

## 'How to Guide'

### How to answer the CON29 CIL Questions

The updated Law Society CON29 questions include those relating to the Community Infrastructure Levy (CIL). To clarify answering these, we outline below what these questions relate to and how to interpret the answers.

Should you need more details as to what CIL is, how and when this is calculated or further details on this process, then please see the [CIL webpage](#) and our Guidance notes.

#### **Is there a CIL Charging schedule?**

The CIL Charging schedule sets out the CIL charges which apply in the Borough. It outlines aspects such as what developments potentially have to pay, the ways in which this is calculated and what the charges are for the residential and other development in the different areas of the Borough

The presence of a CIL Charging Schedule does not imply that a particular development has a CIL Liability, but indicates whether the Local Authority currently charges CIL for relevant development.

Bedford Borough Council introduced the Community Infrastructure Levy (CIL) on 1<sup>st</sup> April 2014. This means that to date, Bedford Borough Council has a CIL Charging Schedule in place and charges CIL for certain residential and retail developments.

Any planning permissions or deemed consents issued on or after the 1<sup>st</sup> April 2014 therefore has the potential to be subject to CIL, which normally becomes payable once development commences.

#### **CIL Notices**

A number of letters that may be sent out as part of the CIL Process.

- The **Liability notice** outlines whether a development is chargeable, how this has been calculated and the chargeable amount. Should the proposal not result in a fee or there is relief through an exemption, then this will also be set out in the notice.

When planning permission is granted, a Liability Notice will normally be sent out with the decision notice or as soon as possible afterwards. New Liability Notices may also be sent out after this if there are any changes to these details.

- The **Notice of Chargeable development** relates to permitted development, or new developments that are granted permission by way of a general consent, as in some instances, these might be CIL Liable. Such development includes conversions of offices and agricultural buildings to residential, as set out in the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended.

If this is the case then the Notice of Chargeable Development should be sent to the Council, by the developer, before the development commences. If this notice has not been received then the Council may also serve this on the landowner.

- The **Demand Notice** is served when the Council has confirmation that a development has begun. This notice sets out the precise details of what money is due, how this can be paid and when this must be paid by. If the liability qualifies for an Instalment Policy then the dates of this will also be provided.

The issue of a Demand Notice supersedes a Liability Notice. However a Demand Notice will not be issued without a Liability Notice having been sent in the first instance.

- The **Commencement Notice** and **Assumption of Liability** are two forms that need to be completed by the owner or person liable to pay the CIL, before the development has begun. (Please see [www.bedford.gov.uk/CIL](http://www.bedford.gov.uk/CIL) for a copy of these forms to fill out).

The Assumption of Liability needs to be filled out by the person who will be making the CIL payment. This process ensures that the notices sent go to the correct person(s), which is usually the landowner.

The Commencement Notice informs the Council of the intended start date of the development. Both of these forms need to be submitted prior this date, otherwise additional charges may be applied.

The submission of a Commencement Notice normally triggers the Demand Notice, or on some occasions, a revised Liability Notice.

### **Non-Payment**

If a CIL Liability has not been paid or the payment procedure has not been followed then this is likely to result in surcharges and late interest payment being applied which will be stated on the Demand Notice.

Enforcement action may also be undertaken which includes the serving of a CIL Stop notice, or the Council may apply to the Magistrates' Court for a Liability Order.

If this is the case or action is pending then this will be stated within the CIL details available on the Land Register.

All the information required to answer the CON29 CIL questions is available through Local Land Charges and the Local Land Charges Register. This includes the details of any notices, payments or actions that may have been undertaken. Should you require assistance in viewing this information then please contact Local Land charges at [Local.LandCharges@bedford.gov.uk](mailto:Local.LandCharges@bedford.gov.uk) in the first instance or for more information you can visit the [Local Land charges](#) webpage. Should you wish Local Land Charges to conduct a Search for you, then details and the relevant fees are also available online.