This form is available at [www.bedford.gov.uk/CIL](http://www.bedford.gov.uk/CIL) or <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

This applies even if the development is likely to be subject to a £0 rate of CIL, as a result of being able to benefit from the mandatory relief available for charitable development, social housing or other reliefs. If the information provided within the form is insufficient, or the plans submitted are not clear, the Council will request additional information. **If this is not provided, the CIL liability will be calculated based on the information provided within the Planning Application with no deductions for any existing floorspace.**

If the CIL applies to more than one new building a schedule listing the GIA floorspace of each building should be supplied with the CIL Questions form if not provided as part of the planning application.

If the amount of CIL is to be reduced due to the demolition of buildings in lawful use or re-use of part of an existing building, each building must be listed separately on the CIL form Q7 and a plan must be supplied to show the location of the floorspace/buildings referred to in Q7.

- 5.4 Applicants are also asked to submit **CIL Form 1: Assumption of Liability** to the Council with the planning application to ensure that the CIL liability notice is issued to the correct party. Liability for CIL rests with the landowner, unless another party completes a CIL 'Form 1: Assumption of Liability.' This form must be submitted by the landowner. In the absence of an Assumption of Liability form being submitted the Council will serve the Liability Notice on the applicant and landowners identified on the planning application documentation. The person accepting liability must legally serve 'Form 1: Assumption of Liability' on the Council prior to commencement of the development.
- 5.5 If you are submitting an application for a major development, the CIL Regulations permit each phase of the development to be a separate chargeable development if the permission granted provides for the development to be implemented in phases. If you wish for your application to be considered in phases, this must be requested and discussed with the Council, before submission.

## **6.0 What type of development is not liable?**

- 6.1 Developments of less than 100 sq. m will not pay the Levy unless the development will comprise one or more dwellings (this includes annexes), in which case the Levy is payable.
- 6.2 Subject to various criteria being met the following types of planning applications will not have to pay CIL but applicants are required to submit the CIL Questions Form so that the Council can confirm that there is no liability.
- The conversion of a building that is in active lawful use (see below) provided that no extension is proposed as part of the conversion works.
  - Charitable development that meets the relief criteria
  - Houses, flats, residential annexes and extensions built by “self builders” for their own occupation subject to criteria being met and the necessary evidence being supplied.
  - Social housing that meets the relief criteria
  - Vacant buildings brought back into the same use.
  - Note that in some instances CIL will become payable if the reasons for the exemption cease to apply within a specified time.
- 6.3 A wide range of other developments such as employment and leisure uses are currently zero rated and will not have to pay CIL.

## **7.0 What if CIL liability is unclear?**

- 7.1 If it is not clear as to whether a development will be liable for CIL, it is recommended that the CIL Questions Form is submitted, and we can decide whether the development is CIL liable. Misleading or inaccurate answers may result in a CIL charge that is higher than it needs to be and in some cases additional surcharges may be imposed.
- 7.2 For example applications under S73 of the Planning Act 1990 are a special case. In transitional cases, where the original planning permission was granted prior to a CIL charge being brought in but the S73 application is granted following introduction of CIL, the S73 consent will only trigger CIL for any additional liability it introduces to the development (such as increased floorspace). Post introduction of CIL, the regulations provide for CIL payments made in relation to a previous consent that has been commenced to be offset against any further liability which arises pursuant to a S73 consent, and also in relation to a different planning permission that covers the same land so that the Levy already paid is credited against the revised scheme. This can be assessed when forms are submitted.

## **8.0 What happens if my scheme does not require planning permission?**

- 8.1 If a scheme is liable to pay CIL then a CIL payment will be required whether or not the development requires planning permission. Persons who intend to carry out development authorised by ‘general consent’ (including permitted development) should serve the Council with a **CIL Form 5: Notice of Chargeable Development** before the development authorised is commenced so that any liability can be determined. A Notice of Chargeable Development form is available at [www.bedford.gov.uk/CIL](http://www.bedford.gov.uk/CIL) or <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>.

## 9.0 How much will CIL cost?

The Council has produced a Charging Schedule of rates based on a borough wide viability study which have been approved by an independent Examiner. There are five residential charging zones and the rates reflect that viability differs between areas for residential development: **These can be seen on the map at page 17**

Development Type	Area		CIL rate £/sq m. Note- Additional indexation will apply
Residential	Area 1	Shortstown(west), Cotton End, Elstow	40
	Area 2	South Bedford, Kempston, Shortstown (east), Stewartby	55
	Area 3	Bromham, Cardington, Carlton, Clapham, Cople, Dean & Shelton, Great Barford, Great Denham, Kempston Rural, Little Barford, Melchbourne & Yelden, Milton Ernest, Oakley, Pertenhall, Ravensden, Renhold, Riseley, Roxton, Stagsden, Stevington, Swineshead, Thurleigh, Turvey, Wilden, Willington, Wilstead, Wixams, Wootton, Wyboston Chawston & Colesden, Wymington	100
	Area 4	North Bedford and Biddenham	125
	Area 5	Bletsoe, Bolnhurst & Keysoe, Colmworth, Felmersham & Radwell, Harrold, Knotting & Souldrop, Little Staughton, Odell, Pavenham, Podington & Hinwick, Sharnbrook, Staploe & Duloe	120
Other		Care homes, extra care and other residential institutions*	nil
		Industrial B2/Warehousing B8	nil
		Offices B1	nil
		Convenience based supermarkets and superstores and retail warehouses (net retailing space over 280 sq m)**	120
		Other uses	nil

\*Dwelling units classified as C2 will qualify together with C3 units where the units directly benefit from communal facilities comprising 10% or more of the total gross floorspace. 'Communal facilities' does not include drying areas, halls, corridors etc. which typically form part of the gross floorspace for blocks of apartments and flats.

\*\*Superstores/supermarkets are shopping destinations in their own right where weekly food shopping needs are met and which can also include non-food floorspace as part of the overall mix of the unit.

Retail warehouses are large stores specialising in the sale of household goods (such as carpets, furniture and electrical goods), DIY items and other ranges of good, catering for mainly car-borne customers.

9.1 **Indexation.** Under the CIL Regulations CIL payments must be increased or decreased (index linked) to reflect changes in the costs of delivering infrastructure between the year that CIL was introduced to the year that planning permissions is granted. The index we must

use is the national All-in Tender Price Index published by the Building Cost Information Service (BCIS). This index has increased by 32 % since the Charging Schedule was approved in 2014 and therefore the CIL payable on planning permissions granted in 2018 will be increased by this amount above the rates set out in the approved Charging Schedule.

## **10.0 What is included in CIL chargeable floor space?**

- 10.1 The amount of CIL payable is based on the Gross Internal Area (GIA) of the development. GIA will be measured in accordance with the Royal Institute of Chartered Surveyors (RICS) Code of Measuring Practice.
- 10.2 GIA includes all new build floor space within the external walls of a building, including circulation and service space such as corridors, storage, toilets, lifts etc. It includes attic rooms that are useable as rooms, but excludes loft space accessed by a pull-down loft ladder. It also includes garages, conservatories, permanent substantial sheds and other ancillary residential buildings contained within a Planning Application. Greenhouses, temporary structures or small bike stores are not chargeable. Generally, substantial structures with three or more walls and a roof that is considered to create permanent 'internal' floor space is chargeable.
- 10.3 If the CIL applies to more than one new building a schedule listing the GIA floorspace of each building should be supplied with the CIL Questions form if not provided as part of the planning application.

## **11.0 What if existing buildings are being demolished or converted?**

- 11.1 The GIA of any existing buildings on the land to which the planning permission relates that are going to be demolished or re-used may be deducted from the calculation of CIL liability provided that they are permanent and substantial buildings. However, deductions are only applied where those buildings have 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 (see definition in para. 11.3). In this context, "in use" means that at least part of the building has been in use. A 'lawful use' is a use, operation or activity for which a building is used that is lawful for planning control purposes and the term 'in use' for CIL purposes includes use of all or part of the building for any purpose associated with the lawful use, including storage. e.g. storage of agricultural equipment, retail stores, household goods. Case law has confirmed that the applicant has to show an active actual use for the lawful purpose; that the premises were able to be used or had a caretaker on premises would not constitute and active use.
- 11.2 Where part of an existing building does not meet the six month lawful use requirement its demolition is not taken into account. However parts of that building that are to be retained as part of the chargeable development can be taken into account if the intended use matches a use that could lawfully be carried out without requiring a new planning permission and that use has not been abandoned.
- 11.3 If demolition is involved it is important that the CIL Questions Form clearly sets out the lawful use, location and floorspace of each of the buildings to be demolished and that the scaled plans submitted with your application clearly show the buildings that will be demolished as

well as the new buildings proposed. It is important to make sure that all the necessary CIL forms are submitted, exemptions claimed and a Liability Notice received from the Council BEFORE demolition of existing buildings/parts of buildings take place, as demolition works normally trigger commencement and it may be difficult to prove the extent of existing buildings on the site once demolished.

- 11.4 It is the applicant's responsibility to provide evidence to the effect that building(s) are a permanent and substantial structure; in 'lawful use'; and all or part of the building have been 'in use' for a continuous period of at least six months within the period of 36 months ending on the day planning permission first permits the chargeable development. Evidence may include dated photographs of the external and internal of the building, sworn statements from relevant parties, a series of bills or Council Tax records (rating information) etc.
- 11.5 The Council checks plans when applications are initially assessed against the submitted CIL Questions Form and on the site. Misleading or inaccurate answers may result in a CIL charge that is higher than it needs to be and in some cases additional surcharges may be imposed. Applicants should also be aware that the CIL Regulations allow an authority to deem the gross internal area of a building to be zero for the purposes of a deduction if it does not have sufficient information or if the information is of insufficient quality to establish the areas or the lawful use.
- 11.6 **Definitions of in- use and the day that planning permission first permits development that may assist.**

The day planning permission "**first permits the chargeable development**" is

- for full applications the date on which planning permission is granted unless the development is phased, in which case it may be the date of the final approval of pre-commencement conditions for that phase.
- for outline planning permissions it is the date of the final approval of the last reserved matter, or, if phased, either the date of the approval of the last reserved matter for a phase or, if earlier and by agreement in writing by the collecting authority, the date of final approval of pre-commencement conditions associated with that phase.
- in the case of permitted development under a general consent the day on which the collecting authority receives a notice of the chargeable development submitted to it in accordance with Regulation 64 or if no notice of chargeable development is submitted in accordance with Regulation 64, the day on which the last person is served with a notice of chargeable development in accordance with Regulation 64A(3).

An "**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;"

A “**relevant building**” is a building which is situated on the relevant land (i.e. normally the site to which the planning permission relates) on the day planning permission first permits the chargeable development.

## **12.0 How is CIL calculated?**

- 12.1 In summary the amount of CIL payable will be the net chargeable floor area of the building multiplied by the CIL rate, adjusted for inflation – see para 9.1 “Indexation”. For new dwellings the CIL rate varies by geographical zones (see page 17 of this note). Garages and other ancillary buildings that form part of the proposals for which planning permission is sought are liable for CIL.
- 12.2 The net chargeable floor area amounts to the gross internal area of the chargeable development less the gross internal area of any existing buildings within the application site that meet the criteria.
- 12.3 Standard formulae defined nationally in the CIL Regulations are used to determine the CIL liability. The charges in the Council’s Charging Schedule feed into the calculation.

The calculation involves multiplying the Council’s CIL charging rate by the net increase in GIA and adjusting for inflation.

$$\frac{R \times A \times Ip}{Ic}$$

R is the Council’s CIL rate for that use (e.g. £100 per m<sup>2</sup> for dwelling houses)

A is the net increase in gross internal floor area.

Ip is the All-in Tender Price Index for the year in which planning permission was granted.

Ic is the All-in Tender Price Index for the year in which the charging schedule started operation.

The All-in Tender Price Index is an inflation index published by the RICS Building Cost Information Service and the figure for any given year is the figure for November of the previous year.

CIL liable amounts of less than £50 are treated as zero rated and are not payable.

### 13.0 Example CIL scenarios

The following table contains some examples of how CIL liabilities are calculated as a guide to the types of scenario that may occur. See definition of 'in-use' at para 11.3.

<b>Residential development</b>			
<b>Site description</b>	<b>Proposed development</b>	<b>Is the development liable to pay CIL?</b>	<b>If yes, what is the area of floor space on which CIL will be charged?</b>
Cleared site	Construction of a new dwelling of 90 sq. m	<b>YES</b>	90 sq.m CIL charged on whole new floorspace.
Cleared site	Construction of a 90 sq. m qualifying affordable dwelling	<b>NO</b>	Qualifying affordable housing is not chargeable provided the social housing relief is applied for and granted.
Single dwelling <u>in use</u>	Freestanding extension or associated buildings such as garages of 100 sq. m not physically attached to original dwelling.	<b>YES</b>	100 sq. m. as it is not an enlargement to the main dwelling.
Adjacent to single dwelling <u>in use</u>	Extension as enlargement to main dwelling or residential annex within curtilage of main dwelling.	<b>YES potentially chargeable</b>	But exemptions may apply if the extension is for the applicant's sole or main residence and it is to be used in association with main dwelling. Clawback provisions would apply to annexes.
Single dwelling <u>in use</u>	Sub-division of existing dwelling into two or more flats with no extensions.	<b>NO</b>	Not liable because conversions from a single dwelling into two or more flats/dwellings are exempt.
Single dwellings and outbuildings <u>in use</u>	Subdivision of a dwelling and its outbuildings into 2 dwellings.	<b>YES potentially chargeable</b>	Existing floorspace can be deducted from floorspace of new dwelling, any additional floorspace will be chargeable.
Single dwelling <u>in use</u> .	Construction of a new dwelling of 150 sq. m Original dwelling of 90 sq. m demolished.	<b>YES</b>	60 sq. m. Additional floorspace only.
Single dwelling of 90 sq. m <u>not in use or demolished</u> .	Construction of a new dwelling of 150 sq. m.	<b>YES</b>	If dwelling demolished or use abandoned CIL payable on 150 sq. m. If vacant premises still in residential use CIL payable on

			difference of 60 sq. m.
Cleared building site.	3,000 sq. m new residential, including 30% affordable by floorspace.	<b>YES</b>	2,100 sq. m (70% of 3,000) provided the social housing relief is applied for and granted.
Existing non residential building <u>in use.</u>	Conversion of 90 sq. m to dwelling.	<b>YES</b>	0 sq. m. No exemption as creating new dwelling. However as the unit is in use the floorspace is deductible and so there is no charge.
Existing non residential building, <u>partly in use.</u>	Conversion, change of use of 60 sq. m vacant upper floor above an existing shop of to dwelling.	<b>YES</b>	0 sq. m. No exemption as creating new dwelling. However as the unit is partly in use the existing floorspace is deductible and so there is no charge.
Existing non residential building <u>not in use</u>	Conversion, change of use of existing shop, barn etc. of 90 sq. m to dwelling.	<b>YES</b>	90 sq. m. Liable as existing floorspace not in use, therefore the floorspace is chargeable.
Existing non residential building <u>in use</u>	Conversion to residential with extensions and /or additions.	<b>YES</b>	CIL only charged for any additional floorspace over original building that forms part of application including detached garages etc.
3,500 sq. m business development in use but to be demolished.	15,000 sq. m new residential 5,000 sq. m new offices 3,500 sq. m original business demolished.	<b>YES</b>	12,375 sq. m residential. 4,125 sq. m offices but as zero rate no charge. NB: The demolished amount is apportioned across the whole development e.g. $\frac{3}{4}$ development residential, $\frac{1}{4}$ business; therefore, of the 3,500 sq. m demolished floorspace, 2,625 sq. m is deducted from residential floorspace and 875 sq. m from business.

### **Non Residential Development**

<b>Site description</b>	<b>Proposed development</b>	<b>Is the development liable to pay CIL?</b>	<b>If yes, what is the area of floor space on which CIL will be charged?</b>
Greenfield/cleared site.	New convenience based supermarkets, superstores or retail warehouses of 300 sq. m.	<b>YES</b>	300 sq. m as over the 280 sq. m threshold.
Greenfield/cleared site.	New shop 150 sq. m	<b>NO</b>	Under the 280 sq. m threshold.
Existing building <u>in use.</u>	Extension of 100 sq. m to existing convenience based supermarkets,	<b>YES</b>	100 sq. m.

	superstores or retail warehouses over 280 sq. m.		
Existing building <u>in use.</u>	Extension of any size to a town centre store.	<b>NO</b>	It is not a convenience based supermarkets, superstores or retail warehouse therefore there is no charge.

**14.0 What happens after planning permission is granted?**

- 14.1 When planning permission is granted for a CIL liable development, the Council will issue a Liability Notice with the decision notice or as soon after as practical. This will set out how much CIL is to be paid and when it is to be paid.
- 14.2 However, CIL will only become payable upon commencement of development. CIL will need to be paid within 60 days of development commencing, unless you are proposing a major development that is covered by the Council’s Instalment Policy (see below).
- 14.3 Following the issuing of the Liability Notice, CIL will be registered as a local land charge against the property until the outstanding amount is fully paid. However, any individual or organisation (e.g. the developer) may assume liability for the payment. It is the responsibility of the person(s) who assume(s) liability to inform the Council of this. **CIL Form 1: Assumption of Liability** and **CIL Form 4: Transfer of Assumed Liability** are available at [www.bedford.gov.uk/CIL](http://www.bedford.gov.uk/CIL) or <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>.

If no party assumes liability the charge will be immediately payable by the landowner upon commencement.

- 14.4 Before development starts, that is either the works for the change of use or the change of use, whichever comes first (see S56(1) (c) Planning Act 1990), the developer must inform the Council and all owners of the relevant land of the intended commencement date of the development by sending a **CIL Form 6: Commencement Notice**. This can be downloaded from the Planning Forms section on the Council’s website, at or from the Planning Portal website, at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Please note that failure to submit a Commencement Notice may result in a surcharge of up to £2,500 and immediate payment of the CIL liability may be required.

After receipt of the Commencement Notice, the Council will serve a Demand Notice setting out precise details of payment arrangements.

The timing of payments will normally be in accordance with the Council’s CIL Instalment Policy, available on our website, and will in any event be identified on the Demand Notice.

Where a planning permission permits development to be implemented in phases, each phase of the development is a separate chargeable development.

## 15.0 Can I pay by instalments?

15.1 The Council has approved an instalments policy for developments where the CIL liability would be above a certain amount. This has been agreed to ease the cash flow of developers on large schemes. The instalments policy is set out below:-

Total CIL Liability	Payment period – in days
£50,000	Full payment within 60 days of commencement.
£50,001 - £200,000	50% within 60 days of commencement. 50% within 180 days of commencement.
£200,001 - £500,000	25% within 60 days of commencement. 25% within 180 days of commencement. 25% within 270 days of commencement. 25% within 360 days of commencement.
£500,001 – £1,000,000	25% within 60 days of commencement. 25% within 180 days of commencement. 25% within 360 days of commencement. 25% within 540 days of commencement.

15.2 The Instalment Policy only applies in cases where the persons liable for paying CIL have complied with all the relevant regulations and requirements. Failure to comply with the Instalment Policy at any stage will result in the total unpaid balance becoming payable immediately. In summary, to benefit from the CIL Instalment Policy, the relevant forms must be submitted to the Council prior to the commencement of the chargeable development, and all payments must be paid in accordance with the CIL Instalment Policy. Otherwise the full amount becomes payable immediately.

15.3 Large scale development schemes may also be able to further phase payments as CIL can potentially be linked to the commencement of separate phases with each phase a separate chargeable development to which the instalment policies apply.

## 16.0 Can I pay CIL in other forms?

16.1 The regulations permit CIL to be paid in monetary forms or land. If you are interested in paying CIL in the form of land, and have not commenced development on the site in question, you should discuss this possibility with the Council at the earliest opportunity. In order for the request to go ahead, the following conditions must be met:

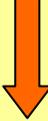
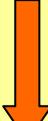
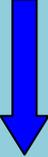
- The charging authority must agree to the transfer;
- The charging authority must have the intention of using the land to help provide infrastructure to support the development of its area
- It may not form part of a planning obligation entered into under S106 of the Town and Country Planning Act 190

16.2 The Council may at its discretion consider proposals for payment in kind by land, but the Council will expect land required for infrastructure to serve the development proposed to be provided in the normal way through S106 agreements. It is only where the land required would serve much wider infrastructure needs to support the development of the area that potentially the Council may be prepared to consider this approach.

16.3 The 2014 CIL Regulations introduce the possibility of allowing infrastructure provision in kind where the infrastructure is to be used to support the development of the area provided that it

is not necessary to make the development granted permission by the relevant permission acceptable in planning terms. The Council has not given notice or issued a policy statement saying that they are willing to accept provision of infrastructure in lieu of CIL funding.

**Process diagram**

Development Progress	Developer Actions	Borough Council actions
1. Submission of Planning application	Submission of :	
	1. Planning Application and supporting material	
	2. CIL Questions Form and CIL Form 1: Assumption of CIL liability (where development is CIL liable) and where appropriate for example where affordable housing is being provided submission of CIL Form 2 Exemption and Relief, this form cannot be submitted after commencement	
		Determine if application is suitable for validation. Please note submission of CIL Questions Form is validation requirement where development is CIL liable  
2. Determination of Planning application		Determine Planning application Determine the CIL liability. Issue Planning Permission and a CIL liability notice to the liable person(s) stating the CIL charge CIL registered as a local land charge
	Discharges pre-commencement conditions	
3. Prior to commencement of development	Developer completes CIL Form 6 Commencement Notice informing the Council of anticipated start date (complete as soon as start date known) and forwards to the Council	
		Acknowledges receipt of Commencement Notice Issues Demand Notice stating CIL charge and payment instructions
4. After Commencement of development	Pay CIL at specified instalments	Acknowledge receipt of payment after funds clear.
Ongoing	