

# Briefing note

26 October 2023

## Community Infrastructure Levy (CIL) Frequently Asked Questions (FAQs)

- **What is CIL?**

CIL is a levy imposed by the council on new development (homes and offices etc) to help deliver the additional infrastructure needed to support this growth, and reduce any adverse impacts on our existing communities. These funds might be used to help provide new schools (or improvements to existing schools), open space, or public transport, for example. CIL is charged for certain types of development in the area and is charged at different rates for different types of development in different locations. The Council's adopted CIL Charging Schedule can be found [here](#). It details what CIL rates we charge for what types of development and where.

- **When did we adopt CIL?**

South Gloucestershire Council adopted CIL on 1<sup>st</sup> August 2015. Only planning applications that were granted planning permission after that date are CIL liable. Some types of planning applications and development in some locations are exempt from CIL

- **How much CIL does the Council get each year?**

That depends on how many developments commence each year, what type of developments and where and what size the developments are. On average (in the last four years) the council has received £5.2m per annum. See the annual [Infrastructure Funding Statements](#) for more information.

- **How much goes to the parish and town councils each year?**

This is called the CIL Neighbourhood Portion. Again, that amount depends upon how many developments commence each year, what size they are and of course where they are. Parish and Town Councils are entitled to 15% of the CIL income from the developments within their area, rising to 25% if they have an adopted Neighbourhood Plan.

On average (in the last four years) we have paid parish and town councils a total of £757k per annum in Neighbourhood Portion. See the annual [Infrastructure Funding Statements](#) for more information.

- **Does the CIL need to be spent in the area where the development took place?**  
 No, this is a specific feature of CIL, and this is one of the main ways in which it is different from other contributions that some development need to make (often called s106 contributions). The Council can spend their portion of the CIL anywhere within the Council's area to prioritise infrastructure as it sees fit. The legislation requires that portion provided to parishes and town councils must however be spent near to where the funds arose from; either within the parish or a neighbouring parish.
- **How does the council decide what to spend CIL on each year?**  
 CIL is allocated as part of the Capital Programme. Depending upon the Council's priorities and the different funding streams available, a blended approach is often adopted. Transparency and scrutiny on how CIL is proposed to be spent, and is spent is provided through the Capital Programme, and reporting through the Infrastructure Funding Statement. In recent years CIL has been spent on Climate Emergency projects, school capital projects and Highways infrastructure projects.
- **Where are the details about CIL and expenditure reported?**  
 The council has a duty to report all CIL (and S106) income and expenditure every year in its annual [Infrastructure Funding Statement](#) which must be published in December following the end of the financial year.  
 Details of income and expenditure are also published the quarterly Capital Monitor reports, which can be found [here](#).
- **When is the CIL charging Schedule going to be reviewed?**  
 Whilst this issue is being kept under active review, there are currently no specific proposals to review the CIL Charging Schedule. This has been put on hold pending both the progression of the Council's new Local Plan, and the uncertainty around the scope and timing of government's proposal to replace CIL with an amended form of Infrastructure Levy (IL). As the council has a CIL schedule in place, with its CIL collection operational, and with annual indexing, and the ability to use section 106 (s106) planning obligations agreements alongside CIL (subject to the usual tests), the council is currently satisfied that the arrangements in place represent best practice and are fully fit-for purpose.
- **How do we notify developers when a development is CIL liable?**  
 As part of the planning application process the developer must submit a CIL form detailing the size and type of development. This is used to assess as to whether the development is CIL liable. If the site is CIL liable the developer is notified with a CIL Liability Notice.
- **What type of developments are CIL exempt?**  
 The CIL regulations provide for certain types of development to be exempt from paying CIL as follows:
 
  - Development of less than 100m<sup>2</sup> of new build floorspace, provided that it does not result in the creation of a new dwelling.
  - The conversion of a building in lawful use, or the creation of additional floor-space within the existing structure of a building in lawful use.
  - Development of buildings and structures into which people do not normally go (e.g. roads, pipelines, pylons, wind turbines, electricity sub-stations, etc.).

- Vacant buildings brought back into the same use.
- Dwellings which are built by self builders (although they MUST follow the strict CIL procedures to qualify).
- Residential annexes and extensions.
- Specified types of development which local authorities have decided should be subject to 'zero' rate and specified as such in their charging schedule. SGC have two areas zero rates, which are Cribbs and Patchway New Neighbourhood and East of Harry Stoke. See the CIL [Charging Schedule](#) for information.

Certain types of development have Mandatory Relief from CIL. See the [CIL & S106 Supplementary Planning Document](#) for more information.

A developer must claim and justify any exemption at the time they submit their planning application.

- **When does CIL become payable?**

CIL is payable once works has commenced on site, the liable party should submit a commencement notice providing us with this information and then we will issue a demand notice. We offer a payment schedule for cases where this route is followed. Those that do not follow this process lose their right to pay by instalments and possibly incur additional charges in the form of surcharges. This is included in our [Surcharging and Enforcement Policy](#).

- **How do we enforce CIL?**

Our CIL [Enforcement and Surcharging policy](#) was adopted April 2020. We actively monitor sites for commencement and those that have not submitted a commencement notice prior to starting works will incur surcharges in line with this policy. We are also applying surcharges to those where payments have not been received.

- **Are there any rights of appeal?**

The liable party has a right of appeal against the following:

- the claimed breach which led to the imposition of the surcharge did not occur;
- the collecting authority did not serve a liability notice in respect of the chargeable development to which the surcharge relates; or
- that the surcharge has been calculated incorrectly.
- appealing against a surcharge will suspend its effect until the Planning Inspectorate has decided the appeal in question.

They would need to submit their case to the planning inspectorate and further information can be found on their site at [Appeal a community infrastructure levy notice under Regulation 117, 118 or 119 - GOV.UK \(www.gov.uk\)](#).

Greg Evans

S106 & CIL Officer

01454 865156

[greg.evans@southglos.gov.uk](mailto:greg.evans@southglos.gov.uk)