

Community Infrastructure Levy  
New Forest District outside the National Park

**A guide to the implementation of  
the Community Infrastructure Levy  
New Forest District  
outside the National Park**

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## 1.0 What is CIL?

- 1.1 The Community Infrastructure Levy (CIL) is a type of planning charge to pay for the infrastructure needed to support new development (such as transport improvements and open space). CIL charges are mandatory and non-negotiable. The legislation for CIL is included in the Planning Act 2008, Localism Act 2011, and the CIL Regulations 2010 (as amended).
- 1.2 The amount of CIL payable depends on the size of a development. Charging Authorities (i.e. New Forest District Council) set the CIL charges (which can be different depending on the use and location of developments), but the Regulations set out how CIL will be collected and spent.

### Who has to pay CIL?

- 1.3 Within New Forest District Council, CIL only applies to residential development, which includes all new houses and extensions over 100sqm. Where planning permission is not required CIL is still payable but the collection process is slightly different, although the charge is worked out in the same way.

### How much CIL does a development pay?

- 1.4 CIL charges are calculated by taking the new floorspace of the development and multiplying it by the CIL rate for that use. How much a development will be liable to pay in CIL has been set following an independent examination of the Council's charging schedule. The CIL rates are effective from 6 April 2015. The Council's charging schedule is set out in Table 1 below.

**Table 1 New Forest District Council CIL Charging Schedule**

	CIL Charge per sqm
Dwelling Houses (C3):	£80
A1 Retail	£0
Industry and offices (B1, B2 and B8):	£0
Hotels (C1):	£0
Residential Institutions (C2):	£0
Any Other uses	£0

- 1.5 Some examples of how to calculate a CIL charge can be seen in para 3.16. The amount payable is index linked and can also include late payment interest and surcharges for failing to follow the payment procedure set out in the Regulations.
- 1.6 [Regulation 40 of the CIL Regulations 2010 \(as amended\)](#) sets out the specific formula for calculation for the CIL charge. The chargeable rate is index linked using the All-in Tender Price Index published by the Building Cost Information Service of the Royal Institution of Chartered Surveyors. Indexation will be added annually from the 1 November of the year before the CIL charges began (2014), so indexation will be added to all applications from 1 January 2016.

### Who is liable to pay CIL?

- 1.7 Landowners are responsible for the payment of CIL. Although liability rests with the landowner, the regulations recognise that others involved in a development may wish

to pay the charge on the landowners behalf. Therefore, anyone can come forward and assume liability for the charge on the development.

- 1.8 Liability can be changed to another party before or after a development commences, but this must be done before the final payment of the CIL is due. Information on how to pay CIL is found in Chapter 4.0.

#### **Why are not all types of development liable to pay CIL?**

- 1.9 Levy rates are based on the financial viability of different types of development in the District. Those considered to be on the margins of viability have been given a nil rate.

#### **Will a development be liable to pay CIL if there was a planning permission before 6 April 2015?**

- 1.10 No. However, if a fresh application is decided after this date it would be liable for CIL even if the application relates to a site that already has a planning permission.
- 1.11 Residential floorspace previously granted planning permission cannot be set against CIL liability on the new development. The exception to this is where an approved proposed is subsequently amended by the removal or variation of a condition (Section 73 applications) and it is only a minor amendment to the original scheme.
- 1.12 Applications under Section 73 of the Planning Act 1990 are a special case. Where the original planning permission was granted prior to the 6 April 2015 but the S73 application is granted after this date, the S73 consent will only trigger CIL for any additional liability it introduces to the development (such as increased floor space).

#### **Are outline applications liable to pay CIL?**

- 1.13 Outline planning permissions granted after the 6 April 2015 will be liable to pay CIL when the development is built, but as the liability is calculated at Reserved Matters stage there is no need to submit any CIL forms with the outline application.
- 1.14 If an outline application includes phasing of development, each phase is treated as a separate development for the purpose of paying CIL. As above, the CIL liability for each phase is calculated when the reserved matters application for that phase is received.
- 1.15 If a scheme has been granted outline planning permission before 6 April 2015 then it will be liable to pay CIL, regardless of when any reserved matters applications are submitted.

#### **Will a development be liable to pay CIL if there was a refusal of planning permission before the CIL Charging Schedule came into effect on 6 April 2015, but an approval of planning permission on appeal is made after this date?**

- 1.16 Yes. If planning permission was refused before 6 April 2015, but a grant of planning permission was made on appeal after this, the development granted planning permission on appeal is liable to pay CIL.

## 2.0 What is the process for CIL?

2.1 The table below sets out the CIL process that is involved for charging and collecting CIL. Links to the forms mentioned below can be found below the table.

Figure 1 CIL Process Diagram



2.2 A summary of the information / forms required by the Council (with links) are summarised below:

Table 2 CIL Forms required

Form / information	Reasons required
<b><i>Planning application and permitted development</i></b>	
<a href="#">CIL additional information form</a>	To assist the Council in calculating the chargeable amount so you are not overcharged  To make sure your planning application can be considered, this form must be completed and submitted when applying
<a href="#">Notice of Chargeable Development</a>	To notify the Council of a chargeable development that does not require a planning application (i.e. permitted development)
<b><i>Post application</i></b>	
<a href="#">Assumption of liability</a>  <a href="#">Withdrawal of Assumption of Liability</a>  <a href="#">Transfer of Assumed Liability</a>	<ul style="list-style-type: none"> <li>• To ensure that you can qualify for deferred payment, or for parties with CIL liabilities over £100,000, payment by instalment</li> <li>• To avoid surcharges</li> <li>• It is a prerequisite for the granting of an exemption for self-builders and social housing relief</li> <li>• If the party who has been granted social housing relief withdraws this notice or transfers liability to another party the relief that has been granted might be cancelled</li> </ul>
<a href="#">Commencement notice</a>	Failure to follow the information on the notice (including commencing before the commencement date stated on the notice) or failure to submit one before commencement will cancel any relief/exemption claims and result in surcharges becoming due
<a href="#">Relief/exemption application forms</a>  <a href="#">Self build relief Part 1 (form prior to commencement)</a>  <a href="#">Self build relief Part 2 (to be submitted within 6 months of completion)</a>  <a href="#">Annex/Extension relief</a>	To apply for the following exemptions/relief: <ul style="list-style-type: none"> <li>• Exemption for residential extensions</li> <li>• Exemption for residential annexes</li> <li>• Exemption for self builders</li> <li>• Social housing relief</li> <li>• Exemption for charities</li> </ul>

## 3.0 How is CIL calculated?

### How do I calculate CIL?

- 3.1 Simply, CIL is calculated based on the net additional increase in floorspace of a development multiplied by the charging rate (£80 per sqm).

### How is floorspace calculated?

- 3.2 CIL is based on measurements of the gross internal area (GIA) of a building. You will be required to provide the Council with this information when completing the CIL Additional Information Form when you submit your planning application. The Royal Chartered Institute of Surveyors (RICS) Code of Measuring Practice provides a guide as to how to measure gross internal area of buildings and this will be the standard that the Council uses to confirm the measurements that are provided.
- 3.3 GIA is the area of a building measured to the internal face of the perimeter walls at each floor level. The lists below summarise what should be included and excluded when calculating the GIA.

**Table 3 Summary of Gross Internal Area Measurements**

<b>Including</b>	<b>Excluding</b>
<ul style="list-style-type: none"> <li>• areas occupied by internal walls and partitions</li> <li>• columns, piers, chimney breasts, stairwells, lift-wells, other internal projections, vertical ducts and the like</li> <li>• atria and entrance halls, with clear height above, measured horizontally;</li> <li>• internal open sided balconies, walkways, and the like</li> <li>• structural, raked or stepped floors are to be treated as a level floor measured horizontally</li> <li>• horizontal floors, with permanent access, below structural, raked or stepped floors</li> <li>• corridors of a permanent essential nature (e.g. fire corridors, smoke lobbies)</li> <li>• mezzanine floor areas with permanent access (this will only be included as GIA in limited instances)</li> <li>• 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</li> <li>• service accommodation such as toilets, toilet lobbies, bathrooms, showers, changing rooms, cleaners' rooms and the like</li> <li>• projection rooms;</li> <li>• voids over stairwells and lift shafts on upper floors</li> <li>• loading bays</li> <li>• pavement vaults</li> <li>• garages</li> <li>• conservatories.</li> </ul>	<ul style="list-style-type: none"> <li>• perimeter wall thicknesses and external projections</li> <li>• external open-sided balconies, covered ways and fire escapes</li> <li>• canopies</li> <li>• voids over or under structural, raked or stepped floors</li> <li>• greenhouses, garden stores, fuel stores, and the like in residential property</li> <li>• areas with a headroom of less than 1.5m</li> </ul>



### Does CIL apply to existing buildings?

- 3.4 CIL will be charged on additional floor-space, i.e. proposed new floor-space minus existing floor-space. However, in order to be eligible, existing buildings must have 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 development. This test is known as the Vacancy Test.
- 3.5 Depending on the type of application the day planning permission first permits the development will vary as follows:
- *Full applications*. The date on which planning permission is granted unless the development is phased, in which case it may be the date of the final approval of pre-commencement conditions for that phase.
  - *Outline Planning Permissions*. The date of the final approval of the last reserved matter, or, if phased, either the date of the approval of the last reserved matter for a phase or, if earlier and by agreement in writing by the collecting authority, the date of final approval of pre-commencement conditions associated with that phase.
  - *Permitted development under a general consent*. The day on which the collecting authority receives a notice of the chargeable development submitted to it in accordance with 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).
- 3.6 CIL will be payable on the entire floorspace of the new development if the demolished site does not pass the Vacancy Test.

### Will I have to pay CIL on a new residential dwelling if I don't require planning permission (i.e. permitted development)?

- 3.7 Some development permitted under 'general consent' will be liable to pay CIL. If you intend to develop under general consent, and your development meets the criteria for CIL liability (i.e. larger than 100sqm or creates 1 or more new dwellings), you must submit a [Notice of Chargeable Development](#) to the Council before you commence the development. Any existing floorspace can be discounted from the CIL liability if it meets the vacancy test, see para 3.4.
- 3.8 [Regulation 64 of the CIL Regulations](#) refers to the Notice of Chargeable Development needing to be submitted before the development commences, or change of use occurs.

### Is CIL chargeable for subdividing a house into two or more homes?

- 3.9 No. Unless additional new build floorspace is provided as part of the scheme in which case the additional floorspace may be liable.

### Is CIL payable on garages?

- 3.10 Yes. Garages are liable for CIL whether integral to the new house design or detached.
- 3.11 No CIL is payable on 'lean to' or fully open sided car ports/canopies.

### Is CIL chargeable on mobile homes?

- 3.12 No, CIL can only be charged on buildings. Mobile homes are not buildings as defined by planning law and therefore no CIL will be charged on them.

### Should roof/loft areas be included in the calculation of CIL floorspace?

- 3.13 Roof/Loft space that is not generally accessible except via a loft ladder should not be included as chargeable floor space. Loft space that is used as rooms with stairs or a permanent ladder is chargeable floor space. This includes accessible storage areas.

### What if my development has more than one use?

- 3.14 CIL in New Forest District Council is only payable on C3 residential development. Therefore, you only need to calculate the proposed floorspace associated with residential development. The floorspace of existing buildings, of any use, can be taken into account in calculating the chargeable amount.

### As the threshold for CIL is 100sqm (or on the creation of a new dwelling), if a new house is 110sqm in size, is CIL payable on the 110sqm or the 10sqm above the threshold?

- 3.15 As soon as the threshold is reached, the whole build is chargeable. So CIL would be payable on the 110sqm.

### Are there some simple examples for calculating amount payable?

- 3.16 1 new residential house, no demolition, no indexation

Residential development for 1 house with 100 sqm of chargeable floorspace. Paid on time with no surcharges for failing to follow the payment process. No exemptions or relief.

Chargeable floorspace = 100 sqm  
Charges = £80 per sqm

**CIL payable = 100 x £80 = £8,000**

- 3.17 10 new houses including some demolition, no indexation

Residential development for 10 house with 1,000 sqm of chargeable floorspace and demolition of 300sqm of floorspace. Paid on time with no surcharges for failing to follow the payment process. No exemptions or relief.

Chargeable floorspace = 1,000 sqm  
Existing Floorspace = 300 sqm  
Total Chargeable floorspace = 700 sqm (1,000 – 300)  
Charges = £80 per sqm

**CIL payable = 700 x £80 = £56,000**

### Can I negotiate how much I have to pay?

- 3.18 No. CIL liabilities are legally binding under the regulations and are non-negotiable.

### When will I know how much I will have to pay?

- 3.19 **Before planning permission is granted:** Indicative estimate

- It is possible to take an estimate of the likely CIL at this stage.
- However, as the floorspace and the permission date are not fixed at this stage, the figure may change.

- 3.20 **Provisional amount and the “liability notice”.** After planning permission is granted, or a Notice of Chargeable Development has been received, the Council will issue a “liability notice”. This notice will include:

- The amount that would be payable should the development be commenced immediately and the correct payment process followed;
- The amounts of any relief or exemption that has been granted;
- Information on the payment procedure;
- Penalties for not following the procedure; and
- Other information for liable parties.

- 3.21 The Council will issue a revised liability notice if the chargeable amount changes in the following circumstances:

- Following a review of the chargeable area (e.g. following amendments to plans);
- A successful appeal on the Council’s calculated floorspace;
- Following any successful application for relief or exemption.
- Any earlier liability notices will then cease to have effect.

- 3.22 **Commencement: Confirmed amount, payment and the “demand notice”.** Once the Council is aware of commencement on a development, a “demand notice” will be sent to the liable party which will set out:

- The total amount payable by that party;
- Any surcharges or late payment interest;
- The dates when payments will be due;
- Advice on payment instructions.

### What is shown as a Local Land Charge?

- 3.23 The chargeable amount that is set out in the liability notice will be registered as a local land charge. The charge will be registered against the property until all remaining CIL liabilities have been paid and will show up on all land searches for the property.

- 3.24 Where a relief or exemption applies the charge will remain registered until the end of the period within which the relief can be cancelled due to a disqualifying event.

### What is defined as commencement?

- 3.25 Development is commenced when material operations begin. These are defined within [Section 56 of the Town and Country Planning Act 1990](#). Operations include any

construction work, demolition, digging of a trench for foundations, laying of underground pipes or mains to the foundations, laying of construction of roads or any change of use in the land.

#### **What happens if I don't pay CIL on time?**

- 3.26 CIL payment is mandatory and non-negotiable. If you do not pay on time you will be subject to a penalty, or surcharge and any agreements for instalments or relief will be withdrawn. There are strong enforcement powers and penalties for failure to pay including stop notices, surcharges and even prison terms.

## 4.0 How is CIL Paid?

### When do I have to pay CIL?

- 4.1 CIL is payable on commencement of development and a demand notice will be issued to you as soon as you inform the Council of your intended start date.

### Can I pay CIL through Instalments?

- 4.2 Yes. You can pay CIL in full as soon as you receive your demand notice, however, depending on the CIL liability it may be possible to pay CIL in either 2 or 3 instalments. However, if the correct CIL forms are not submitted e.g. commencement begins before a commencement notice is issued, then the full amount is due immediately.
- 4.3 New Forest District Council has adopted a [CIL Instalment policy](#). This policy is set out below.

Table 4 New Forest District Council CIL Instalment Policy

Amount of CIL liable	No. of instalments	Payment period
Development incurring CIL Liability up to £80,000 (around 10 dwellings)	2	1. One instalment at 60 days after commencement of the development. (50%); 2. 365 days after commencement or on occupation of the first dwelling, whichever is the sooner (50%).
Development incurring CIL liability over £80,000	3	1. 60 days after commencement (30%); 2. 270 days after commencement (30%); 3. 540 days after commencement or on occupation of the first dwelling, whichever is the sooner (40%)

### How do I pay CIL in a phased development?

- 4.4 If a CIL liable development is granted planning permission with conditions relating to separate phases of development, then for CIL purposes, each phase can be treated as a separate development. Payment of CIL on a particular phase only becomes due upon commencement of works on that phase. Liability notices, reliefs and exemptions are issued in relation to the individual phase to which they relate.

### Is it possible to pay all or some of the CIL liability in the form of land or infrastructure?

- 4.5 Yes. The CIL Regulations make provision for payment in kind to be made in the form of land and/or infrastructure and the Council is offering this method of payment. If you are contemplating the possibility of making such payment in kind you should initiate early, pre-application discussion with the Council to determine whether such payment in kind might be acceptable. The CIL Regulations require Independent valuation and legal contractual processes to be followed if such payment in kind was to be acceptable. The Council has adopted a [policy to offer this payment method](#) and a policy document will be adopted before 6 April 2015. A payment in kind can only be accepted where the CIL liability of a development is more than £50,000.
- 4.6 Policy DM3 of the Council's adopted Local Plan Part 2 requires developments of 50 dwellings or more to provide an area of natural green space on, or close, to the site at a size of 8ha per 1,000 population. Of this, 2ha per 1,000 population is an existing policy requirement under Policy CS7, see para 5.3 and will be secured via a S106,

however the remaining 6ha per 1,000 population can be considered as a Payment in Kind.

#### What happens if the commencement date of the development changes?

- 4.7 The Council will issue a demand notice based on your commencement date, so if this changes you need to let us know. Simply re-submit a new commencement notice with the new date provided. We will acknowledge this new date.

#### Can I challenge the decision on CIL liability?

- 4.8 Yes. Appeals can be made against the Council's CIL decision, but the Regulations set out clear timescales for when these appeals can be made.

- 4.9 You can also appeal against:

- the apportionment of liability;
- charitable relief decision;
- self-build exemptions decision;
- surcharges imposed;
- commencement of development; and
- Stop Notice issued.

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

- 4.10 If CIL is not paid, we have the power to take any of the following actions in order to recover the debt including penalties and surcharges. The charge will also continue to show as a Local Land Charge which will be highlighted to any potential purchasers should the property be sold. There are also strong enforcement powers including:

- Removal of the instalments facility
- Surcharges and late payment interest
- Issuing of a CIL Stop Notice
- Apply to the courts for a Liability Order

- 4.11 Examples of penalties for not paying or failing to follow the regulations are set below:

**Table 5 CIL penalties**

Event	Penalty / Surcharge
Failure to assume liability before commencement	<ul style="list-style-type: none"> <li>• Any relief/exemption cancelled;</li> <li>• Instalment policy no longer available and payment required immediately;</li> <li>• Surcharges added.</li> </ul>
Premature commencement of works	<ul style="list-style-type: none"> <li>• Exemption/reliefs cancelled;</li> <li>• Surcharges</li> </ul>
Late payment	<ul style="list-style-type: none"> <li>• Issue of stop notice;</li> <li>• Late payment interest/surcharges;</li> <li>• Legal proceedings to recover payment and any surcharges</li> </ul>
Failing to pay at all	<ul style="list-style-type: none"> <li>• Jail sentence;</li> <li>• Buildings knocked down and damages costs awarded;</li> <li>• Land charge default</li> </ul>

#### Is VAT applied to CIL?

- 4.12 No. CIL is outside the scope of VAT.

## 5.0 What is the relationship between CIL and planning obligations?

### What will I still have to pay via a S106?

- 5.1 Developers may be asked to provide contributions for infrastructure in several ways. This may be through CIL or by planning obligations in the form of section 106 agreements. Section 106 agreements play an important role in helping to make individual developments acceptable.
- 5.2 From 6 April 2015 the use of planning obligations to secure wider infrastructure benefits is restricted. CIL is intended to fund infrastructure to support the development of an area rather than to make individual planning applications acceptable in planning terms. As a result, there may still be some site specific requirements without which a development should not be granted planning permission and the Council will work proactively with developers to ensure it is clear what developers will be expected to pay for through which route.
- 5.3 The table below highlights the four main types of planning obligation which will continue to be required under a S106 and in addition to CIL.

**Table 6 S106 Requirements**

Contribution	Justification
Affordable Housing	Affordable Housing contributions are outside the scope of CIL and therefore the Council's Affordable Housing requirements under Core Strategy CS15. An advisory note on the implementation of Core Strategy policy CS15 can be found here: <a href="http://www.newforest.gov.uk/media/adobe/e/8/Implementation_of_CS15_Affordable_Housing_Guidance_Note_Nov_2012_-_links_revised_Oct_13_.pdf">http://www.newforest.gov.uk/media/adobe/e/8/Implementation_of_CS15_Affordable_Housing_Guidance_Note_Nov_2012_-_links_revised_Oct_13_.pdf</a>
Onsite Open Space	Core Strategy Policy CS7 requires sites of 0.5ha or over to provide appropriately designed informal public open space on site to a standard of at least 2ha per 1,000 population and to include the provision of designed good quality play spaces. This equates to 2.2ha per 1,000 population and is outside of the scope for which CIL is collected.
Mitigation of impacts on European Designations	Contributions will also be required in accordance with the Council's adopted Mitigation Strategy for European Sites Supplementary Planning Document for access management and monitoring. These items are not classed as 'infrastructure'. This will equate to a contribution of £550 per dwellings on sites of less than 50 dwellings. For sites of over 50 dwellings this contribution will be £50 but with a requirement to provide a new area of natural green space on site. The Mitigation Strategy can be seen here: <a href="http://www.newforest.gov.uk/article/15454/Mitigation-Strategy-for-European-Sites">http://www.newforest.gov.uk/article/15454/Mitigation-Strategy-for-European-Sites</a>
Specific Site Works (E.G. Junction Improvements)	Depending on the size of the development, site specific works may be required, e.g. to create a new access to a development onto the highway network or improvements to a roundabout in order to mitigate traffic congestion as a result of the increased traffic. Other site specific works could include appropriately designed linkages or green routes to satisfy the Council's design policies.

### If I have to pay a S106 contribution, will I be paying for the same infrastructure twice?

- 5.4 No. The Council has published a [Regulation 123 List](#) which sets out the infrastructure that will be funded wholly or in part by CIL. The Council will not seek contributions through S106 Planning Obligations in relation to such infrastructure.

## 6.0 Can I apply for an exemption from CIL?

### What exemptions are available from CIL?

- 6.1 The government's CIL guidance provides more detailed explanation and includes some requirements that have to be met by persons if they are to qualify for a relief/exemption. Below is a summary of the exemptions/relief that is available.

Table 7 Types of CIL Relief

Type of Relief	Criteria
Minor Developments (e.g. small extensions)	Relief available for: <ul style="list-style-type: none"> <li>• Developments of less than 100sqm GIA</li> <li>• Do not involve the creation of a new dwelling</li> <li>• No need to submit a claim for relief, just complete the relevant section of the CIL additional Information form</li> </ul>
Large Residential extensions / annexes	Relief available for: <ul style="list-style-type: none"> <li>• Developments over 100sqm GIA</li> <li>• Development must be in the curtilage of the principal residence and comprise up to one new dwelling</li> <li>• Any relief must be granted before works commence.</li> <li>• <a href="#">Self Build Annex or Extension Claim Form needs to be completed</a></li> </ul>
Self-build	Relief available for: <ul style="list-style-type: none"> <li>• Self-build exemption is available to individuals who build or commission their own home for their own occupation.</li> <li>• <a href="#">An application (Part 1)</a> needs to be made and granted before development commences.</li> <li>• <a href="#">On completion (Part 2)</a>, the supporting evidence required under the regulations and guidance must be provided</li> <li>• The property must remain their principal residence for a minimum of three years.</li> </ul>
For the following forms of relief <a href="#">Form 2: Claiming Exemption or Relief</a> should be used	
Social housing	Developments eligible for this relief are: <ul style="list-style-type: none"> <li>• Let by a local housing authority; or</li> <li>• Occupied in accordance with shared ownership arrangements; or</li> <li>• Let by a private registered provider of social housing</li> </ul>
Charitable development on charitable land	Relief available for: <ul style="list-style-type: none"> <li>• Charities for development of land within their ownership.</li> <li>• The development would have to be used wholly or mainly for charitable purposes and only be occupied or under the control of one or more charitable institutions.</li> <li>• This is not available if the land or part of the land is jointly owned by a non-charity.</li> </ul>
Discretionary Charitable Relief	In addition to the mandatory relief, the Council is offering discretionary relief when <ul style="list-style-type: none"> <li>• The whole or greater part of the development will be held as an investment where the profits will be applied for charitable relief</li> <li>• The investment portion will not be used for ineligible trading activities</li> </ul> The Council's policy document on this relief can be found <a href="#">here</a> .
Discretionary relief for exceptional circumstances	The Council is offering discretionary relief in exceptional circumstances where a developer can demonstrate the payment of CIL and S106 contributions will result in the development becoming unviable: <ul style="list-style-type: none"> <li>• A signed S106 is in place;</li> <li>• No other form of relief has been granted;</li> <li>• The development commences within 12 months of the relief being granted</li> </ul> The Council's policy document on this relief can be found <a href="#">here</a> .

### Applying for relief/exemption

- 6.2 Exemptions and reliefs need to be applied for and granted before works start. If you



start before a decision for relief or an exemption is issued your development ceases to be eligible for that relief. The forms you are required to complete to apply for relief are on the government's Planning Portal website and in Table 2.

#### **Can relief/exemption be cancelled?**

- 6.3 If you commence development before informing the Council using the [Commencement Notice](#) form, any relief or exemption that has been granted will be cancelled and the full CIL liability will become payable immediately.
- 6.4 The CIL Regulations sets out the disqualifying events for each type of relief/exemption. An example of a disqualifying event for self-build/affordable housing relief would be if the dwelling was sold on the open market and no longer used for the purpose for which the relief was granted. For self-build/residential annex relief the clawback period is 3 years, for charitable/social housing relief the clawback period is 7 years.

#### **Will future occupiers and owners of the development be aware of this risk?**

- 6.5 The full CIL liability will remain on the Local Land Charges Register until the end of the clawback period. This will allow prospective purchasers of land within the development to be aware of the implications of triggering a disqualifying event, see para 6.4.

## 7.0 How does the Council spend CIL?

### How will CIL money be spent?

- 7.1 The Council will spend CIL money on the infrastructure needed to support the development in the area. CIL money can only be spent on projects that provide new or improved infrastructure.

### What is infrastructure?

- 7.2 The broad definition of infrastructure includes the following:

- Roads and other transport facilities
- Flood defences
- Schools and other educational facilities
- Medical facilities
- Open spaces
- Sporting and recreational facilities

### How is CIL spent?

- 7.3 When the CIL payment is received it will be put into a holding account. The CIL money will be split into three New Forest CIL pots as follows:

- Strategic infrastructure (70-80%)
- Neighbourhood projects (15-25%)
- Administration costs (5%)

- 7.4 The Council has published on its website a list of projects that it intends to spend the strategic infrastructure pot on. This is called the [Regulation 123 list](#).

- 7.5 The Council will consult the community on any amendments to this list.

### How will local neighbourhoods benefit from CIL?

- 7.6 The Regulations and Guidance prescribe that 15% of the CIL receipts generated within a Parish will be directly passed to that Parish. If a Parish has an adopted Neighbourhood Plan in place, this percentage will rise to 25% of the CIL receipts generated within that Neighbourhood Plan area.

- 7.7 This enables the local community to decide directly on what some of the money will be spent on in their area.

### Can the Council pass CIL money to other organisations?

- 7.8 The Council may choose to pass money to other organisations that deliver infrastructure within the District Council area, such as Hampshire County Council and the Environment Agency, to provide infrastructure that will benefit the area.

### How will CIL be monitored?

- 7.9 To ensure that the levy is open and transparent, the Council will prepare reports on the levy for the previous financial year which must be placed on their websites by 31st December each year. These reports will set out how much revenue from the levy has been received, what it has been spent on and how much is left.