

Community Infrastructure Levy

West Dorset, Weymouth & Portland Local Plan

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1 Introduction

1.1 THE COMMUNITY INFRASTRUCTURE LEVY

WHAT IS A COMMUNITY INFRASTRUCTURE LEVY?

- 1.1.1 The Community Infrastructure Levy (CIL) is a new locally set charge which can be applied to development to help fund infrastructure required to accommodate growth in West Dorset and Weymouth & Portland. CIL finance can therefore be used to help fund new transport networks, flood defences, schools, hospitals and other health and social care facilities, park improvements, green spaces and leisure centres.

HOW IS CIL CHARGED?

- 1.1.2 CIL takes the form of rates set in pounds (£) that are applied to each square metre of new floorspace (measured as gross internal area). CIL rates can differ by both location and development type and must be set out in a formal document called a Charging Schedule.
- 1.1.3 There are separate charging schedules for West Dorset and Weymouth & Portland. The Weymouth & Portland Charging Schedule was adopted by Full Council on 15th October 2015. The West Dorset Charging Schedule was adopted by Full Council on the 22nd October 2015. **The CIL was implemented in both authorities on 18 July 2016.**
- 1.1.4 This guidance document sets out information on CIL in terms of how it is applied, calculated, collected and enforced by West Dorset and Weymouth & Portland Councils ('the Councils'). It is recommended that this guidance document is also read in conjunction with the Council's CIL webpage, which contains additional information and links to government guidance including all the administration forms that need to be submitted to the Councils at various stages of the CIL collection process.

WHAT TYPES OF DEVELOPMENT CAN BE CHARGED CIL?

- 1.1.5 The CIL Regulations define that, subject to viability testing, CIL can be charged on development that:
- Is a building which people normally go into to use; and
 - If upon completion, the Gross Internal Area (GIA) of a new build (i.e. additional GIA over and above that that exists on the site before the chargeable development commenced) will be more than 100 square metres; or
 - Is creating 1 or more dwellings even where it is not a new building (e.g. through a change of use, or an extension to or replacement of an existing building) and even where the new build floorspace is less than 100 square metres.
- 1.1.6 There are a number of exemptions from CIL as follows;
- Any development which proposes less than 100 square metres of new build GIA (n.b. – as stipulated on the previous page this restriction does not apply to new dwellings, which are always liable for CIL regardless of size);
 - Any development type included within the adopted West Dorset and Weymouth & Portland Charging Schedules but which is zero rated;

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- Social Housing provided by local Housing Authority, registered social landlord or registered provider of social housing and shared ownership housing subject to the specific provisions of CIL Regulation 49*;
- Development that will be used for charitable purposes*;
- Development considered as a self-build scheme through the provisos and parameters set out in CIL Self Build Exemption Claim Forms SB1-1 and SB1-2;
- Approval of reserved matters applications where the outline planning permission was granted prior to 18th July 2016 (this is the date on which CIL came into effect in West Dorset and Weymouth & Portland);
- Structures or buildings into which people do not usually go, or go into only intermittently for maintenance (e.g. sports pitches, sub-stations or wind turbines).

*Please note that applicants will have to formally apply for this relief through submission of CIL Form 2: Claiming Exemption and Relief (see the CIL Relief section on page 18 of this document for further information).

WHAT ARE THE CIL RATES IN WEST DORSET AND WEYMOUTH & PORTLAND?

- 1.1.7 Following independent assessment of the viability of the development in West Dorset and Weymouth & Portland (that included examination in public by an independent Government inspector), the adopted Charging Schedules contain CIL rates that will only be applied on proposals that create new dwellings (including replacement dwellings) and dwellings with restricted holiday use.
- 1.1.8 Affordable dwellings and essential agricultural workers dwellings are excluded from a CIL charge in the adopted Charging Schedules.
- 1.1.9 Therefore all other development types (other than proposals that involve the creation of new dwellings) are set a £0 per square metre CIL rate and will not pay CIL at the present time. Please note that this is the West Dorset and Weymouth & Portland approach to CIL and other Local Authorities may have a different range of CIL rates that have been derived in view of the specific circumstances within their administrative areas.
- 1.1.10 On the larger more complex strategic allocations in the West Dorset, Weymouth & Portland Local Plan (October 2015), some forms of infrastructure will need to be provided as part of the development. To avoid the potential for these large complex development proposals paying twice for the same piece of infrastructure, the infrastructure requirements for the strategic sites listed below are excluded from a CIL charge allowing infrastructure to be secured through a planning obligation requiring the developer to enter into a section 106 agreement.
- Chickerell Urban Extension
 - Land at Crossways
 - Vearse Farm, Bridport
 - Littlemoor Urban Extension
 - Markham & Little Francis, Weymouth
- 1.1.11 The West Dorset Charging Schedule contains just one CIL rate:

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DEVELOPMENT TYPE	USE CLASS	CIL RATE (£/SQM)
Dwellings *	C3	100
Dwellings with Restricted Holiday Use **	C3	100
Essential Rural Workers' Dwellings ***	C3	Nil
All other development	n/a	Nil
Strategic Site Allocations: Littlemoor Urban Extension – LITT1 Chickerell Urban Extension – CHIC2 Land at Crossways – CRS1 Land at Vearse Farm – BRID 1	n/a	Nil

1.1.12 The Weymouth & Portland Charging Schedule contains two different rates on new dwellings and dwellings with restricted holiday use depending on location:

DEVELOPMENT TYPE	USE CLASS	CIL RATE (£/SQM)
Dwellings* (All areas except Portland)	C3	93
Dwellings (Portland)	C3	80
Dwellings with Restricted Holiday Use** (all areas except Portland)	C3	93
Dwellings with Restricted Holiday Use (Portland)	C3	80
Essential Rural Workers' Dwellings***	C3	Nil
All other development	n/a	Nil
Strategic Site Allocations: LITT1 - Littlemoor Urban Extension WEY10 - Markham & Little Francis	n/a	Nil

For the purpose of this charging schedule the following definitions apply

- * 'Dwellings' include houses and flats and dwellings used as second homes, but exclude affordable housing.
- ** 'Dwellings with restricted holiday use' include holiday lets i.e. residential houses which are restricted to holiday use. The definition excludes second homes, hotels, guesthouses and some B&Bs, and more temporary tourist accommodation such as caravans and tents.
- *** Essential rural workers' dwellings is housing located outside defined development boundaries for full time workers in rural businesses which require essential 24 hour supervision.

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The Councils have produced a set of maps showing the different charging areas and sites excluded from a CIL charge, these maps can be found on the CIL webpage <https://www.dorsetforyou.com/cil/west/weymouth>.

WHAT WILL THE COUNCILS USE CIL FOR IN WEST DORSET AND WEYMOUTH & PORTLAND?

- 1.1.13 The CIL Regulations allow the charging authorities (West Dorset District Council and Weymouth & Portland Borough Council) to clarify how it intends to spend CIL by publishing a list of infrastructure that will benefit in whole or in part through the use of CIL. This list is known as the Regulation 123 list after the corresponding section in the CIL Regulations 2010 (amended). The West Dorset and Weymouth & Portland Regulation 123 lists are published on the Council's CIL webpage <https://www.dorsetforyou.com/cil/west/weymouth>. The Regulation 123 lists will be subject to periodic review to factor in changing and emerging infrastructure priorities.
- 1.1.14 The District Council as charging authority will be the recipient of all CIL money initially. However, all CIL receipts are subject to deductions. The neighbourhood proportion will be 15% for the town or parish where the development takes place, or 25% if that area has an adopted neighbourhood plan. A proportion (up to 5%) will also be retained by the District Council for the administration of the levy. The remaining money will accumulate over time and it will be the responsibility of the District Council to spend or transfer the money to an appropriate body.
- 1.1.15 The remaining CIL funds, i.e. funds not including neighbourhood portions or admin, will be apportioned across the infrastructure themes set out in the regulation 123 list:
- Green Infrastructure and recreation provision serving the needs of the wider area.
 - Culture & Leisure Facilities
 - Waste Management Facilities
 - Transport, including highway improvements, bus services, walking and cycle improvements.
 - Education and Training Facilities
 - Healthcare facilities
 - Emergency Service Facilities
 - Flood Mitigation and Coast Protection schemes
 - Utilities
 - Poole Harbour Nutrient Management (SPA/SAC mitigation)
 - Dorset Heathlands Mitigation
 - Public Realm including offsite provision / enhancements

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- 1.1.16 It is proposed that each theme receives a fixed proportion of CIL money. The proportion is set using evidence of the infrastructure costs in the Infrastructure Delivery Plan (IDP) 2014.
- 1.1.17 Charging authorities and Parish, Town and Community Councils are free to decide the timing of neighbourhood funding payments themselves. However, in the absence of such an agreement, regulations specify that the neighbourhood portion of levy receipts must be paid every six months, at the end of October and the end of April.
- 1.1.18 In Weymouth where there is no parish or town council, the charging authority (Weymouth & Portland Borough Council) will retain the levy receipts and engage with the communities where development has taken place and agree with them how to spend the neighbourhood funding.
- 1.1.19 The ability to use Section 106 planning obligations has not been removed now CIL has taken effect. The CIL Regulations do, however, introduce statutory restrictions on the use of planning obligations once CIL takes effect.
- 1.1.20 The restrictions include the provision that the Councils cannot secure planning obligations through Section 106 arrangements for a type of infrastructure once it is identified for delivery through CIL on the Regulation 123 list. This provision is to ensure the Councils will not double charge for the same item of infrastructure; it will either be delivered through CIL or Section 106, not both.
- 1.1.21 A Section 106 agreement can only be used to secure planning obligations that are directly related to the development, not being delivered through CIL and necessary to enable the grant of planning permission.
- 1.1.22 There may be instances where development will pay CIL as well as need to make a Section 106 planning obligation (i.e. to secure affordable housing, which is outside of CIL or a pedestrian crossing required to mitigate a specific impact). Guidance on affordable housing can be found online at <https://www.dorsetforyou.com/planningobligations/west>.

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2 Calculation of the CIL Chargeable Amount

2.1 CIL CALCULATIONS

2.1.1 CIL Regulation 40 (amended) states that the CIL chargeable amount must be calculated using the following formula.

$$\frac{R \times A \times I_p}{I_c}$$

R = the relevant CIL rate as set out in the Charging Schedule.

A = the deemed net area chargeable at rate R.

I_p = the index figure for the year in which planning permission was granted.

I_c = the index figure for the year in which the Charging Schedule containing rate R took effect.

The value of A must be calculated by applying the following formula:

$$G_R - K_R - \frac{(G_R \times E)}{G}$$

G = the gross internal area of the chargeable development

G_R = the gross internal area of the part of the chargeable development chargeable at rate R

K_R = the aggregate of the gross internal areas of the following:

- i. Retained parts of in-use buildings; and
- ii. For other relevant buildings, retained parts where the intended use following completion of the chargeable development is a use that is able to be carried on lawfully and permanently without further planning permission in that part on the day before planning permission first permits the chargeable development.

E = the aggregate of the following:

- i. the gross internal areas of parts of in-use buildings that are to be demolished before completion of the chargeable development; and
- ii. for the second and subsequent phases of a phased planning permission, the value E_x , unless E_x is negative;

provided that no part of any building may be taken into account under both of paragraphs (i) and (ii) above.

The value E_x must be calculated by applying the following formula:

$$E_p - (G_p - K_{PR})$$

E_p = the value of E for the previously commenced phase of the planning permission:

G_p = the value of G for the previously commenced phase of the planning permission; and

K_{PR} = the total of the values of KR for the previously commenced phase of the planning permission.

2.2 GUIDANCE NOTE 1: EXISTING BUILDINGS AND CALCULATING CIL

- 2.2.1 You will note that in calculating the chargeable area, Regulation 40 allows for existing, used floorspace that is either to be demolished ('E' in the second Reg 40 formula) or re-used through conversion/change of use ('K_R' in the second Reg 40 formula) to be deducted from the proposed gross internal area to ensure that CIL is only charged on new floorspace over and above of what is already existing on the site.
- 2.2.2 However, it is important to note that for existing floorspace to be legitimately used to offset against the proposed gross internal area the CIL Regulations require it to be in lawful use, which at Regulation 40 (11) is defined as being:
- 2.2.3 A relevant building that contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.
- 2.2.4 Applicants need to be aware of the above provision when seeking to offset existing floorspace against proposed floorspace and provide evidence of lawful use in the context of CIL Reg 40 (11) with the planning application. Existing floorspace will not be taken into account in calculating CIL where the Councils consider existing buildings have not been in lawful use for the required period set out above.

2.3 GUIDANCE NOTE 2: THE TIME WHEN PLANNING PERMISSION FIRST PERMITS DEVELOPMENT

- 2.3.1 It is also important to be aware of the meaning of the phrase "the time when planning permission first permits development", which is defined in CIL Regulation 8 as being the day that planning permission is granted for a CIL liable development subject to the following provisions:
- In the case of a grant of outline planning permission after CIL is implemented, planning permission first permits development on the day of the final approval of the last reserved matter associated with the permission.
 - Where outline planning permission permits development to be implemented in phases, planning permission first permits a phase of the development on the day of the final approval of the last reserved matter associated with that phase, or if earlier, and if agreed in writing by the collecting authority before commencement of any

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development under that permission, on the day final approval is given under any pre-commencement condition associated with that phase.

- c) In the case of a grant of planning permission which is not an outline application, planning permission first permits development upon receipt of CIL Form 5: Notice of Chargeable Development in accordance with CIL Regulation 64, or if no notice of chargeable development is submitted in accordance with Regulation 64, the day on which the last person is served with a notice of chargeable development in accordance with Regulation 64A(3).
- d) Where a general consent planning permission allows development to be carried out in phases, planning permission first permits development on the day final approval is given under any pre-commencement condition associated with that phase; or where there are no pre-commencement conditions associated with that phase, on the day planning permission is granted.

2.3.2 Please be aware in view of this that the applicable three year period within which existing buildings need to be in continuous lawful use for six months in order to be used to offset against CIL liability will therefore often be the three years preceding approval of reserved matters or discharge of the final pre-commencement condition, as opposed to simply the three years prior to date when planning permission was first approved. The implication of this is that existing buildings will often need to remain in use beyond the time when the original planning permission is granted.

2.4 GUIDANCE NOTE 3: DEFINITION OF GROSS INTERNAL AREA (GIA)

2.4.1 CIL liability is calculated by deducting the Gross Internal Area (GIA) of the existing building (where in lawful use) from the proposed CIL liable GIA to arrive at the net chargeable area, which is then multiplied by the applicable CIL rate.

2.4.2 However, the definition of GIA for the purposes of calculating CIL is not specified in the CIL Regulations. The generally accepted method of calculation of GIA is set out in RICS Code of Measuring Practice 6th Edition (the RICS Code) as follows:

CORE DEFINITIONS: GROSS INTERNAL AREA (GIA)

2.4.3 Gross Internal Area is the area of a building measured to the internal face of the perimeter walls at each floor level.) This is based on the RICS Property Measurement (Incorporating International Property Measurement Standards), published 18th May 2015, but excludes areas with a headroom of less than 1.5 metres (except under stairs), reflecting the Valuation Office Agency's approach to measuring property for rating and council tax purposes.

Including:

- Areas occupied by internal walls and partitions;
- Columns, piers, chimney breasts, stairwells, lift-wells, other internal projections, vertical ducts, and the like;
- Atria and entrance halls, with clear height above, measured at base level only;
- Internal open-sided balconies, walkways, and the like;

- Structural, raked or stepped floors are property to be treated as a level floor measured horizontally;
- Horizontal floors, with permanent access, below structural, raked or stepped floors;
- Corridors of a permanent essential nature (e.g. fire corridors, smoke lobbies);
- Mezzanine floor areas with permanent access;
- Lift rooms, plant rooms, fuel stores, tank rooms which are housed in a covered structure of a permanent nature, whether or not above the main roof level;
- Service accommodation such as toilets, toilet lobbies, bathrooms, showers, changing rooms, cleaners' rooms, and the like;
- Projection rooms;
- Voids over stairwells and lift shafts on upper floors;
- Loading bays;
- Pavement vaults;
- Garages; and
- Conservatories.

Excluding:

- Perimeter wall thicknesses and external projections;
- External open-sided balconies, covered ways and fire escapes
- Canopies;
- Areas with a headroom of less than 1.5m (except under stairs);
- Voids over or under structural, raked or stepped floors; and Greenhouses, garden stores, fuel stores, and the like.

2.4.4 The Councils will apply RICS Core Definition of GIA when checking plans and calculating CIL liability. The applicant is therefore advised to follow the above RICS definition when supplying information on gross internal area to the Councils.

2.4.5 Applicants will need to demonstrate clearly in the planning application any specific floorspace aspects of a proposed development that, in view of the above definition, they consider the Councils should or should not be including within the assessment of existing and proposed gross internal area when calculating the CIL chargeable amount.

2.5 GUIDANCE NOTE 4: INFORMATION TO BE SUBMITTED BY APPLICANTS TO ASSIST WITH CALCULATION OF CIL LIABILITY

2.5.1 To ensure the correct calculation of CIL, applicants are advised to supply the following information with CIL liable planning applications:

- **CIL Form 0 – Determining whether a development may be CIL liable** – Planning Application Additional Information Requirement Form should be submitted (completed and signed) with the planning application and must clearly state the accurate GIA of all existing (that will be demolished or converted to make way for the proposed CIL liable development) and proposed buildings.
- **CIL Form 1 – Assumption of Liability** should be submitted with the planning application so it is clear to the Councils who will be responsible for paying CIL.
- Existing floor and site plans clearly showing any existing buildings that you would like the Councils to consider deducting the GIA from the proposed CIL liable floorspace.

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It is recommended for clarity that the existing floorplans are annotated to include the exact GIA of the existing buildings and any photos to aid the correct CIL calculation.

- **Proposed floorplans** clearly showing the accurate GIA of the proposed development.
- **Evidence on use of existing buildings** – Where applicants are seeking to deduct existing floorspace from proposed CIL liable floorspace, it is important that the planning application includes evidence to demonstrate that a part of the GIA of the existing building has been in use for a continuous period of six months within the three years leading up to the time when planning permission first permits development. This evidence could include council tax records and utility bills.

2.5.2 Please note that the Councils will be checking all information supplied relevant to the calculation of CIL.

2.6 EXAMPLES OF CALCULATING THE CIL CHARGEABLE AMOUNT

2.6.1 The following examples use hypothetical development scenarios to demonstrate how CIL liability is calculated. Please note that the following are only illustrations and the precise CIL liability for development in West Dorset and Weymouth & Portland will depend on the specific circumstances (in terms of quantum of deductible existing floorspace and quantum of proposed chargeable floorspace) for each chargeable development.

DEVELOPMENT TYPE	CIL RATE (£/SQM)
50 square metre (sq.m) residential extension	No CIL is payable as no new dwelling is created.
150 sq.m extension to a residential house	In West Dorset and Weymouth & Portland, no CIL will be payable at the present time on residential extensions as the Council's CIL Charging Schedule only sets rates for the creation of residential dwellings. The CIL liability would be worked out using a £0 per sq.m rate as follows: £0 x 150 sq.m = £0
Creation of 75 sq.m new dwelling on vacant site.	With no existing floorspace to be used to deduct from the proposed floorspace the CIL liability is worked out as: West Dorset - £100 x 75 = £7,500 Weymouth - £93 x 75 = £6,975 Portland - £80 x 75 = £6,000
Creation of 75 sq.m metre dwelling that requires demolition of 20 sq.m occupied garage and 20 sq.m of occupied outbuilding.	In this case the existing floorspace of the garage and outbuilding being demolished can be taken into account. $75 - 0 - (75 \times 40 \text{ divide by } 75 = 40) = 35 \text{ sq.m}$ West Dorset - £100 x 35 = £3,500 Weymouth - £93 x 35 = £3,255

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	Portland - £80 x 35 = £2,800
Creation of 150 sq.m dwelling following demolition of existing 75 sq.m dwelling.	<p>CIL is applied on new dwelling floorspace, even where there is no net increase in the number of dwellings (i.e. one for one replacement).</p> $150 - 0 - (150 \times 75 \text{ divide by } 150 = 75) = 75 \text{ sq.m}$ <p style="text-align: right;">West Dorset - £100 x 75 = £7,500 Weymouth - £93 x 75 = £6,975 Portland - £80 x 75 = £6,000</p>
Mixed use development to create 150 sq.m of residential dwellings and 100 sq.m of office that involves the demolition of an existing 100 sq.m building	<p>In this case, it is necessary to work out the chargeable area of both the proposed residential and office development to ensure that the existing floorspace is apportioned between the two (rather than being simply used in full to offset against the aspect with the higher CIL rate):</p> <p><u>Residential</u></p> $150 - 0 - (150 \times 100 \text{ divide by } 250 = 60) = 90 \text{ sq.m}$ <p style="text-align: right;">West Dorset - £100 x 90 = £9,000 Weymouth - £93 x 90 = £8,370 Portland - £80 x 90 = £7,200</p> <p><u>Office</u></p> $100 - 0 - (100 \times 100 \text{ divide by } 250 = 40) = 60 \text{ sq.m}$ <p style="text-align: right;">West Dorset - £0 x 90 = £0 Weymouth - £0 x 90 = £0 Portland - £0 x 90 = £0</p> <p>Total CIL liability for the scheme is</p> <p style="text-align: right;">West Dorset = £9,000 Weymouth = £8,370 Portland = £7,200</p>
Change of use of a shop that has been vacant for four years to a residential dwelling with a GIA of 100 sq.m	<p>The shop has not been used for the required six month continuous period within the previous three years and therefore cannot be used to offset CIL liability.</p> <p><u>Residential</u></p> $100 - 0 - (100 \times 0 \text{ divide by } 100 = 0) = 100 \text{ sq.m}$ <p style="text-align: right;">West Dorset - £100 x 100 = £10,000 Weymouth - £93 x 100 = £9,300 Portland - £80 x 100 = £8,000</p>

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<p>Change of use of a shop to a residential dwelling that has recently closed but was used for six continuous months within the previous three years with a GIA of 100 sq.m</p>	<p>The shop has been used for the required six month continuous period within the previous three years and therefore can be used to offset CIL liability.</p> <p><u>Residential</u></p> <p>$100 - 100 - (100 \times 0 \text{ divide by } 100 = 0) = 0 \text{ sq.m}$</p> <p>West Dorset - £100 x 0 = £0</p> <p>Weymouth - £93 x 0 = £0</p> <p>Portland - £80 x 0 = £0</p>
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3 The CIL Payment Procedure

- 3.1.1 CIL is payable upon commencement of development. The CIL Regulations set out a clear statutory process for the collection of CIL that both applicants and the Councils must follow. This process requires the submission of a number of new standard forms by the applicant (all available from the [Planning Portal](#) and via links from the [Council's CIL webpage](#)) and the issue by the Councils of a number of new statutory notices. This section provides an overview of each form and when it should be submitted and it is recommended that it also read in conjunction with the Government's guidance on CIL.

CIL Forms to be submitted by the Applicant/Developer

CIL FORM	WHEN IT SHOULD BE SUBMITTED
<p>Form 0 – Determining whether a development may be CIL liable – Planning Application Additional Requirement Form</p> <p>This requires the applicant to supply the Councils the relevant floorspace detail of all existing buildings (that are to be demolished or re-used) and all proposed buildings. This information then enables the Councils to calculate the correct CIL liability for the chargeable development.</p>	<p>With the planning application</p> <p>Not required for an outline application but will be needed in a subsequent reserved matters application</p>
<p>Form 1 – Assumption of Liability</p> <p>The person who will pay CIL must first formally assume liability to do so by submitting CIL Form 1. CIL Form 1 must be submitted prior to the commencement of development.</p>	<p>With the planning application</p> <p>Not required for an outline application but will be needed in a subsequent reserved matters application</p>
<p>Form 2 – Claiming Exemption or Relief</p> <p>Relief from CIL via this form is available for development by charities, and social housing. For relief to be granted, the person seeking relief first has to formally submit a claim (before commencement of development) to the Councils through submission of CIL Form 2.</p>	<p>With the planning application</p>
<p>Form 3 – Withdrawal of Assumption of Liability</p> <p>A party who has assumed liability to pay CIL but no longer wants to have assumed liability to pay CIL must submit CIL Form 3 to the Councils.</p>	<p>Prior to commencement of development</p>
<p>Form 4 – Transfer of Assumed Liability</p> <p>A party who has assumed liability to pay CIL can transfer</p>	<p>No later than the day on which the final payment of CIL is due in respect</p>

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that assumed liability to another party through submitting CIL Form 4 to the Council.	of the chargeable development
<p>Form 5 – Notice of Chargeable Development</p> <p>CIL Form 5 is required to be submitted prior to commencement of development where a CIL liable development is proposed that ordinarily would not require planning permission (i.e. permitted development).</p>	Prior to commencement of development
<p>Form 6 – Commencement Notice</p> <p>CIL Form 6 is required to notify the Councils that a chargeable development is about to be commenced. Submission of CIL Form 6 is therefore the trigger that starts the payment of CIL from the person who has assumed liability to the Councils. Failure to follow the correct procedure will see the Councils impose surcharges and take enforcement action. Upon receipt of a valid Commencement Notice, the Councils will acknowledge receipt in writing.</p>	Prior to commencement of development
<p>Form SB1-1 Self Build Exemption Claim Form: Part 1</p> <p>CIL Form SB1-1 is effectively a declaration by the applicant that they meet the self-build criteria and are aware of the disqualifying events that could see this form of relief revoked.</p>	Prior to commencement of development
<p>Form SB1- 2 Self Build Exemption Claim Form: Part 2</p> <p>CIL Form SB1-2 is accompanied by all the necessary evidence that is required to prove that the dwelling is self-build. Applicants should make sure that they can meet these requirements prior to claiming the self-build exemption.</p>	Within 6 months of completing the self-build dwelling

Notices to be issued by the Council

CIL FORM	WHEN IT SHOULD BE ISSUED
<p>Liability Notice</p> <p>The Liability Notice is the statutory document that sets out how much CIL is due on a chargeable development. The Liability Notice will be sent to;</p> <ul style="list-style-type: none"> the person who applied for planning permission; any person known to the Council as an owner of 	As soon as practicable after the time when planning permission first permits development (see guidance note below)

<p>the land;</p> <ul style="list-style-type: none"> Any person that has formally assumed liability to pay CIL. <p>Once the Liability Notice is issued, the chargeable amount of CIL becomes a local land charge.</p>	
<p>Demand Notice</p> <p>The Demand Notice is essentially an invoice and will confirm the terms of payment (including details of paying by instalments) subject to any subsequent changes since the issue of the original liability notice.</p>	<p>After commencement of development</p>

3.2 GUIDANCE NOTE 5: ISSUE OF LIABILITY NOTICES

- 3.2.1 CIL Regulation 65 requires that the Councils must issue a Liability Notice as soon as practicable after the day on which a planning permission first permits development, which as explained on page 14 of this guidance document may be some time after the date when the planning application is first approved (i.e. at the point either reserved matters are approved or pre-commencement conditions are discharged).
- 3.2.2 However, for information purposes, the Councils may issue a Liability Notice following the initial grant of planning permission for a chargeable development but before the time on which that planning permission first permits a development. This is to ensure that it is clearly indicated to applicants from the point planning permission is first granted that there is a CIL liability on the land, and at the time of issue how much that liability is.
- 3.2.3 Once the Councils issue a subsequent Liability Notice after the day on which planning permission first permits development in accordance with CIL Regulation 65, any earlier Liability Notice issued by the Councils in respect of the same chargeable development will cease to have effect.

WHAT IS INDEXATION AND HOW DOES IT AFFECT THE CIL CALCULATION?

- 3.2.4 When calculating an individual CIL charge, regulation 40 (as amended by the 2014 Regulations) requires collecting authorities to apply an index of inflation to keep the levy responsive to market conditions.
- 3.2.5 The index that has to be used by local authorities is the national All-In Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors.
- 3.2.6 We will start to apply indexation to CIL charges from November 2017. We will use the index figure in the year that the CIL charging schedule takes effect (which is 2016 in this case) and the index figure for the year that planning permission is granted.

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- 3.2.7 The indexation will be applied when the CIL charge is calculated and will be included on the CIL Liability Notice when it is issued following approval of a CIL liable planning application.

CIL PAYMENT AND THE WEST DORSET, WEYMOUTH & PORTLAND CIL INSTALMENT POLICY

- 3.2.8 It is important to applicants and developers to understand the need to follow the Councils CIL payment procedure, which essentially requires the submission of the relevant forms, set out in Table 1, at the appropriate juncture prior to commencement of development.
- 3.2.9 Once development is commenced and CIL becomes payable, the Councils will issue the person with liability to pay CIL a Demand Notice. The Demand Notice will set out all the relevant information in terms of how much CIL is payable and by when. It is important to follow the payment procedure set out within the Demand Notice to avoid the Councils adding surcharges or taking enforcement action to recover the money (enforcement is covered in Section 4.0 of this guidance document).
- 3.2.10 Where the payment procedure is followed correctly, the CIL Regulations enable the Councils to apply its adopted Instalment Policy that allows CIL to be spread over a number of prescribed payment periods which are set out on the next page. Once full payment of CIL has been received, the Councils will remove the charge on the land and the liability to pay CIL is discharged.
- 3.2.11 CIL becomes due for payment upon commencement of the development, and must be paid in full within 60 days of the commencement date. CIL can be levied on phases of larger development schemes.

WEST DORSET

CIL PAYABLE	INSTALMENTS
Up to £60,000	Payable 60 days from commencement
Greater than £60,000	1/3 payable 60 days from commencement 1/3 payable 360 days from commencement 1/3 payable 540 days from commencement

WEYMOUTH & PORTLAND

CIL PAYABLE	INSTALMENTS
Up to £60,000	Payable 60 days from commencement
Greater than £60,000	1/3 payable 60 days from commencement 1/3 payable 360 days from commencement 1/3 payable 540 days from commencement

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- Nothing in this Instalment Policy prevents payment in advance of the periods set out above.
- Where an outline planning permission permits development in phases, each phase is a separate chargeable development and will be collected in accordance with this Instalment Policy.

4 CIL Enforcement

4.1.1 Where the Councils payment procedure is not followed the CIL Regulations include a number of provisions that enable the Councils to apply surcharges as well as ensure the effective enforcement to recover CIL once there is delay or problems within the collection process. The penalties and enforcement powers available to the Councils include:

- **Loss of ability to pay in instalments** – Any late payment will see the ability to pay instalments removed and trigger the payment of any outstanding CIL liability in full immediately.

Surcharges to CIL liability can be applied on:

- **Failure to submit a valid CIL Form 1:** Assumption of Liability prior to commencement of development
- **Apportionment of liability**
- **Failure to submit a valid CIL Form 5:** Notice of Chargeable Development prior to commencement of development
- **Failure to submit a valid CIL Form 6:** Commencement Notice prior to commencement of development
- **Late Payment**
- **Failure to comply with an Information Notice**
- **Late payment interest:** The Councils can apply interest on any outstanding CIL in the event of late payment.
- **CIL Stop Notices:** A CIL Stop Notice can be issued in the event of late payment that will prohibit development from continuing until CIL is paid. It is an offence to contravene a CIL Stop Notice and the Council can issue an injunction to enforce the compliance of a CIL Stop Notice.
- **Liability Orders and distress:** A Liability Order enables the Councils to seek a court's consent to seize and sell assets of the liable party to recover outstanding CIL liability. In the very small number of cases where a Collecting Authority can demonstrate that recovery measures have been unsuccessful, a court may be asked to commit the liable party to a short prison sentence.

4.1.2 With regards to self-build schemes a claim for relief will be deemed void if development commences prior to being notified by the Councils of a decision on the relief claim or if development commences prior to the submission of a Commencement Notice. Upon completion of the development, and within six months of the date of the compliance certificate for the development, any entitlement to relief will be lost if Self Build Exemption Claim Form: part 2 is not submitted along with the relevant evidence confirming that the development is self-build housing. Relief shall also cease to exist if the dwelling changes ownership, is sold or let within three years following first occupation of the dwelling. Should any of these disqualifying events occur CIL will become payable to an amount equal to that that would have been payable on commencement of the development if the relief had not been granted.

5 CIL Relief

- 5.1.1 CIL will in most cases be a fixed non-negotiable charge on development. The CIL Regulations, however, do include a number of provisions, some compulsory, others non compulsory that enable the Councils to give relief from the levy. It is strongly recommended when considering whether relief is available to development that, in addition to the overview in this section, customers review the Government guidance on CIL Relief to fully understand the processes involved where relief is available:

<http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/relief/>

GENERAL PROVISIONS FOR CIL RELIEF

- 5.1.2 Relief from the levy is only applicable where the claimant is an “owner of a material interest in the relevant land”. A ‘material interest’ is a freehold interest or a leasehold interest the term of which expires more than seven years after the date on which planning permission first permits development. The “relevant land” in which such an interest must be owned is the land which will be developed when building the chargeable development.
- 5.1.3 All claims for relief from CIL must be submitted by an owner of a material interest in the relevant land on **CIL Form 2 – Claiming Exemption and Relief**, except for self-build exemptions which have separate unique forms.

COMPULSORY CIL RELIEF PROVISIONS – CHARITABLE DEVELOPMENT

- 5.1.4 Where a charitable institution is the owner of the material interest and the chargeable development will be used wholly or mainly for charitable purposes, the development is exempt from the CIL liability that would have ordinarily been applied. The exemption for development by charities only applies to the charitable institution claimant’s share of the charge.

COMPULSORY CIL RELIEF PROVISIONS – SOCIAL HOUSING

- 5.1.5 As affordable housing is excluded from a CIL charge in the West Dorset, Weymouth & Portland CIL charging schedules claiming this type of CIL relief is not necessary.

DISCRETIONARY CIL RELIEF PROVISIONS – CHARITABLE INVESTMENT RELIEF

- 5.1.6 The Councils may give relief from the levy to a charitable institution where the whole or the greater part of the chargeable development will be held as a charitable investment (applying to the charitable institution’s share of the charge only) or a charitable institution has been refused a mandatory charitable exemption on state aid grounds, but to grant relief would not constitute a notifiable state aid (applies to charitable institution’s share of the charge only). However, please note that for this to apply, the Councils first need to make available discretionary relief for charitable investment, which currently it has not done.

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SELF BUILD EXEMPTION

- 5.1.7 An exemption is applicable to homes built or commissioned by individuals for their own use. Community group self build projects also qualify for the exemption where they meet the required criteria. Further information regarding the self build exemption can be found online at:

<http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/relief/self-build-exemption/>

EXCEPTIONAL CIRCUMSTANCES RELIEF

- 5.1.8 Charging authorities can also offer relief from the levy in exceptional circumstances where a specific scheme cannot afford to pay the levy. The CIL regulations state that the council may only grant relief from payment of a developments CIL charge where a planning obligation under S106 of the Town and Country Planning Act 1990 has been entered into and where the development has not commenced. The council must also:

- a. consider it expedient to do so.
- b. consider that to require payment of the CIL charge would have an unacceptable impact on the economic viability of the development and;
- c. be satisfied that to grant relief would not constitute state aid which is required to be notified to and approved by the European Commission.

- 5.1.9 An exceptional circumstances relief policy is in place for Weymouth & Portland. The Council will publish a statement on the website and in its offices, when it opens and closes the window to accept claims for relief.

- 5.1.10 There is currently no policy in West Dorset for the Council to offer exceptional circumstances relief but this will be kept under review.

- 5.1.11 Further information about exceptional circumstances relief can be found online at:

<http://planningguidance.communities.gov.uk/blog/guidance/community-infrastructure-levy/relief/exceptional-circumstances/>

6 CIL Appeals

6.1.1 Appeals can be made against the majority of the CIL collection and enforcement system. The only exception where there is no appeal system within CIL is for Social Housing or Exceptional Circumstances relief. This section provides a summary of the various appeal provisions and should be read in conjunction with the National Planning Policy Guidance on CIL appeals available at:

<http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/cil-appeals/>

6.1.2 It is also recommended for customers to view the Planning Portal's CIL guidance webpage where there is further information on CIL appeals including the various forms and submission procedures:

<http://www.planningportal.gov.uk/planning/appeals/cilguidance>

6.1.3 Appeals can be made either to the Valuation Office Agency (VOA) or the Planning Inspectorate. The VOA appeals relate to matters involving the calculation of the CIL amount of liability and Planning Inspectorate appeals relating to matters involving enforcement.

6.2 VALUATION OFFICE AGENCY APPEALS (CALCULATION OF CIL AND LIABILITY)

6.2.1 The submission of the following appeals to the VOA requires the appellant to fill in a standard appeal form and follow standard appeal guidelines. Full details on how to submit an appeal to the VOA (including downloading of the appeal forms, submission address details and CIL appeal form guidance notes) can be found on the following link:

<http://www.voa.gov.uk/cil/index.html>

6.2.2 This web link confirms that CIL appeals (including any attachments) can be submitted to the VOA by either:

Hard copy: Valuation Office Agency
Statutory Valuations Team (CIL)
SVT Hub
BP5202
Dunstanburgh House
Benton Park View
Longbenton
Newcastle upon Tyne
NE98 1ZZ

Electronically: cil.appeals@voa.gsi.gov.uk

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REVIEW OF THE CHARGEABLE AMOUNT PROCEDURE

6.2.3 The Councils will issue a Liability Notice following the grant of planning permission for a CIL liable development. The Liability Notice will set out the amount of CIL due at commencement of development. If, however, the person(s) receiving the Liability Notice consider that the CIL chargeable amount has been calculated incorrectly, they can submit a request in writing to the Councils asking for the calculation to be reviewed.

6.2.4 A request for a review of the chargeable amount must be made in writing within 28 days of the date on which the Liability Notice was issued. When submitting a review request to the Councils please send it (including any attachments) in writing to:

Hard copy: Community Infrastructure Levy Officer
Planning (Community and Policy Development)
Dorset Councils Partnership
South Walks House
South Walks Road
Dorchester
DT1 1UZ

Electronically: cil@westdorset-weymouth.gov.uk

6.2.5 The Councils will then notify the person asking for a review of its decision within 14 days from the day the request was received. Please note that a request for a review to the Councils will lapse and the original amount will become due if the chargeable development is commenced before a decision has been issued.

6.2.6 If the person(s) who submitted a review request are dissatisfied with the Councils decision, or have not been notified within the 14 day period, they can then appeal to the Valuation Office Agency (VOA). An appeal to the VOA must be made no later than 60 days beginning with the day on which the Liability Notice was issued. Please note that the person(s) seeking a review cannot appeal to the VOA if the chargeable development has commenced. The appeal to the VOA will also lapse if development commences before the person(s) submitting the appeal have been told of its outcome.

APPEALS AGAINST THE APPORTIONMENT OF LIABILITY

6.2.7 The CIL Regulations enable the Councils to default and apportion the liability to pay CIL to each person who has a material interest in the land (i.e. the freehold owner of the land and/or the leaseholder with more than seven years left on the lease). The circumstances where the Councils may apportion liability to the landowner are:

Default liability – This is where the chargeable development has commenced but no party has come forward to formally assume liability to pay CIL. In this scenario the Councils have the power under Regulation 33 to default liability to the landowner(s), or where a person is developing the site without the landowner(s) permission, that person.

Default of liability – This is where a party has formally assumed liability to pay CIL but following commencement of development the Councils have not been able to recover the CIL payable. The Councils can then default the liability to pay CIL to the landowner(s).

- 6.2.8 Where the above default situations occur, the Councils will apportion the CIL liability (along with new Demand Notices) to each person with default liability worked out to correlate to the value of each material interest in the relevant land.
- 6.2.9 Where this happens, a person with default liability that is aggrieved at the Councils decision to apportion liability can appeal to the VOA. Such appeals must be made within 28 days of receiving notice of the Councils decision to apportion liability. All Demand Notices that have been issued on the site subject to the appeal are suspended until the outcome of the appeal and cease to have effect where the appeal is then allowed.

CHARITABLE RELIEF APPEAL

- 6.2.10 Interested persons who are aggrieved at the Councils decision to grant Charitable Relief may appeal to the VOA on the ground that the Councils have incorrectly determined the value of the interest in land in respect of which the claim was allowed. Interested persons in respect of Charitable Relief Appeals are either the person who made the claim for charitable relief or the person who has assumed liability to pay CIL for the chargeable development to which charitable relief relates.
- 6.2.11 A Charitable Relief Appeal must be made before the end of 28 days beginning with the date of the Councils decision on the claim for charitable relief. A Charitable Relief Appeal will lapse if the chargeable development is commenced before the VOA has notified the appellant of the decision of the appeal. Where a Charitable Relief Appeal is allowed, the VOA can amend the amount of the charitable relief granted to the appellant.

6.3 PLANNING INSPECTORATE APPEALS (CIL ENFORCEMENT)

- 6.3.1 The submission of the following appeals to the Planning Inspectorate requires the appellant to fill in a standard appeal form and follow standard appeal guidelines. Full details on how to submit an appeal to the Planning Inspectorate (including downloading of the appeal forms, submission address details and CIL appeal form guidance notes) can be found on the following link:

<http://www.planningportal.gov.uk/planning/appeals/cilguidance>

ENFORCEMENT ACTION APPEALS – GENERAL GUIDANCE

- 6.3.2 If you feel that a levy enforcement action is unwarranted or has been taken in error you are encouraged in the first instance to contact the Councils. This is because it may be a lot quicker and easier to resolve the issue by contacting the Councils before taking more formal action. However, you should be aware that a formal appeal can be lodged no later than 28 days after the date of your notification by the Councils.

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APPEAL OF A SURCHARGE

- 6.3.3 A person who is aggrieved at the Councils decision to impose a surcharge can appeal to the Planning Inspectorate on any of the following grounds;
- the claimed breach which led to the imposition of the surcharge did not occur;
 - The Councils did not serve a Liability Notice in respect of the chargeable development to which the surcharge relates; or
 - the surcharge has been calculated incorrectly
- 6.3.4 Appeals relating to CIL surcharges must be made to the Planning Inspectorate within 28 days of the surcharge being imposed. Surcharges are suspended and not payable while the appeal is outstanding. Where a surcharge appeal is allowed the Planning Inspectorate can quash or re-calculate the surcharge subject to this appeal. The types of surcharges that can be imposed are set out on page 17 of this guidance document.

DEEMED COMMENCEMENT APPEALS

- 6.3.5 The Councils must deem the date of a chargeable development where development has commenced but a Commencement Notice has not been received or where a Commencement Notice has been received, the Councils have reason to believe commencement occurred earlier than the date given in the notice.
- 6.3.6 The person on whom a Demand Notice has been served that states a deemed commencement date may appeal to the Planning Inspectorate on the ground that the Councils have incorrectly determined that date. This appeal must be made within 28 days of receiving notice of such a decision by the levy collecting authority. Demand Notices and Surcharges (relating to deemed commencement) are suspended and not payable while the appeal is outstanding. Where a deemed commencement appeal is allowed all earlier Demand Notices served in relation to the site cease to have effect. The Planning Inspectorate can also quash a deemed commencement surcharge subject to this appeal.

CIL STOP NOTICES APPEALS

- 6.3.7 Where the Councils are unable to recover CIL monies that are now due following commencement of development, the Council can issue a CIL Stop Notice that requires all works on site to cease until the CIL due is paid. A person who is aggrieved at the Councils decision to impose a CIL Stop Notice can appeal to the Planning Inspectorate on either (or both) of the following grounds;
- The Councils did not serve a Warning Notice before imposing a CIL Stop Notice; or
 - the chargeable development to which the CIL Stop Notice was imposed has not commenced.
- 6.3.8 A CIL Stop Notice subject to an appeal continues to have effect while the appeal is outstanding. A CIL Stop Notice appeal must be made before the end of 60 days beginning on which the CIL Stop Notice takes effect. On an appeal, the Planning Inspectorate can correct any defect, error or incorrect description contained in the CIL Stop Notice, vary any

of the terms of the notice or, in the event of the appeal being allowed, quash the CIL Stop Notice.

6.4 COSTS

- 6.4.1 CIL Regulation 121 confirms that the appointed person (either the VOA or Planning Inspectorate) may make orders as to the costs of the parties to the appeal and as to the parties by whom such costs are to be paid.

6.5 FURTHER INFORMATION

- 6.5.1 If you require any further information, advice or guidance on CIL having read this guidance document please do not hesitate to contact the Councils:

In writing: Community Infrastructure Levy Officer
 Planning (Community & Policy Development)
 Dorset Councils Partnership
 South Walks House
 South Walks Road
 Dorchester
 DT1 1UZ
 Telephone: 01305 252379

Email: cil@westdorset-weymouth.gov.uk