

COMMUNITY INFRASTRUCTURE LEVY (CIL) GUIDANCE NOTES Form 5: Notification of Chargeable Development

Please read these notes before completing the CIL Form 5: Notification of Chargeable Development. It is designed to help you complete the form accurately.

CIL Form 5: Notification of Chargeable Development must be completed for a development that involves proposals for one or more new dwellings (either through conversion or new build) regardless of size, or the establishment of additional residential floorspace (including extensions and replacement floorspace) of 100sqm or above; where this development is permitted under a 'General Consent' or Permitted Development Rights.

*Please Note: If the development is approved through a Planning Application, please complete **CIL Form 1: Determination of CIL Liability**.*

Failure to complete and submit **CIL Form 5: Notification of Chargeable Development** to Shropshire Council **prior** to the commencement of development will result in the imposition of a surcharge of **20% of the CIL levy, up to a maximum of £2,500**. It may also cause problems selling your land or buildings at a later date.

*Please Note: This surcharge is in addition to any surcharge for failing to submit **CIL Form 6: Commencement Notice** for a development.*

CIL Form 5: Notification of Chargeable Development will enable Shropshire Council to establish whether or not your development is liable to make a CIL contribution, and if so to calculate the liability accurately, based on the information provided.

Shropshire Council will also independently review the plans you submit alongside the completed form. Misleading or inaccurate answers within the CIL Form could result in a CIL liability that is higher than it needs to be, and in some cases may lead to surcharges being imposed.

Your development may be liable for a charge under the Community Infrastructure Levy (CIL), if it involves:

1. The formation of one or more new dwellings (including holiday lets), either through conversion or new build, regardless of size (unless it is 'affordable housing'); or
2. The establishment of new residential floorspace (including extensions and replacements) of 100sqm or above. *Note: If the additional residential floorspace is over 100sqm then all additional floorspace created is CIL liable, not just the area exceeding this threshold.*

The CIL levy rate applies to all residential floorspace (including ancillary buildings such as garages). It also applies to Holiday Lets which are considered use class C3. CIL liability is calculated based on the "**gross internal areas**" of the "**development for which planning permission is granted**" (CIL Regulations 40 and 9). This is the proposed floorspace of a development **before** the consideration of any deductions for existing floorspace that is to be converted or demolished. If your scheme is liable, this charge is payable on commencement of development.

Please Note: *it is the responsibility of the liable party to understand and comply with the National CIL Regulations, including any eligibility for relief. Shropshire Council can only make an assessment of a CIL liability based on the information provided.*

Further information on CIL and all relevant forms can be found on the Council's website at: www.shropshire.gov.uk/cil.

What information is required in CIL Form 5: Notice of Chargeable Development?

Question 1: Development and Responsible Person Details requires the responsible person(s) to provide their personal information, information on the development site and a description of the proposed development.

Question 2: Liability for CIL requires the responsible person(s) to identify the type of development proposed; this information is used to determine whether it is liable for a contribution to CIL.

If the development is an extension of less than 100m² (before deductions) the responsible person(s) should also provide the proposed floorspace of the extension before deductions to inform the Councils assessment of the CIL liability of the development.

Question 3: Exemption or Relief if relevant allows the responsible person(s) to identify whether they consider that the development would be eligible for a form of relief from CIL. *This must be applied for separately using the appropriate relief application process.*

Question 4: Phasing if relevant allows the responsible person(s) to identify whether they are interested in phasing the development for the purposes of CIL. If the responsible person(s) is intending to phase the development they should identify the potential number of phases.

Please note: If development is to be phased, this must be agreed prior to the commencement of development. Each phase is considered a separate chargeable development.

Question 5: Existing Buildings:

Question 5.1: Number of Existing Buildings requires the responsible person(s) to identify the number of existing buildings located within the development boundary that are to be demolished, converted or undergo a change of use.

Question 5.2: Details of Existing Buildings if relevant, requires the responsible person(s) to identify:

- The gross internal floorspace of each existing building located within the development boundary that is to be demolished, converted or undergo a change of use;
- Whether each building has been 'in lawful use' for a continuous period of at least six months within the period of thirty six months (three years) ending on the day planning permission first permits the chargeable development;
- When that 'lawful use' last occurred; and
- What 'lawful use' occurred in the building.

Buildings that are to be demolished, converted or undergo a change of use as part of the development may be deducted from the CIL liability, but **only** if it "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" (CIL Regulation 40 (as amended)).

It is the applicant's responsibility to provide evidence to the effect that buildings were in a use that is "lawful", and that the building(s), or part of the building, have been in 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". **Shropshire Council may require further evidence of proof of the continuous use if this is not evident.**

A building is considered to have been occupied for its 'lawful use', where its use is consistent with its approved use. Clarification as to what constitutes a 'lawful use' is given in the Town and Country Planning Act, Section 191 (2).

Please Note:

If a building is demolished before the date at which development can first commence then it cannot be deducted from the chargeable floorspace.

*For the purposes of a CIL liable development, this is the date that Shropshire Council issue an acknowledgement of receipt of **CIL Form 5: Notification of Chargeable Development** and the CIL liability is established through issuing of a CIL Liability Notice.*

Question 6: Proposed Residential Floorspace

Question 6.1: Chargeable Floorspace requires the responsible person(s) to indicate whether a development includes chargeable floorspace. This includes new dwellings, extensions, conversions, garages or any other buildings ancillary to residential use.

Question 6.2: Details of Chargeable Floorspace if relevant, requires the responsible person(s) to provide details of the floorspace of any market dwellings, affordable dwellings and ancillary buildings such as garages.

If the breakdown of the residential floorspace is not known at the time of completing the form, please just enter the total residential floorspace (including ancillary buildings) and put a note to explain that the amount of affordable housing is to be determined.

The Council's definition of "affordable dwellings" is contained in *Appendix G of the Type and Affordability of Housing Supplementary Planning Document*. Occupational dwellings that will default to affordable housing only include those that have a legal agreement that provides for the dwelling to revert to affordable housing in the event of the occupational restriction being lifted.

Question 6.3: Mezzanine Floor requires the responsible person(s) to identify whether the development involves the conversion of an **existing building**, and if so, whether it will involve the creation of a new mezzanine floor within the existing building. If yes, the responsible person(s) should identify how much of the gross internal floorspace proposed will be created by a mezzanine floor.

Question 7: Proposed Non-Residential Floorspace

Question 7.1: Non-Residential Floorspace requires the responsible person(s) to indicate whether any non-residential floorspace results from the implementation of the development. This floorspace is not CIL chargeable however the information is required to allow the Council to determine the CIL liability of a scheme.

Question 7.2: Details of Non-Residential Floorspace if relevant, requires the responsible person(s) to provide details of any non-residential floorspace. This floorspace is not CIL chargeable however the information is required to allow the Council to determine the CIL liability of a scheme.

Question 8: Checklist should be used by the responsible person(s) to ensure all the necessary supporting information is submitted alongside **CIL Form 5: Notification of Chargeable Development**.

*Please Note: If the development is subject to the Prior Notification procedures for development, then Shropshire Council may already have access to some or all of this supporting information. If so, please contact the CIL team to discuss what information if any should be submitted to support **CIL Form 5: Notification of Chargeable Development**.*

Question 9: Declaration requires the responsible person(s) to sign a disclaimer confirming that the information provided, is accurate.

Please note: *It is an offence for a person to knowingly or recklessly supply information which is false or misleading in a material respect to Shropshire Council, as the CIL charging authority in response to a requirement under the Community Infrastructure Levy Regulations (2010) as amended (regulation 110, SI 2010/948). A person guilty of an offence under this regulation may face unlimited fines, two years imprisonment, or both.*

Question 10: Assumption of Liability allows the responsible person(s) to assume liability for the payment of any CIL levy associated with the development. This would mean that the responsible person(s) would not need to submit CIL Form 2: Assumption of Liability at a later date.

Please Note: *When a person(s) assumes liability for payment of a Community Infrastructure Levy Charge for a development they must declare that: 'I/we understand that I/we must submit a commencement notice in order to secure the 60 day payment window or such time as the charging authority has allowed in its current payment instalments policy, as per the requirements of the Community Infrastructure Levy Regulations (2010) as amended. I/we am/are aware of the surcharges I/we will incur if I/we do not follow the correct procedures for paying the CIL charge. I/we understand any communication and actions by the collecting authority to pursue me/us for the assumed liability will be copied to the site land owners (as defined in CIL regulations)'.*