

# Community Infrastructure Levy Draft Charging Schedule

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## 1.0 What is the Community Infrastructure Levy?

The Community Infrastructure Levy (CIL) is a charge on new buildings in England and Wales. It is a mechanism to ensure certain types of new development contribute to the infrastructure needed to support that development. This infrastructure will support the growth aspirations for Birmingham as outlined in the Birmingham Development Plan which includes proposals for over 50,000 new homes and 100,000 new jobs. This infrastructure could include new schools, roads, parks and public transport improvements.

The charge provides a greater level of certainty for developers and land owners regarding their contributions and will be charged per net square metre of new development.

We will need approval from Full Council to begin charging a CIL, and we will publish this adoption date on our website when it is finalised.

## 2.0 CIL and other planning documents

To adopt a CIL, we need bring together “relevant evidence” which shows our aspirations for growth, the infrastructure needed to support that growth and its cost. We also need to show that the proposed charge will not discourage new developments from being built.

These documents are available on our website at [www.birmingham.gov.uk/cil](http://www.birmingham.gov.uk/cil) and [www.birmingham.gov.uk/plan2031/evidencebase](http://www.birmingham.gov.uk/plan2031/evidencebase) and include the following:

- The CIL Draft Charging Schedule
- CIL Charging Maps
- CIL Economic Viability Assessment (GVA report) – October 2012
- The Birmingham Development Plan (Pre Submission Version)
- The Birmingham Development Plan Policies Map
- Site Delivery Plan
- Infrastructure Delivery Plan
- Preliminary Draft Charging Schedule information and consultation responses
- Regulation 123 list

In order to adopt a CIL, we must have an up to date Development Plan. The Birmingham Development Plan (BDP) was submitted to the Secretary of State for Examination on July 1<sup>st</sup> 2014, and the Examination Hearing Sessions have now finished. It is anticipated that the BDP will be adopted in 2015.

You can find the Birmingham Development Plan here [www.birmingham.gov.uk/plan2031](http://www.birmingham.gov.uk/plan2031)

### **3.0 The Infrastructure Development Plan**

The Infrastructure Delivery Plan (IDP) identifies the infrastructure needed to support the growth of the City. This document helps to identify the types and costs of infrastructure, the delivery timetable and gaps in funding. The IDP is a collaborative effort and we have worked with a wide range of departments and stakeholders who have a role in delivering that infrastructure. The IDP clearly demonstrates a funding gap for the delivery of critical infrastructure which CIL will help to address. You can find the latest version of the IDP [here](#)

### **4.0 The Community Infrastructure Levy Preliminary Draft Charging Schedule – Viability Study (GVA)**

We appointed GVA to carry out a viability study. We wanted this study to look at the viability of various hypothetical developments across the City. When assessing viability, GVA considered planning policy requirements (e.g. standards for sustainable buildings) which can add to the cost of a new development. This study shows possible CIL charges across the City, with different charges by type and location of those developments.

### **5.0 The Draft Charging Schedule**

Following the Preliminary Draft Charging Schedule consultation, a number of responses raised specific issues regarding retail use categories, residential assumptions and values and charges specifically in relation to the Green Belt proposals in the Birmingham Development Plan. We requested GVA Grimley conduct further analysis to address the concerns mentioned.

In addition to supplementary testing, we have further amended the charges to take into account the current economic situation. While the economy is no longer in recession, the recovery is delicately balanced. CIL charges should not prejudice this recovery, and must strike an appropriate balance between funding for infrastructure and CIL's impact on economic viability. The proposed charges contained within the CIL also take into account unforeseen costs, additional planning policy requirements and on site Section 106 contributions. Once adopted, there is the possibility of an early review and potential amendment to CIL charges as the economy continues to recover.

#### **5.1 Additional Retail Testing**

Additional, hypothetical development schemes were tested (specifically convenience stores, city centre retail and convenience store with petrol station). The scenarios tested are high level and cannot be used as an example of what an individual developer or operator would be prepared to pay for land at any given location.

The appraisals assume a zero contribution towards S106 costs.

The paper can be found [here](#).

## **5.2 Additional Employment Testing, including Sustainable Urban Extension (Peddimore Employment Proposal)**

Additional employment scenarios were tested, specifically in relation to industrial development on a greenfield site and offices in the prime and fringe of the city centre, to demonstrate potential charges for employment use. The scenarios tested are high level and cannot be used as an example of what an individual developer or operator would be prepared to pay for land at any given location.

To test the viability of a range of schemes on Green Belt employment land, three different scenarios were tested – pre-let industrial use, speculative industrial use and speculative business park use. The papers can be found [here](#).

## **5.3 Additional Miscellaneous Testing and Analysis**

This paper updates the initial viability testing from October 2012. This paper reviews the original, proposed CIL rates and gives a greater viability “cushion” for CIL charges. This ensures the CIL will remain viable even with the varying circumstances for each development scheme. The paper can be found at [here](#).

## **5.4 Residential Urban Extension**

Additional testing was undertaken for a large, strategic scale development of 5,000 units. This is a hypothetical example which mirrors the potential characteristics of the scheme recommended in the Sustainable Urban Extension (SUE). It is assumed that developments will be undertaken by large regional and national developers who benefit from economies of scale.

The testing assumes there will be significant on-site mitigating requirements for such a large scale development, and therefore S106 contributions are unlikely to be pooled with S106 agreements for other schemes.

Testing was undertaken assuming S106 contributions equivalent to £10,000 and £20,000 per dwelling. Further tests also assumed 20% and 35% affordable housing. In all cases, the assumptions adopted give a positive residual land value which suggests the scheme is deliverable; however the appraisals do not equal or exceed the adopted base land values. Therefore, the testing recommends a zero charge for residential development in the Green Belt. The paper can be found at [here](#).

## **5.5 Affordable Housing Providers and Birmingham Municipal Housing Trust**

Amended guidance for the CIL was published on the Planning Practice Guidance website on 12 June 2014, and this replaced the previous standalone guidance that was published in February 2014.

This guidance states that we may offer further, discretionary relief for affordable housing types which do not meet the criteria required for mandatory social housing relief and are not regulated through the National Rent Regime.

The majority of Birmingham Municipal Housing Trust (BMHT) schemes deliver socially rented housing. These properties are funded through a mixture of internally generated resources, grant funding and recycled surpluses from house sales with the land being provided to the scheme at no cost. There is no developer profit achieved on a BMHT scheme as any surpluses created from the homes for sale are reinvested into new homes for rent or into community benefits such as road improvements or public open space.

Therefore it is proposed to exempt BMHT developments from CIL charges. This paper can be found at [here](#).

Similarly, we propose to exempt all social housing providers registered with the Homes and Communities Agency from CIL charges.

## 6.0 CIL Charges

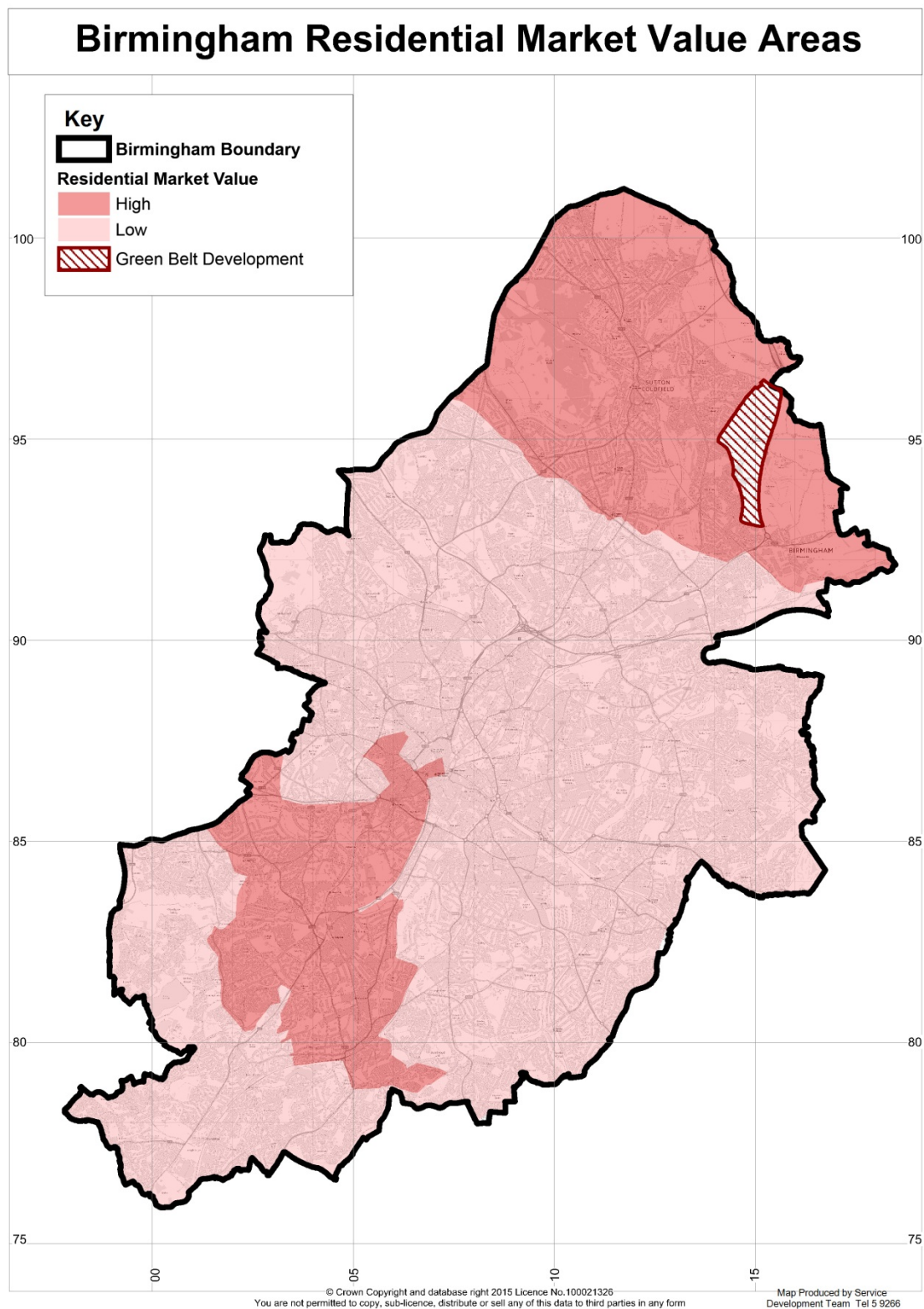
Development Type	Detail	Charge/sqm
Retail convenience <sup>1</sup>	<2,000 sqm	£0
Retail convenience <sup>1</sup>	>2,000 sqm	£260
Retail <sup>2</sup>	All other	£0
Retail <sup>2</sup>	Greenbelt Development (Sustainable urban extension)	£0
Industrial/Employment	All areas	£0
Offices	All areas	£0
Residential	Value zones 1,2 & 3 (High value area)	£69
Residential	Value zones 4,5,6 & 7 (Low value area)	£0
Residential	Green Belt Development (Sustainable urban extension)	£0
Residential	Social Housing Providers registered with HCA and Birmingham Municipal Housing Trust developments	£0
Student housing	All areas, except Green Belt Development (Sustainable urban extension)	£69
Student Housing	Green Belt Development (Sustainable urban extension)	£0
Hotel	City centre	£27
Hotel	Green Belt Development (Sustainable urban extension) and rest of city	£0
Leisure	All areas	£0
Education	All areas	£0
Health	All areas	£0
Extra Care	C2 use	£0
All other development	All areas	£0

1. Retail convenience can also include non-food floorspace as part of the overall mix of the unit.

2. Retail - This category will include those retail units selling good not bought on a frequent basis.



## 6.1 Charging Zone Maps

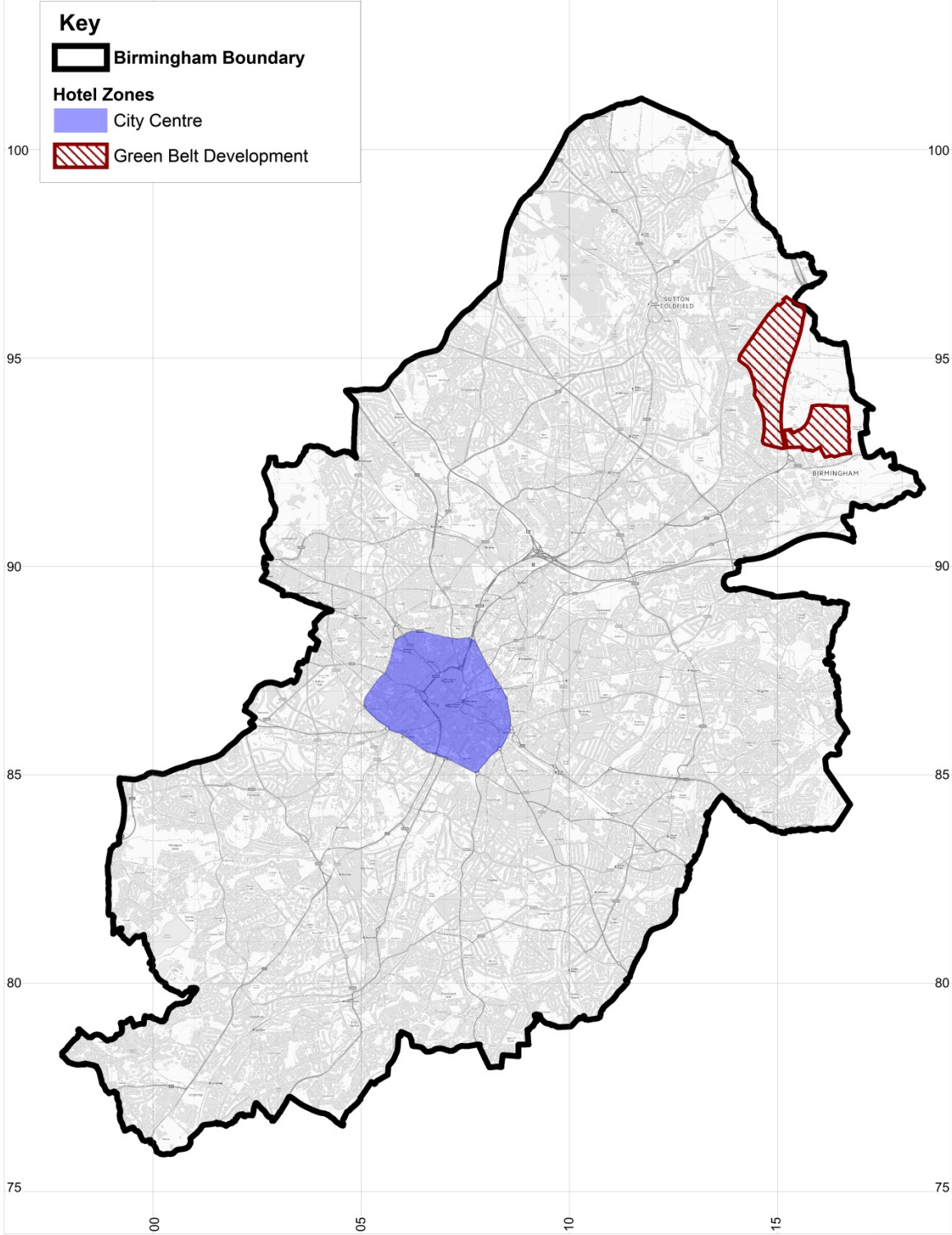


Please note – where the residential charging zone dissects a building on the above plan, the postcode used for the planning application site address will determine which charging zone the application falls under.

For clarity, the following post codes were identified in the GVA CIL Economic Viability Assessment report (October 2012):

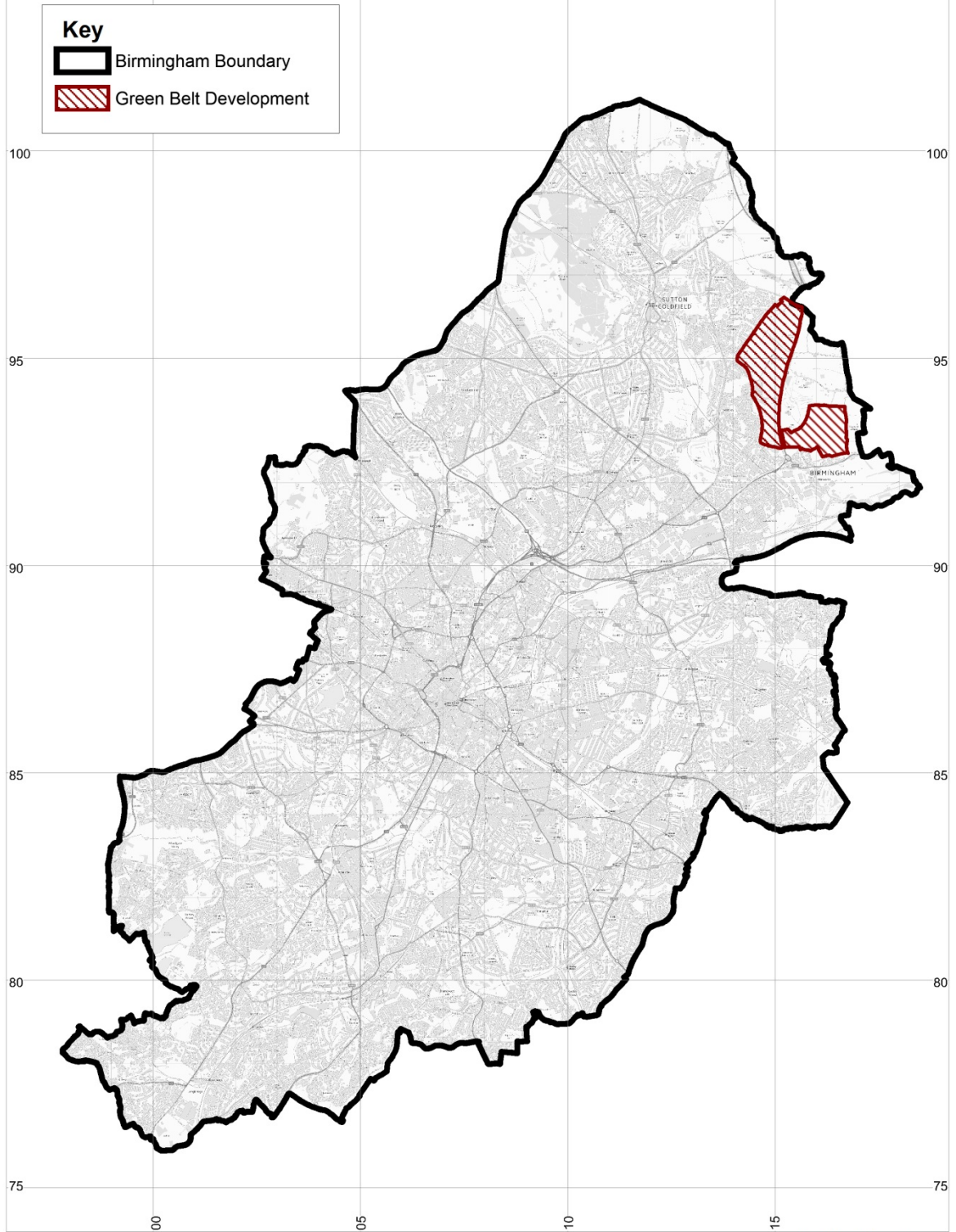
Market Value Area							
	High			Low			
	1	2	3	4	5	6	7
Postcodes	B15, B17, B73, B74, B75	B30, B29, B72, B76	B1, B2	B3, B13, B12, B14, B20, B27, B24, B38, B45, B23, B31, B32, B33	B9, B18, B19, B28, B10, B26, B44	B5, B6, B8, B11, B16, B21, B25, B34, B35, B36, B42	B7, B4

# Birmingham Hotel Zones



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# Green Belt Development



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Development Team Tel 5 9266

## **7.0 Regulation 123 list**

The Regulation 123 list (R123) is a list of infrastructure projects which we hope to fund or part fund through CIL. We have published a list and you can find this [here](#). We can revise this list at any time following the adoption of CIL, subject to appropriate consultation.

The projects on this list have been chosen as they support the development of Birmingham, as outlined in the Birmingham Development Plan. We can use the CIL to provide new infrastructure, increase the capacity of existing infrastructure or repair failing infrastructure, if it is necessary to support development.

Where the list includes generic infrastructure (such as “education provision”) we can’t sign any S106 agreements for that type of general expenditure.

## **8.0 What will be liable for CIL?**

CIL may be payable on a development which creates net additional floor space, where the gross internal area of new build exceeds 100 sq.m. CIL applies to all types of planning consent, including Local Development Orders and Neighbourhood Development Orders.

## **9.0 What will be exempt from CIL?**

- Developments of less than 100 sq.m., unless it is a new house or flat. If it is a new house or flat, CIL is payable.
- Houses, flats, residential extensions or residential annexes which are built by self-builders
- Social housing
- Charitable development
- Buildings into which you do not normally go
- Buildings where you only go intermittently, for inspecting/maintaining fixed plant, machinery etc.
- Any structures which aren’t buildings such as pylons
- Any development with a £0 charge as defined in the Charging Schedule
- Vacant buildings brought back into the same use
- Mezzanine floors of less than 200 sq.m. unless they form part of a wider planning permission providing other works..

## **10.0 Calculation**

The formula used to calculate CIL liability is defined within the CIL regulations. This involves multiplying our CIL charging rate by the net increase in Gross Internal Area (GIA) and adjusting for inflation.

$$\frac{R \times A \times Ip}{Ic}$$

**R** – the CIL rate for that use

**A** – the deemed net area chargeable at rate R

**Ip** – the index figure for the year in which planning permission was granted

**Ic** – the index figure for the year in which the charging schedule took effect

The All-In Tender Price Index is an inflation index published by the Royal Institute of Chartered Surveyors Building Cost Information Service and the figure for any given year is the figure for November of the previous year.

CIL calculations leading to a liability of less than £50 are treated as zero rated and are not payable.

Further detail on calculating the amount due is contained in the [CIL regulations](#).

If you need any help or advice calculating your CIL liability, please contact Hayley Anderson at [hayley.anderson@birmingham.gov.uk](mailto:hayley.anderson@birmingham.gov.uk) or 0121 303 4820.

### **11.0 Who pays?**

Landowners are liable for payment of CIL, but other parties can take on the liability to pay their CIL contribution. If no one assumes liability, or payment is not forthcoming from other parties, the liability will automatically default to the landowner.

### **12.0 [When and how will I pay?](#)**

- When planning permission is granted through a decision notice (or appeal decision) on or after the date of publication of a CIL Charging Schedule for that area; or
- When development is permitted by a ‘general consent’ (e.g. permitted development).

The CIL adoption date will be published on our website once it has been agreed and approved and all applications validated after the published adoption date will be liable for CIL.

There are a number of stages in the CIL collection process which we must follow:

- If you are applying for planning permission, you must include a completed copy of the [Additional CIL Information Form](#) with your application to help us calculate the sum payable

- If your development is granted planning permission by way of a general consent (such as General Permitted Development Orders or Local Development Orders), you must submit a [Notice of Chargeable Development](#) if the development is liable for CIL
- Someone must also assume liability for payment by submitting an [Assumption of Liability Form](#). This could be the developer, landowner or another interested party
- We will then issue a Liability Notice which sets out the charges due and the payment procedure
- Whoever assumes liability must then send us a [Commencement Notice](#) stating when development will start
- We will send a Demand Notice which states the payments and due dates for payment in line with our payment and instalment procedures
- When development starts, and payments are received in line with the procedures, we will issue a receipt for all payments received.

### **13.0 Can I pay my CIL in kind?**

It may be possible to pay your CIL liability in kind, through either land or infrastructure, and we will assess each application and make a decision on a case by case basis. Please contact Hayley Anderson at [hayley.anderson@birmingham.gov.uk](mailto:hayley.anderson@birmingham.gov.uk) or 0121 303 4820 for further information.

Please note, should we agree to an in kind payment of CIL liability, these payments must be agreed through a land or infrastructure agreement before starting on site and can be full or part payment of the CIL liability.

Land or infrastructure must be valued by an independent valuer to ascertain open market value of land or the cost of the infrastructure to decide how much of the CIL liability will be paid by the in kind payment.

Further information regarding in kind payments is contained within the [CIL regulations](#).

### **14.0 Instalments**

We are proposing to introduce an Instalment Policy which will take effect when the CIL is adopted.

<b>Total CIL payment due</b>	<b>Payment Terms</b>
Less than £30,000	Total payable within 60 days of commencement
£30,000 - £100,000	25% payable within 60 days of commencement 75% payable within 240 days of commencement (c. 8 months)
£100,001 - £500,000	25% payable within 60 days of commencement 25% payable within 240 days of commencement (c. 8 months) 50% payable within 365 days of commencement (c. 1 year)  NB Full payment is due if full occupation/opening of development is earlier than the dates set out above.
£500,001 - £1,000,000	20% payable within 60 days of commencement 20% payable within 240 days of commencement of development (c. 8 months) 30% payable within 365 days of commencement (c. 1 year) 30% payable within 540 days of commencement (c. 18 months)  NB Full payment is due if full occupation/opening of development is earlier than the dates set out above.
More than £1,000,001	20% payable within 60 days of commencement 20% payable within 240 days of commencement of development (c. 8 months) 20% payable within 365 days of commencement (c. 1 year) 20% payable within 540 days of commencement (c. 18 months) 20% payable within 730 days of commencement (c. 2 years)  NB Full payment is due if full occupation/opening of development is earlier than the dates set out above.

If these instalment terms are broken, we will issue a Demand Notice which requires full payment immediately.

Similarly, if no Commencement Notice is received and we have to determine the “deemed commencement” date, we will issue a Demand Notice for CIL liability, which must be paid immediately in full.

## **15.0 Developer contributions and S106 Agreements**

You could be asked to contribute towards infrastructure in different ways. This could be through CIL, S106 agreements, S278 highway agreements and any conditions which may be attached to your planning permission.



However, these different types of developer contribution all serve different purposes and the regulations will limit any perceived or actual “double dipping” with developers paying twice for the same thing.

### **15.1 Section 106 agreements**

The CIL should provide infrastructure to support the development of the whole area covered by the Development Plan. However, some site specific issues or mitigation might still be needed to make sure planning permission is granted.

When we have adopted CIL, Section 106 requirements should be scaled back to those matters which are directly related to a specific site, and are not set out in a Regulation 123 list.

Whilst the majority of our viability appraisals assume a zero CIL liability, there may still be a need for on-site requirements, and these will be assessed on each planning application. The introduction of a CIL “viability cushion” should still allow for an on-site S106 contribution if required.

You should note that while S106 agreements will remain, they will continue to be negotiable and therefore will be negotiated *after* the CIL contribution has been calculated.

S106 agreements should continue to be;

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development

Once the CIL has been adopted, we can't pool unlimited S106 agreements for infrastructure. If we have signed five or more obligations for a specific type of infrastructure or project since 6 April 2010, and you can also fund that piece of infrastructure or project through the CIL, we cannot sign any more of those S106 agreements. This also includes S106 agreements signed against applications made under Section 73 to vary a planning condition.

If you can't fund a piece of infrastructure through the CIL (such as affordable housing), we can pool unlimited S106 agreements, as long as we have regard to wider policies on planning obligations set out in the NPPF.

### **15.2 Section 278 agreements**

Section 278 agreements are agreements between the highway authority and someone who agrees to pay all or part of the highways works. Section 278 agreements **cannot** be used for works which are included on the Regulation 123 list (i.e. works which could be funded by CIL). However, unlike S106 agreements, there is no limit on pooling S278 agreements.

### **16.0 Percentage to neighbourhoods**

We have to pass on a percentage of CIL receipts to those communities affected by new developments.

15% of CIL receipts must be passed to Parish and Town Councils where development has taken place. This is capped at £100 per council tax dwelling, per year.

If there is a Neighbourhood Plan or a Neighbourhood Development Order (including a Community Right to Build Order) in place, the amount passed to that Neighbourhood Plan area is increased to 25%, with no annual cap.

Parish Council <input checked="" type="checkbox"/> Neighbourhood Plan <input checked="" type="checkbox"/>  = 25% uncapped, paid to Parish	Parish Council <input checked="" type="checkbox"/> Neighbourhood Plan <input checked="" type="checkbox"/>  = 15% capped at £100/dwelling, paid to Parish
Parish Council <input checked="" type="checkbox"/> Neighbourhood Plan <input checked="" type="checkbox"/>  = 25% uncapped, local authority consults with community	Parish Council <input checked="" type="checkbox"/> Neighbourhood Plan <input checked="" type="checkbox"/>  = 15% capped at £100/dwelling, local authority consults with community

These percentages will still apply if there are no Neighbourhood Plans or Parish Councils, but we will keep these contributions, and engage with local communities to determine how best to spend the money. The funds will be passed on every six months, at the end of October and April.

If a developer has contributed in kind CIL payments in the form of infrastructure, we will ensure a cash equivalent contribution to local communities.

The percentage passed to neighbourhoods can be spent on a wider range of infrastructure than the rest of CIL, as long as it still supports the development of the area.

## 17.0 Review

The CIL viability study can only demonstrate viability at a moment in time and cannot forecast future changes in the market. Therefore we will keep our CIL charges under review to make sure they remain appropriate. If market conditions change significantly, or the infrastructure funding gap changes, we will review and alter the CIL charges as necessary. Any proposed changes to the CIL charge will be posted on the CIL pages on our website, and you will have the opportunity to comment before any changes are made.

We can decide to stop charging a CIL at any time. If we were to do this, any CIL liability relating to a development which hasn't started would be dissolved and no CIL would be payable.

## 18.0 Monitoring

Regulations state we must let you know how we're spending any CIL income. We will publish a report (at least) annually (by 31 December each year, for the previous financial year) explaining how much we've received in CIL payments, how much we've spent, and on what, and how much we're carrying over into future years.

Town and Parish Councils must also report on their CIL spending.

## **19.0 Sustainability**

The CIL charging schedule does not require a Sustainability Appraisal as it is a short financial document rather than a "land use planning" document.

## **Glossary and Further Information/FAQs.**

### **Is CIL payable if existing buildings are being demolished or converted?**

The gross internal area of any buildings on the site that are going to be demolished or re-used may be deducted from the calculation of CIL liability. However, deductions are only applied where those buildings have been in lawful use for a continuous period of at least 6 months within the period of three years ending on the day planning permission first permits the chargeable development. In this context, “in use” means that at least part of the building has been in use.

It will be for the applicant or their agent to demonstrate that a building has been in use by providing appropriate evidence such as Council Tax records or Business Rates documentation.

The day “planning permission first permits development” is defined in the CIL regulations as the date at which development may commence. If there are any pre-commencement conditions attached to the planning permission, this date is the date at which the final pre-commencement condition is discharged. If there are no such conditions, then the date is the date of planning permission.

In relation to outline applications, subject to any phasing arrangements that may apply, development will only be permitted when the last of the reserved matters is approved.

### **Is CIL payable if my scheme does not need planning permission?**

A CIL payment is required whether or not the development needs planning permission. If you intend to carry out development authorised by “general consent” (including permitted development) you should serve the City Council with a Notice of Chargeable Development.

### **Do charities have to pay CIL?**

If you are a charitable institution, and you own a material interest in the land, you will get full relief from your portion of CIL where the chargeable development will be used wholly, or mainly, for charitable purposes. We can also offer discretionary relief to a charity landowner if the greater part of the development will be held as an investment and the profits applied for charitable purposes.

To qualify for charitable relief:

- You must be a charitable institution
- You must own a material interest in the land
- You must not own this interest jointly with a person who is not a charitable institution.

And a charitable institution is defined in the regulations as:

- A charity
- A trust of which all the beneficiaries are charities

- A unit trust scheme in which all the unit holders are charities

If you are providing social housing, we will also grant full relief from CIL charges, for those social housing units. This relief may also be available for those parties who are not charities.

An [application](#) for relief must be made to the City Council before commencement of the development to which it relates.

Be aware that if you claim charitable relief, you must continue to be eligible for that charitable relief for seven years following the commencement of your development. If, at any point in those seven years:

- The purpose of the development changes to an ineligible use;
- The owner of the interest in the land changes, and no longer qualifies for relief;
- The terms of the leasehold changes, and no longer qualifies for relief.

You must inform us of this change within 14 days, and we will “clawback” the relevant parts of the relief given. If you do not notify us within 14 days, we will charge an additional 20% of the chargeable amount, or £2,500 (whichever is lesser).

The regulations regarding charitable relief can be found [here](#).

### **What if I am building social housing?**

Full CIL relief can be given to those parts of a development which are going to be used as social housing if a claim is submitted to the City Council by an owner of a material interest in the relevant land.

This will benefit most social rent, affordable rent, and intermediate rent accommodation provided by the Council or Private Registered Provider, and also shared ownership dwellings.

When [applying](#) for this relief, you must provide evidence that the chargeable development qualifies for social housing relief. To ensure that relief is not used to avoid CIL payments, the regulations provide that any relief must be repaid if the development no longer qualifies for the relief granted within seven years from the commencement of the development.

The regulations regarding social housing relief can be found [here](#).

Social housing relief is calculated according to the three formulas in [Regulation 50](#).

Discretionary social housing relief applies to those affordable dwellings which meet the criteria set out in Regulation 49A (2014 Regs).

### **What if I am building my own home?**

If you are building your own home, or have commissioned your own home, and you are going to live in that home for a minimum of three years after completion, you don't have to pay CIL.

You can submit your [Part 1 Claim](#) at any time as long as the work hasn't commenced, and this exemption does not apply retrospectively. As with other exemptions, you must notify us if your circumstances change during those three years.

To claim the exemption, you will need to submit your [Part 2 Claim](#) within six months of completion.

The regulations regarding self-build housing relief can be found [here](#).

### **What about residential extensions or annexes?**

If you want to extend your house, and your residential extension is under 100 sq.m., you don't have to pay CIL. You must submit this [form](#) before you start work on your extension or annex.

The regulations regarding residential extensions and annexes can be found [here](#).

### **How do you decide if a building has been abandoned?**

We will decide if a building has been legally abandoned. We will take into account;

- The condition of the property
- The period of non-use
- Whether there has been an intervening use, and
- Any evidence regarding the owner's intention

### **What about phased developments?**

It is possible to allow a planning application to be divided into "phases" for the CIL, which is especially useful for large, planned developments. This applies for both detailed and outline permissions (and therefore "hybrid" permissions too), and each phase would be treated as a separate chargeable development. This allows for payments in line with the instalment policy which we have adopted.

The principle of phased delivery must be apparent from the planning permission.

For outline permissions, if the CIL is in force when the outline permission is granted, each phase of that permission is subject to CIL, or any replacement CIL charging schedules which may be introduced.

### **What happens if I want to alter my permission? Do I pay twice?**

If you want to revise or submit a new planning application for a development which has started but is not finished, we are able to take into account any CIL

payments which can be credited against the new permission. This is called abatement. However, if your development has finished, you cannot apply for abatement.

If the revised development has a lower CIL liability than the original, no refunds will be paid.

You can only apply for abatement before development commences under the alternative permission.

### **Can I appeal against a CIL decision?**

Yes, in certain circumstances, you can appeal against the levy calculation. Further guidance can be found [here](#).

### **What happens if I have overpaid?**

We will pay back any overpayment as long as the refund exceeds the administrative costs for processing that refund. We will not refund overpayments if those overpayments are the result of an in kind payment.

### **What if no one assumes liability for the development?**

If no one assumes liability, the liability falls to the owners of the land. This also means that full payment will become due when development commences. If no one assumes liability, we may approach potential people or organisations who might want to assume liability and point out the benefits (such as payment in instalments) if they assume liability.

Liability can be transferred at any time up to the day before the final payment is due by submitting a [Transfer of Assumed Liability form](#).

### **What happens if I don't pay?**

The regulations allow us to impose penalties for late payment.

If a party has assumed liability and doesn't pay, we can issue a Default Liability Notice to the owners of any material interest in the land within the chargeable development.

If the debt still isn't settled, we can take more direct action to recover the CIL funds due. We can stop any development on site until payment is received, and in extreme cases, we can seize and sell assets, or even apply to send the liable party to prison for up to three months.

### **Can CIL be spent outside the Birmingham boundary?**

Yes, if we believe that the infrastructure will benefit the development of the wider area. We can also pool our CIL receipts with other charging authorities to fund large, strategic projects which we would all benefit from.

**Links to other relevant information:**

[DCLG CIL information](#)

[Planning Practice Guidance - Community Infrastructure Levy](#)

**CIL regulations**

**HMSO**

Community Infrastructure Regulations (March 2010) (Statutory Instrument 2010 no. 948):

[http://www.legislation.gov.uk/ukxi/2010/948/pdfs/ukxi\\_20100948\\_en.pdf](http://www.legislation.gov.uk/ukxi/2010/948/pdfs/ukxi_20100948_en.pdf)

(It should be noted that these principal regulations have been amended in part by subsequent regulations and the HMSO web site should be consulted for all relevant amendments)

**Further information is available from:**

[The Planning Portal](#)

[The Planning Advisory Service - CIL](#)

[CIL - How to make an appeal](#)

**CIL forms**

[CIL Form - CIL Form Guidance](#)

[Form 1: Assumption of Liability](#)

[Form 2: Claiming Exemption or Relief](#)

[Form 3: Withdrawal of Assumption of Liability](#)

[Form 4: Transfer of Assumed Liability](#)

[Form 5: Notice of Chargeable Development](#)

[Form 6: Commencement Notice](#)