
Appendix 1

CIL Implementation/Charging Scenarios

The consideration of the scenarios below is valid at the time of adoption of this SPD and is subject to any future changes to the Regulations¹. The most up-to-date CIL guidance is available in Planning Policy Guidance Reference ID: 25-104-20190901².

Effect of a S73 application on the CIL liability.

A planning consent can be amended under section 73 of the Town and Country Planning act 1990.

- If the proposal under S73 does not change the liability to the levy, the chargeable amount remains unchanged from that set out in the most recent liability notice issued in relation to the previous permission.
- If the proposal under S73 does change the levy liability, the most recently commenced or re-commenced scheme is liable for the levy. CIL payments made in relation to the previous planning permission are offset against the new liability, and a refund or an additional payment is due.

Demolition of existing “in-use” building/part of a building is proposed as part of development.

The area of a relevant in-use building to be demolished before completion of the development may be taken as a credit against the CIL liability.

An in-use building is one that contains a part that has been in lawful use for a continuous period of at least six months within the last three years ending on the day planning permission first permits the chargeable development.

A relevant building means a building which is situated on the relevant land on the day planning permission first permits the chargeable development.

If the proposed new build is 100sqm or more, the levy is due.

¹ The Community Infrastructure Levy Regulations 2010 (as amended)

² <https://www.gov.uk/guidance/community-infrastructure-levy>