

# The Community Infrastructure Levy (CIL)

# What is CIL?

- The Community Infrastructure Levy (CIL) is a planning charge levied on new buildings and extensions to buildings according to their floor area.
- Money is raised from development in this way to provide infrastructure that makes sure that the borough grows sustainably.
- CIL replaces Section 106 tariff approaches which had previously been used for this purpose.

# CIL Liabile Development

- CIL liable development is:-
  - Development which creates net additional floor space, where the area of new build is equal to or greater than 100 square metres.
  - The creation of 1 or more dwellings (even if this is less than 100 square metres.)
  - Supermarket, superstore and retail warehouse development of at least 280 square metres.
- Floor space is measured using Gross Internal Area

Application submitted with CIL Additional Information form



Planning permission issued



Authority issues liability notice



Liable party submits commencement notice



Authority acknowledges receipt of commencement notice



Development commences



Demand notice issued



CIL paid in line with instalments policy

# How receipts are apportioned

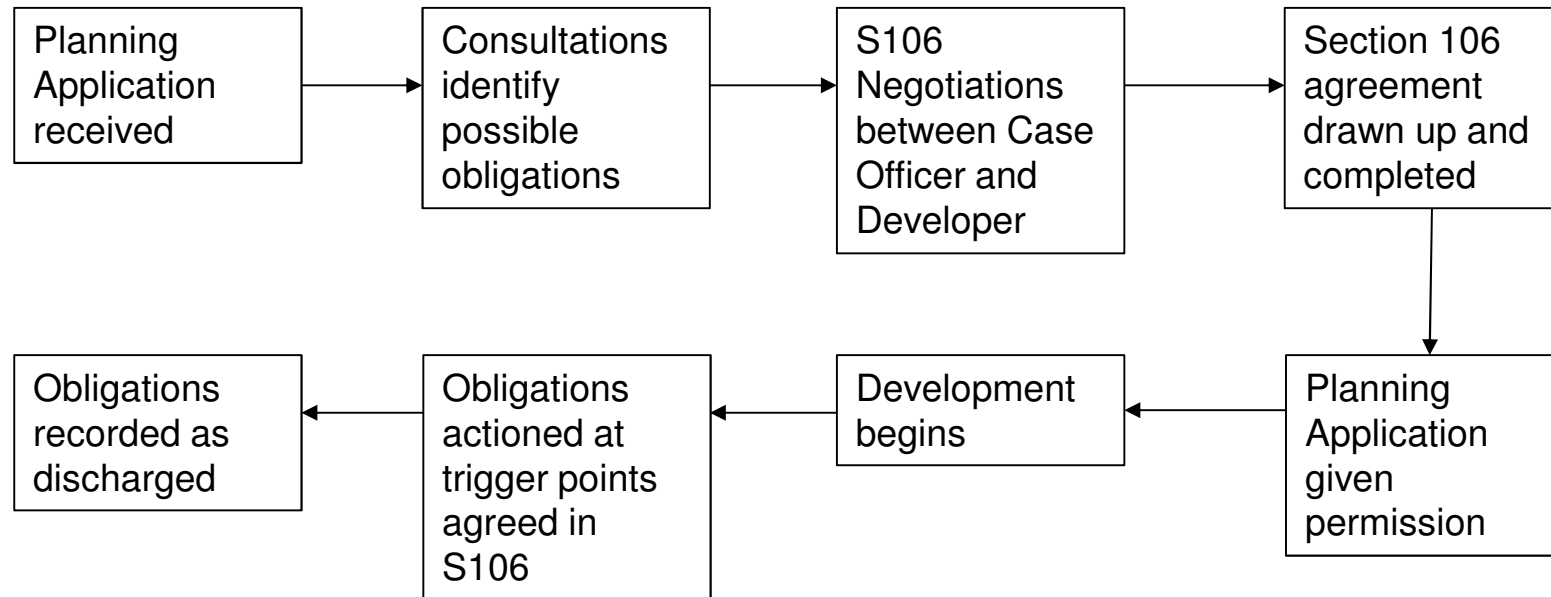
- Any amount received is initially split 3 ways. 80% to infrastructure, 15% (25% with adopted NDP) to the local Town/Parish Council and 5% to administrative expenses.
- The infrastructure amount is then split. 70% to the Regeneration Reserve and 30% to the Community Projects Reserve (Changing to 80% and 20% from 1<sup>st</sup> April 2023).

# Application of receipts

- Any Neighbourhood Portion is sent to Town and Parish Councils every April and October.
- Community Projects Reserve is open to bids between 1<sup>st</sup> April and 30<sup>th</sup> June each year.
- The Regeneration Reserve is being pooled to assist in delivering the Council's adopted Masterplans.
- Administrative expenses are applied annually to cover the CIL Officer post and any other expenses e.g. review of CIL rates, examination of Charging Schedule and monitoring software.

# Section 106 Process

# Process Overview





## Section 106 during planning application process

- The case officer raises consultations relevant to the application, these consultations will identify whether there are potential impacts from the development that require mitigation through the provision of infrastructure.
- Negotiations will take place between Planning and the developer to agree the obligations in the Section 106 agreement.
- Recommendation of granted only reached upon agreement of the scope of obligations.
- A draft agreement is drawn up by a solicitor and signed by all parties involved with the development.
- Once completed the planning permission can be issued.

## Section 106 post decision

- The developer can begin construction but must be aware of the agreed trigger points from the Section 106.
- Upon reaching the triggers points which can be; prior to commencement, prior to completion or prior to a set number of occupations. The developer must notify the relevant Authority.
- For financial obligations Planning and Building will then raise an invoice.
- For non-financial obligations, checks will be completed to ensure the requirements have been met.

# Recording and Notifications

- Financial records are updated at TVBC once payment of the invoice has been received.
- Parishes and Members are given updates on the Section 106 in their area(s) twice a year.
- Updates can be requested by Parishes/Members at any point.

## Releasing Section 106 contributions

- Public Open Space contributions are open to proposals from Parish Councils, Members and Community groups.
- These proposals are sent out to Communities and Leisure, Finance, Policy, the Planning and Building portfolio holder and the ward members for the area relevant to the proposal.
- Provided all consultees are in agreement the available contributions can be released.
- For any proposals greater than £25,000 the application must also be taken forward to be considered by Cabinet.