

## COMMUNITY INFRASTRUCTURE LEVY (CIL) Form 1: Determination of CIL Liability

CIL Form 1: Determination of CIL Liability must be completed for Planning Applications that:

- A. Involve proposals for one or more new dwellings (either through conversion or new build) regardless of size; or
- B. Involve the establishment of additional residential floorspace (including extensions and replacement floorspace) of 100sqm or above.

Failing to submit CIL Form 1: Determination of CIL Liability may delay validation of your Planning Application and determination of your CIL liability. However, validation of your Planning Application without submission of Form 1 does not mean your development is not liable for CIL.

The information provided within this form will be used to establish whether or not your development is liable for the payment of a CIL levy, and if so to calculate it accurately. Incomplete, misleading or inaccurate information may result in an incorrect assessment of the development's liability for CIL. Any changes to the information provided must be notified immediately

**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 details can be found at: [www.shropshire.gov.uk/CIL](http://www.shropshire.gov.uk/CIL)

### 1. Application Details

Applicant (compulsory):

Agent (if applicable):

Planning Application number (if allocated):

Planning Portal reference (if applicable):

Site Address:

Description of development:

### 2. Liability for CIL

Does your development involve proposals for any of the following:

- |  |     |    |
|--|-----|----|
| a) Creation of one or more new dwellings (including holiday lets and residential annexes) through new build?                   | Yes | No |
| b) Creation of one or more new dwellings (including holiday lets and residential annexes) through conversion or change of use? | Yes | No |

- |   |     |    |
|---|-----|----|
| c) New build (including extensions and replacement) floorspace of 100sqm or more? | Yes | No |
|---|-----|----|

*This is determined using the **total gross internal floorspace** of the **development for which planning permission is granted** in Question 8. This is the calculation of new floorspace before any deductions for existing floorspace that is to be converted or demolished*

- d) None of the above

If you answered yes to either a), b) or c) please continue to complete the form.

### 3. Reserved Matters Application

3.1 Does this application relate to details or reserved matters on an outline consent that was granted before 1st January 2012?

Yes  
 No Please enter the Outline Consent number:

If you answered yes to 3.1, this application is NOT CIL Liable, please go to **Q11. Declaration**.  
 If you answered no to 3.1, please continue to complete the form.

### 4. Minor or Non Material Changes

4.1. Is this application:  
 1. A variation of an existing planning permission, made under Section 73 of the Town and Country Planning Act (1990) as amended; or  
 2. A Non Material Amendment made under Section 96A of the Town and Country Planning Act (1990) as amended?

Yes  
 No Please enter the Planning Application number of the existing permission:

If you answered yes to 4.1, please proceed to 4.2.  
 If you answered no to 4.1, please go to **Q5. Exemption or Relief**.

4.2. Please specify whether the amendment will change the amount of residential floorspace:

Yes  
 No If yes, please identify the change to the chargeable floorspace: 

Addition:	
Reduction:	sqm

If the amendment also changes the amount of existing floorspace demolished and/or converted, please go to **Q5. Exemption or Relief**, otherwise please proceed to **Q11. Declaration**.

### 5. Exemption or Relief

*Please Note: A CIL Relief or Exemption **must be** applied for and approved **prior to** commencement of development and **CIL Form 6: Commencement Notice** must also be completed and received by Shropshire Council prior to commencement of development.*

a. Do you wish to claim a self-build exemption for a whole new dwelling?	Yes	No	If you answered yes, please also complete <b>CIL Form 7: Self-Build Exemption (Part 1)</b>
b. Do you wish to claim a self-build exemption for a residential annex?	Yes	No	If you answered yes, please also complete <b>CIL Form 8: Residential Annex Exemption</b>
c. Do you wish to claim a self-build exemption for a residential extension?	Yes	No	If you answered yes, please also complete <b>CIL Form 9: Residential Extension Exemption</b>
d. Is the site owned by a charity where the development will be wholly or mainly for charitable purposes, and the development will be either occupied by or under the control of a charitable institution?	Yes	No	If you answered yes, please also complete <b>CIL Form 10: Charitable and/or Social Housing Relief Claim</b>
e. Is this site owned by a charity and the greater part of this chargeable development will be held as an investment from which the profits will be applied for charitable purposes?	Yes	No	If you answered yes, please also complete <b>CIL Form 10: Charitable and/or Social Housing Relief Claim</b>

The relevant CIL Forms are available on the Shropshire Council website at [www.shropshire.gov.uk/CIL](http://www.shropshire.gov.uk/CIL)

### 6. Phasing

a) Are you intending to phase development for the purposes of CIL? Yes No

*Please Note: In order to allow phasing of development for CIL purposes, the relevant **Outline** or **Full Planning Permission** **must expressly provide for the development to be carried out in phases**. CIL phasing cannot be applied in the absence of this.*

*For Information: A development granted through an Outline Permission cannot lawfully commence until all Reserved Matters have been granted.*

b) If yes, please specify the number of phases of development you intend to implement (which must be agreed within the relevant Planning Permission):

## 7. Existing Buildings

If your development involves any **conversion, change of use or demolition** of existing buildings, then this floor space can be deducted from a potential CIL Liability. The National CIL Regulations confirm that an existing building's floor space can only be deducted if the building has been in its **lawful use** for 6 continuous months within the last 3 years (of the permission being granted).

In light of this, **Shropshire Council can only deduct an existing building's floor area if sufficient evidence is provided which confirms the above.** Such building(s) must also still be standing on the day that the planning application is granted permission. In the absence of sufficient evidence (or if no evidence is submitted), Shropshire Council cannot deduct any existing floor space and this will be reflected in the CIL Liability Notice issued shortly after permission is granted.

Please refer to the CIL Form 1 Guidance Notes in the first instance where it is explained what would constitute as sufficient evidence.

[The CIL Form 1 Guidance Notes are available here](#) (or at [www.shropshire.gov.uk/cil](http://www.shropshire.gov.uk/cil) → CIL Forms and Guidance Notes).

Please also be aware that photos alone will not suffice to show the above. Likewise, a written statement by an owner would also not constitute being evidence of lawful use for the required timescales.

In short, any business/retail/commercial premises would need to show that the building was actively trading as a business, any residential property would need to show that it was lived in (i.e. not just a Council Tax certificate, as a property will likely be paying council tax regardless of occupation). Using a building as storage when its lawful use is a business or residential would not satisfy the CIL Regulations and so no deduction can be made in such instances.

Please provide details below of any buildings that are to be demolished or converted on-site as part of the development which can be evidenced as being in lawful use for the required timescales (as described above). Please continue on a separate sheet if more than three buildings are to be demolished or converted.

Existing building description <i>e.g. property, barn, offices, shop</i>	Lawful use of the building <i>e.g. residential, agricultural, offices, retail</i>	Has this building been in its lawful use for 6 continuous months within the last 3 years?	When was the building last in lawful use?	Conversion or demolition?	Gross internal area to be converted or demolished (sqm)
1		Yes    No			sqm
	<i>Brief description of the evidence of lawful use that has been submitted for Building 1 (required for any floor space deductions):</i>				
2		Yes    No			sqm
	<i>Brief description of the evidence of lawful use that has been submitted for Building 2 (required for any floor space deductions):</i>				
3		Yes    No			sqm
	<i>Brief description of the evidence of lawful use that has been submitted for Building 3 (required for any floor space deductions):</i>				
<b>Total Floorspace:</b>					sqm

It is the responsibility of the liable party to provide the CIL Team with evidence of lawful use of an existing building should they wish to obtain a deduction in their CIL calculation. **The CIL Team can only determine a CIL liability on the information provided.**

## 8. Proposed Residential Floorspace

8.1. Does your application involve new residential floorspace (including new dwellings, holidays lets, extensions, conversions, garages, sheds or any other buildings ancillary to residential use)?

Yes                  No

8.2. If yes, please provide the following information:

Development type	Existing 'in use' gross internal floorspace (sqm)	Gross internal floorspace of 'in use' buildings to be lost as a result of:		Total gross internal floorspace proposed (including change of use) (sqm)	Net additional gross internal floorspace following development (sqm)
		Demolition (sqm)	Change of use to residential (sqm)		
New dwellings (including Holiday Lets, excluding Affordable Housing)					
Ancillary buildings (including but not exclusively: garages, etc.)					
Residential extensions <sup>1</sup>					
Affordable Housing <sup>2</sup>					
<b>Total residential floorspace</b>					

<sup>1</sup>Additional residential floorspace associated with an existing dwelling.

<sup>2</sup>Affordable Housing is defined in Appendix G of the Type and Affordability of Housing Supplementary Planning Document (March 2011) available on the Shropshire Council website.

8.3. If your development involves the conversion of an existing building, will you be creating a new mezzanine floor within the existing building (a mezzanine floor)?

Yes                  If yes, how much of the gross internal floorspace  
No                  proposed will be created by the *mezzanine floor* (sqm)?

*Please ensure this floorspace is also included within the table in Question 8.2 above.*

## 9. Proposed Non-Residential Floorspace

9.1. Does your application involve any non-residential floorspace?

Yes                  No

Please note: Non-residential floorspace is not currently chargeable in Shropshire; however this information is required for the calculation of CIL liability. This **does not** include buildings that are ancillary to a dwelling, including but not exclusively garages and sheds which are chargeable development.

9.2 Please provide further details of any non-residential floorspace below:

Development type	Existing gross internal floorspace (sqm)	Gross internal floorspace to be lost as a result of:		Total gross internal floorspace proposed (including change of use)(sqm)	Net additional gross internal floorspace following development (sqm)
		Demolition (sqm)	Change of use to non-residential (sqm)		
<b>Total non-residential floorspace</b>					

## 10. Additional Information

If you feel it necessary, please detail below any supporting evidence:

## 11. Declaration

It is an offence for a person to knowingly or recklessly supply information which is false or misleading in a material respect to a collecting or 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.

I/we acknowledge that we have read and understand the above terms and conditions and confirm that the details given are correct.

Signed by Applicant:

Signed by Agent (if applicable):

Contact Telephone Number:

Date (DD/MM/YYYY):

Contact Email Address:

*Please Note: A hand written signature is required.*

*The Council must be notified if circumstances change in any way that could affect the CIL Liability associated with this Planning Application, between the submission of this Form and the date at which Planning Permission first permits the chargeable development. This information should be provided by re-completing CIL Form 1: Determination of CIL Liability.*

## 12. Assumption of Liability

I/we hereby assume liability for the Community Infrastructure Levy Charge for the above development. I/we understand that I/we must submit a commencement notice<sup>3</sup> 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).

<sup>3</sup>

*In compliance with CIL Regulation 67, notification of commencement must be submitted and received in writing on CIL Form 6: Commencement Notice as published by the Secretary of State (or a form to substantially the same effect) prior to commencement of development.*

Please acknowledge that you have read and understand the terms and conditions for the Assumption of any CIL Liability associated with this proposed development.

I/we have read and agree to the above terms and conditions for the Assumption of Liability.

Liabe Person First Name(s)

Liabe Person Surname:

Address:

Contact Number:

Company (if relevant):

Contact Email Address (please print to ensure legibility):

Liabe Person Signature (Compulsory):

Date (DD/MM/YYYY):

*Please Note: **A hand written signature** is required in order to assume liability.*

*Failure to complete an Assumption of Liability may result in surcharges being imposed if works commence.*

## Further Information

If there are multiple Liabe Parties, please complete; **CIL Form 2: Assumption of Liability** available at: <http://www.shropshire.gov.uk/cil>

If you wish to assume liability at a later date, or there are multiple liable person(s) please complete **CIL Form 2: Assumption of Liability** prior to the commencement of development. *Failure to formally provide information on the CIL liable person(s) to the Council may result in any CIL levy due incurring a surcharge where the Council is required to determine the liable person(s) or apportion liability amongst liable person(s).*

Once completed and signed, this form can be returned either by email or post.

**It can be emailed to: [CIL@Shropshire.gov.uk](mailto:CIL@Shropshire.gov.uk)**

**It can be posted to: CIL Team, Planning Policy, Shropshire Council, PO Box 4826 Shrewsbury, SY1 9LJ**

Details on how Shropshire Council uses your data can be found at:  
<https://shropshire.gov.uk/privacy/privacy-notices/>