



## **A quick guide to CIL**

### **(Community Infrastructure Levy)**

The information contained within this guide is intended to assist applicants, developers and land owners to understand Mid Suffolk and Babergh's Community Infrastructure Levy (CIL). It is not intended to replace the need to read and understand the CIL Regulations and Government guidance, and affected parties are advised to seek their own professional advice.

#### **What is CIL?**

The Community Infrastructure Levy (CIL) is a new levy that local authorities can charge on developments in their area, not only to encourage local development but also to make sure that the infrastructure in the region can afford to keep up with new homes and businesses. CIL is payable on Permitted Development as well as Planning Permission development when the development is commenced. The relevant legislation is the Community Infrastructure Regulations 2010 (as amended).

#### **When does CIL charging start?**

Babergh and Mid Suffolk district councils' charging schedules have been to public examination and have been approved by the Planning Inspectorate. Members voted to adopt CIL charging at Full Council meetings in January 2016 and decided that CIL charging will start on 11<sup>th</sup> April 2016. Any CIL liable planning permission granted, and any CIL liable permitted development commenced, on or after this date must pay CIL.

#### **What development is and is not liable to pay CIL?**

All new build development over 100sqm (internal) and all new dwellings regardless of size must pay CIL. CIL does not apply to buildings which people do not normally go into or which people only enter intermittently for the purposes of inspection or maintenance, and structures which are not buildings, such as pylons. Mid Suffolk and Babergh are proposing to charge for residential and convenience retail development (see below).

Some developments may be eligible for exemptions or relief from CIL or a reduction in the CIL payable, including:

- Self-build dwellings and residential annexes and extensions (see Exemption and Relief Guidance)
- Affordable housing (see Exemption and Relief Guidance)

- Development by registered charities for the delivery of charitable purposes and buildings owned by charities used for a charitable purpose (see Exemption and Relief Guidance)
- Developments that include the re-use or demolition of buildings currently in lawful use and vacant buildings brought back into the same use where there is no increase in floor space.

### **How much CIL will I have to pay?**

You pay an amount per square metre for all additional floor space created depending on the type and location of your development (see rates and charging zone maps below). There may be deductions for certain types of development or if you are re-using or demolishing existing buildings (see above). We will calculate the amount of CIL payable based on the information you provide about your development in your Additional CIL Information form and other documents.

#### Chargeable area examples for different types of development

<b>Current site</b>	<b>Proposed Development</b>	<b>CIL Liable?</b>	<b>Chargeable area and notes</b>
Cleared building site	90 sq m new residential dwelling	Yes	90 sq m – Liable because even though the floorspace is under 100sqm a new dwelling is being created
Single dwelling – in use	25 sq m extension to existing dwelling	No	Not liable as under 100 sq m new build and does not create a new dwelling
Single dwelling – in use	125 sq m extension to existing dwelling	Yes	125 sq m – Although may be able to claim exemption (see above)
Cleared building site	2000 sq m residential, including 40% affordable housing (800 sq m)	Yes	1200 sq m - Providing social housing relief is claimed and granted
Single dwelling – in use but to be demolished	125 sq m new development 90 sq m original dwelling demolished	Yes	35 sq m - Not exempt as development comprises of one or more dwellings but charge reduced due to original building to be demolished being in lawful use
Single dwelling – not in use and to be demolished	125 sq m new development 90 sq m original dwelling demolished	Yes	125 sq m - No reduction in charge as original building not in lawful use
Single dwelling – not in use but to be retained	35 sq m new development 90 sq m original retained	No	Not liable as under 100 sq m new build and does not create a new dwelling (but extends an existing one). Original building not included in calculation as no change of use or demolition so does not need permission.
Single dwelling – not in use	90 sq m conversion /change of use of unit to retail unit	No	Not liable as change of use to non-residential and under 100sqm new development.

Shop unit – not in use	90 sq m conversion /change of use of unit to residential	Yes	90 sq m - No exemption or deduction as creating new dwelling and the unit has not been in use so the whole floorspace is chargeable.
Shop unit – in use	90 sq m conversion /change of use of unit to residential	Yes	0 sq m - No exemption as creating new dwelling. However, as the unit has been in use, the floorspace is deductible.

### Rates

In Babergh and Mid Suffolk there are different CIL rates for different areas of the district. The rates per square metre and the maps identifying the 'high', 'low' and 'strategic sites' are set out below.

If you are unsure what type of development you want to build or if your development is close to or crosses a zone boundary please ask the Infrastructure Team to confirm the rate(s) you pay.

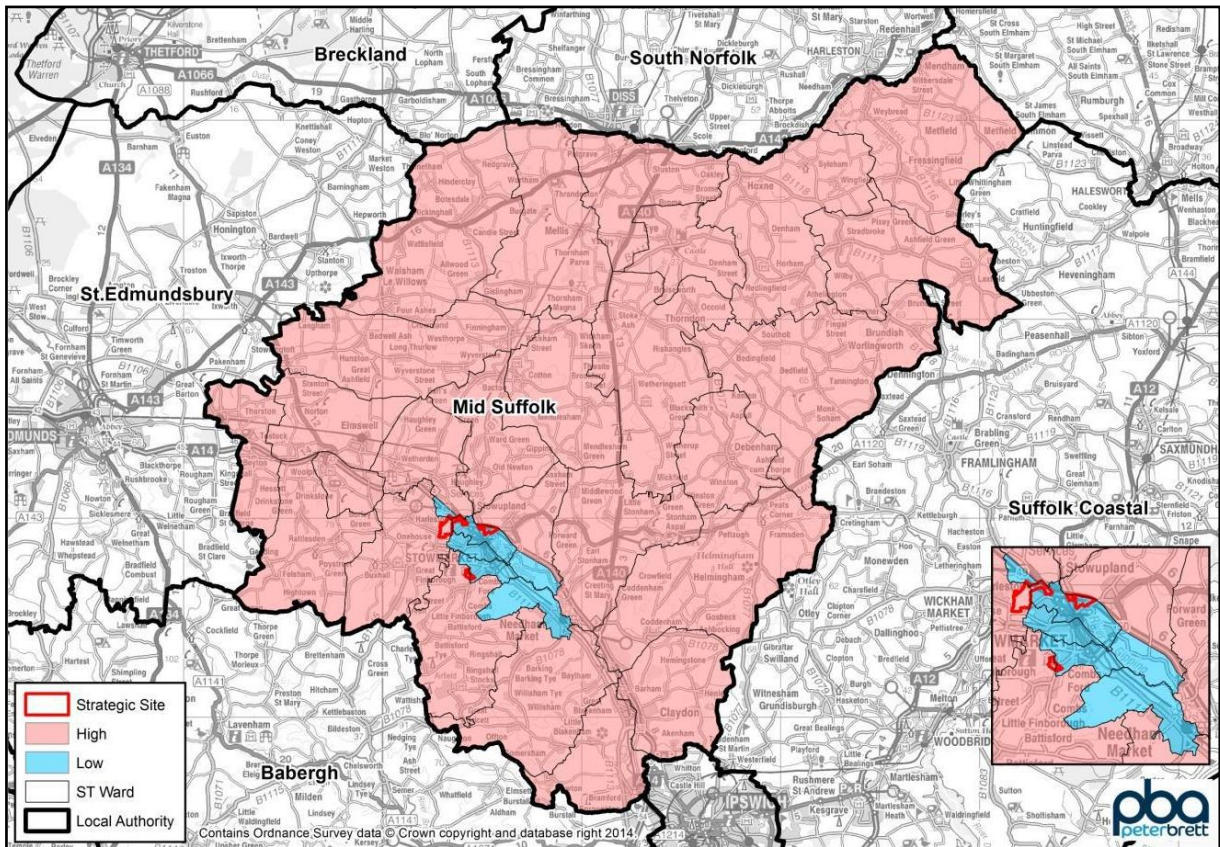
Development Type	Zone	Proposed CIL rate (per sqm)
<b>Residential development in Babergh</b> (1-2 dwellings) (Use Class C3, excluding 'specialist older persons housing')	Low	£90
<b>Residential development in Mid Suffolk</b> (1-14 dwellings) (Use Class C3, excluding 'specialist older persons housing')	Low	£75
<b>Residential development in Babergh</b> (3+ dwellings) (Use Class C3, excluding 'specialist older persons housing')	Low	£50
<b>Residential development in Mid Suffolk</b> (15+ dwellings) (Use Class C3, excluding 'specialist older persons housing')	Low	£50
<b>Residential development (Babergh and Mid Suffolk)</b> (Use Class C3, excluding 'specialist older persons housing')	High	£115
<b>Strategic Sites (Babergh and Mid Suffolk)</b>	n/a	£0
<b>Wholly or mainly Convenience retail (Babergh and Mid Suffolk)</b>	District	£100
<b>All other uses</b>	District	£0

'Specialist older persons housing' is used to describe developments that comprise self-contained homes with design features and support services available to enable self-care and independent living. Sometimes also known as sheltered/retirement housing and extra care accommodation.

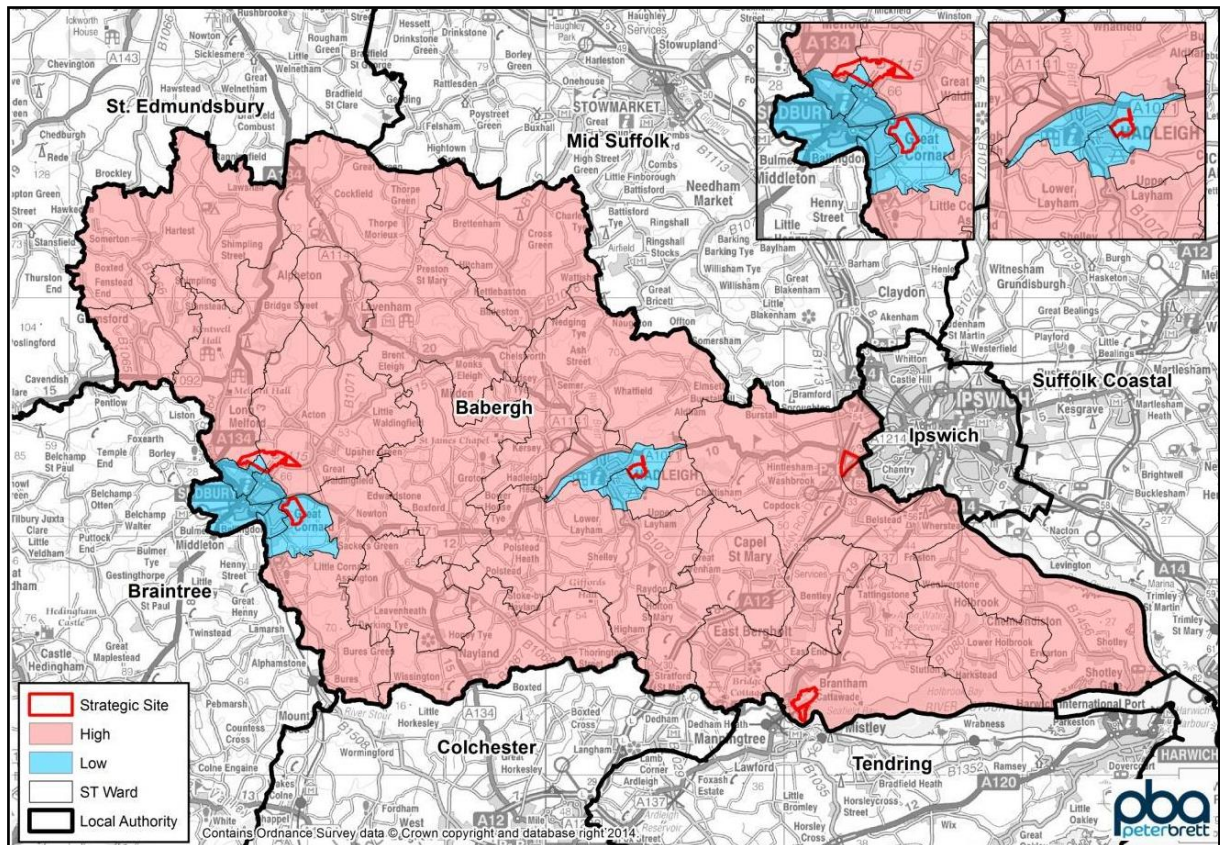


# CIL charging zone maps

## Mid Suffolk



## Babergh





## **When do I have to pay CIL?**

CIL is payable on the day you commence your development. If you are eligible you can choose to pay in instalments as set out in our instalments policy:

Amount of calculated CIL liability	Number of Instalments	Payment periods and amounts
Any amount less than £50,000	2	50% of the chargeable amount within 90 days (3 months) of the commencement date, the remaining 50% of the chargeable amount within 150 days (5 months) of the commencement date
Amounts equal to or greater than £50,000 and less than £100,000	3	25% of the chargeable amount within 90 days (3 months) of the commencement date, 25% of the chargeable amount within 270 days (9 months) of the commencement date, and the remaining 50% of the chargeable amount within 360 days (12 months) of the commencement date
Amounts equal to or greater than £100,000	5	20% of the chargeable amount within 90 days (3 months) of the commencement date with the balance payable in four equal instalments within 270 days (9 months), 360 days (12 months), 480 days (16 months) and 730 days (24 months) of the commencement date

## **What else do I have to do?**

- When you submit an application for planning permission you must include an 'Additional CIL Info' form and any relief or exemption claim forms completed with details of your development. This enables the Infrastructure team to calculate the amount of CIL payable. These documents are validation requirements for your planning application.
- The person who intends to pay CIL must assume liability prior to commencement by submitting an assumption of liability form.
- If you are intending to carry out CIL chargeable permitted development you must submit a notice of chargeable development before you start the development.
- If you are intending to carry out any other CIL chargeable (planning permission) development you must submit a commencement notice before commencement.
- If the circumstances of an exemption or relief you have claimed change (a 'disqualifying event') you must notify the Infrastructure team.
- On commencement the liable person must pay CIL in accordance with the BDC / MSDC instalments policy. We will send you a demand notice with details of how much to pay and the instalments.
- If you receive any notice from the Infrastructure team, such as a demand notice, information notice or stop notice you must make the payment, provide the information or stop work on your development as requested in the notice.

## **What happens if I don't do those things?**

- If you don't assume liability, submit a commencement notice, submit a notice of chargeable development, notify the council of changes to circumstances affecting an exemption or relief or reply to an information notice this incurs a financial penalty (surcharge) that will be added to the amount of CIL you have to pay.
- Late payment of CIL incurs a financial penalty (surcharge) that will be added to your CIL and failure to pay may lead to enforcement action and legal proceedings.
- The liability to pay CIL is registered as a land charge and is not removed until the full amount of CIL has been paid and any period for disqualifying events has expired.

## **Can I appeal?**

You can appeal if you think we've mis-calculated the amount of CIL you need to pay and / or any relief or exemption you've claimed. You can also appeal our decision on apportioned liability, a surcharge, deemed commencement and a CIL stop notice (see appeals guidance). You can't appeal against the principle of paying CIL or negotiate the amount payable.

## **Where do I find the form(s) I need or get more help / info?**

There are a number of helpful guides and resources on the CIL pages of our websites:

### **[MSDC-CIL](#) [BDC-CIL](#)**

The CIL forms, guidance notes and further info is available on the Planning Portal website:

### **[Planning Portal - CIL](#)**

Detailed guidance on CIL appeals is available on the Valuation Office and Planning Portal websites:

### **[Valuation Office CIL appeals guidance](#)**

### **[Planning Portal - CIL appeals](#)**

You can contact the Babergh and Mid Suffolk Infrastructure team:

**[infrastructure@baberghmidsuffolk.gov.uk](mailto:infrastructure@baberghmidsuffolk.gov.uk)**

