

Community Infrastructure Levy (CIL) - Determining whether a Development may be CIL Liable

Planning Application Additional Information Requirement Guidance

Your development may be liable for a charge under the Community Infrastructure Levy if it involves new build floor area, including extensions or a new dwelling. If your scheme is liable, this charge is payable after development begins.

Further information on CIL can be found on the Planning Portal at:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Information on the CIL charges liable in a specific location can be found on the relevant local authority's website. In London both Mayoral and local borough CIL may be applicable.

Your answers to the questions on this form will enable the local authority to establish whether or not your development is liable for a charge, and if so to calculate it accurately from the floor areas you provide. Information for non-residential floorspace will be taken from the planning application form.

The local authority will also independently check plans when applications are assessed. Misleading or inaccurate answers could delay the processing of your application, result in a CIL charge that is higher than it needs to be, and in some cases may lead to surcharges being imposed.

You should submit this form at the same time as your planning application.

Notes on specific questions:

2a. New build floorspace. Answer No if either:

- ▮ the new floorspace **only** relates to a building into which people do not normally go or only go into intermittently for the purposes of inspecting or maintaining fixed plant or machinery; or
- ▮ the new floorspace **solely** relates to an internal/mezzanine floor and no other works or change of use are proposed.

2c. Liability for CIL - Exemption and relief

If you answered yes to c. you are eligible for Charitable Exemption and must also complete the form 'Community Infrastructure Levy - Claiming Exemption or Relief'.

http://www.planningportal.gov.uk/uploads/1app/forms/form_2_claiming_exemption_and_or_relief.pdf

This form should also be used to claim social housing relief and charitable relief. Charitable relief (rather than exemption) is only available for authorities which have implemented a charitable relief policy - please refer to the relevant local authority's website for details.

For more information on exemption and relief see Community Infrastructure Levy Relief, Information document, DCLG

<http://www.communities.gov.uk/publications/planningandbuilding/communityinfrastructurelevyrelief>

3. Previous planning permissions

You will need to check the relevant local authority's website to determine when CIL charges were effective. In London all relevant developments are liable to the Mayoral CIL from 1 April 2012.

The date of the award of the previous planning permission is the date on the decision notice.

4. & 5. Gross internal area

Gross internal floorspace is the internal area of the building, and should include rooms, circulation and service space such as lifts and floorspace devoted to corridors, toilets, storage, ancillary floorspace (e.g. underground parking) etc.

See RICS Code of Measuring Practice:

<http://www.rics.org/site/scripts/downloads.aspx?categoryID=455>

4. Residential floorspace.

Residential floorspace includes new dwellings, extensions, conversions, garages or any other buildings ancillary to residential use. In flatted developments, this includes communal entrances, landings etc and any related internal parking.

The columns in the table match those in the question on 'All Types of Development: Non-residential Floorspace' in the planning application form (1APP). In each row, the amount in the final column 'Net additional gross internal floorspace following development (square metres)', should equal the 'Total gross internal floorspace proposed (including change of use)(square metres)' minus the 'Gross internal floorspace to be lost by change of use or demolition (square metres)'.

4. Residential floorspace - definition of market and affordable housing.

Enter the floorspace of the market housing and social housing if known. If the breakdown of the residential floorspace is not known at the time of completing this form, please just enter the total residential floorspace.

Market housing includes all dwellings except social housing.

Social housing includes:

Rented dwellings where the dwelling will be let by a private registered provider of social housing, a registered social landlord or a local housing authority on one of the following tenancy types:

- (a) an assured tenancy (excluding an assured shorthold tenancy);
- (b) an assured agricultural occupancy;
- (c) an arrangement that would be an assured tenancy or an assured agricultural occupancy but for paragraph 12(1)(h) or 12ZA of Schedule 1 to the Housing Act 1988;
- (d) a demoted tenancy;
- (e) an introductory tenancy;
- (f) a secure tenancy;
- (g) an arrangement that would be a secure tenancy but for paragraph 4ZA or 12 of Schedule 1 to the Housing Act 1985;
- (h) an intermediate rent basis.

For shared ownership dwellings where the dwelling will be occupied according to statutory shared ownership arrangements, the initial share in the dwelling will not exceed 75 per cent of the total value, the rent payable will be no more than three per cent of the unsold interest and the rise in annual rent will be limited to the rate of inflation plus 0.5 per cent.

Social housing does not include discounted market housing.

If your development includes social housing you will also need to complete the form:

Community Infrastructure Levy - Claiming Exemption or Relief, see

http://www.planningportal.gov.uk/uploads/1app/forms/form_2_claiming_exemption_and_or_relief.pdf

The columns in the table in Section 4 match those in Question 18 'All Types of Development: Non residential Floorspace' of the planning application form (1APP). For each row, the figure in the final column 'Net additional gross internal floorspace following development (square metres)' should equal the 'Total gross internal floorspace proposed (including change of use) (square metres)' minus the 'Gross internal floorspace to be lost by change of use or demolition (square metres)'.

5. Existing Buildings

Please note that the definition of buildings does **not** include:

- buildings which people do not normally go into;
- buildings which people only go into intermittently for the purposes of maintaining or inspecting machinery; or
- buildings for which planning permission was granted for a temporary period.

These buildings should not be included on the form.

If the development relates to more than four existing buildings, please provide details of the additional buildings separately.

It is the applicant's responsibility to provide evidence to the effect that the buildings were in a use that is 'lawful', and that the building(s), or part of the building, have 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. The local authority may require further evidence of proof of the continuous use if this is not evident.

Mezzanine floors are not liable for CIL. The floorspace created by the addition of a mezzanine floor will be deducted from the net additional gross internal floorspace.