

Frequently Asked Questions about the Community Infrastructure Levy

1. What is the Levy?

The Community Infrastructure Levy is a new mechanism, introduced by the Government. It provides a fair and transparent means for enabling local authorities to raise funds to pay for the infrastructure that is needed for the development of the county.

2. What are the pre-requisites for implementation of CIL?

- An up to date Development Plan – Core Strategy
- An Infrastructure Delivery Plan
- A Charging Schedule

3. How is the levy charged?

The levy is to be expressed as £ per m², and is to be charged on the grant of planning permission.

4. Which planning applications does it affect?

Your development will be liable to pay CIL if;

- It is a building which people go into to use,
And
 - If upon completion the gross internal area of new build will be more than 100m².
This includes extensions to existing buildings;
- Or
- It is creating 1 or more dwellings

Your development will not be liable to pay CIL if;

- It is a structure or building into which people do not usually go, or go into only intermittently for maintenance (e.g. sports pitches, sub-stations or wind turbines),
or
- It is a change of use with no additional floorspace (if no new dwellings are created)
- It is affordable housing
- It will be used for charitable purposes

Where an existing building is currently on site and lawfully used, and where such a building will be demolished as part of a new development, the floor space of the existing building will be deducted from the chargeable floor space. However, these deductions in respect of demolition or change of use will only apply where the existing building has been in continuous lawful use for at least six months in the 12 months prior to the development being permitted.

5. My development does not need planning permission. Will I still pay CIL?

From 1 April 2013 development commenced under 'general consent' will be liable to pay CIL. 'General consent' includes permitted development rights granted under the General Permitted Development Order 1995, and developments permitted through a Local Development Order. You do not need to submit such a notice if your development is less than 100 square metres of new floorspace and it does not comprise one or more new dwellings.

6. What will the Levy be spent on?

The levy must be used for “funding the provision, replacement, operation or maintenance of infrastructure”. Infrastructure can include roads and other transport facilities, flood defences, water treatment works, schools and other educational facilities, sporting and recreational facilities, and open spaces. The term “includes” means that the definition of what constitutes infrastructure is open-ended.

7. What will happen to the existing system of planning obligations (s106 agreements)?

CIL is designed to work alongside but not completely replace section 106 agreements.

The council has been operating a system of pooled contributions for certain types of S106 monies, including schools, open space and sustainable transport. Once a charging schedule has come into force, the pooling of S106 contributions is restricted to contributions from no more than five developments for each infrastructure project or type.

CIL is therefore the main source of developer contributions towards infrastructure beyond the immediate needs of the development site. However, the CIL regime does not replace S106 completely. Affordable housing provision or contributions that lie outside the remit of CIL and will continue to be secured through S106. S106 will also continue to be used for local infrastructure requirements on development sites. Some of these requirements may be physically off site, but will be secured under S106 where they are clearly linked to the development site and needed to make that particular site acceptable.

Many developments will be liable to both pay CIL *and* enter into a S106 agreement. The CIL payment and S106 obligations will cover different things, and developments will not be charged for the same items of infrastructure through both obligations and the levy.

8. Will CIL replace main stream funding?

CIL is not intended to replace main stream funding. Main stream funding will still be required to fund the county’s infrastructure, including amongst others the delivery of the western relief road, Broadband and sewage treatment works. The Government’s view is that CIL will in the main be used to ‘plug a gap’ between the cost of infrastructure and the funding that can be secured from central government, from the local authorities or through some other ‘mainstream’ funding. Some infrastructure identified will not require Council or public money because the cost will be met by the utility companies.

9. Will the money be ringfenced?

CIL receipts are ringfenced for infrastructure use and will not be used for other purposes. There is no time limit on the use of CIL receipts, thereby enabling funds to be “saved up” until there is sufficient funding to deliver an agreed item of infrastructure.

10. Does the Levy go direct to Parish and Town Councils?

Some (but not all) of the Levy will be passed to Parish and Town Councils as a “Neighbourhood Fund”. The Government has announced that 25% of the CIL receipts will be passed to the Town or Parish Council in whose administrative area the development is situated where there is an adopted Neighbourhood Development Plan. 15% of the CIL receipts will be passed to the Town or Parish Council in whose administrative area the development is situated where there is an adopted parish plan.