v10

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

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

- **The formation of one or more new dwellings, (including holiday lets and residential annexes), either through conversion or new build, regardless of size (unless it is 'affordable housing') or**
- **the establishment of new residential floorspace (including extensions and replacements) of 100sqm or above.**

  The 100sqm threshold relates to residential extensions only.

  New dwellings (including holiday lets and residential annexes) are liable regardless of their size.

Failure 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 CIL, 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

It is the responsibility of the liable party to understand and comply with the Community Infrastructure Levy Regulations 2010 (as amended), 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

1. Application Details

Applicant/s First name & Surname*:*

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 7.** 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**" this application is **not CIL liable** - please go to **Q10 Declaration.**
If you answered "**no**" please **continue** to complete the form.

4. Application to Remove or Vary Conditions on an Existing Planning Permission

4.1. Does the application seek to remove or vary conditions on an existing planning permission (ie. is it a Section 73 application)?:

Yes ☐ Please complete the rest of this question.
No ☐ Please skip to **Q5 Exemption or Relief.**

4.2 Please enter the Planning Application number of the existing permission:

4.3. Does the application involve a change in the amount or use of new build development, where the total (including that previously granted planning permission) is over 100 sqm gross internal area?

Yes ☐ **No** ☐

4.4. Does the application involve a change in the amount of gross internal area where one or more new dwellings (including residential annexes) are to be created, either through new build or conversion (except the conversion of a single dwelling house into two or more separate dwellings with no additional gross internal area created)?

Yes ☐ **No** ☐

5. Exemption or Relief

CIL Relief or Exemption must be applied for and approved **prior to commencement of development.**
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 **CIL Form 7: Self-Build Exemption (Part 1)**
b. Do you wish to claim a self-build exemption for a **residential annex**?	Yes ☐ No ☐	If you answered "**yes**" please also complete **CIL Form 8: Residential Annex Exemption**
c. Do you wish to claim a self-build exemption for a **residential extension**?	Yes ☐ No ☐	If you answered "**yes**" please also complete **CIL Form 9: Residential Extension Exemption**
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 **CIL Form 10: Charitable and/or Social Housing Relief Claim**
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 **CIL Form 10: Charitable and/or Social Housing Relief Claim**

All the above CIL forms can be found on Shropshire Council's CIL webpage: www.shropshire.gov.uk/CIL

6. 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 Community Infrastructure Levy Regulations 2010 (as amended) 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.**

Shropshire Council can therefore 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. If no (or insufficient) evidence is provided, 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 note the following:

- 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 (ie. 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 therefore no deduction can be made in such instances.
- A **written statement by an owner** would not constitute being evidence of lawful use for the required timescales.

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 based on the information provided.

Please refer to the CIL Form 1 Guidance Notes where it is explained in detail the type of evidence that would be acceptable:
CIL Form 1 Guidance Notes are available here *(or at www.shropshire.gov.uk/cil→ CIL Forms and Guidance Notes)*

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).

	Existing Building Description *(eg. property, barn, offices, shop)*	**Lawful use of the Building** *(eg. residential, agricultural, offices, retail)*	**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
	Evidence provided to support Lawful Use of Building 1: *(this is required for any floor space deductions):*					
2			Yes ☐ No ☐			sqm
	Evidence provided to support Lawful Use of Building 2: *(this is required for any floor space deductions):*					
3			Yes ☐ No ☐			sqm
	Evidence provided to support Lawful Use of Building 3: *(this is required for any floor space deductions):*					

Please continue on a separate sheet if more than three buildings are to be demolished, converted or undergo a change of use.

Total floorspace: sqm

7. Proposed Residential Floorspace

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

Yes ☐ **No** ☐

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*	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[1]					
Affordable Housing[2]					
Total Residential Floorspace *(sqm)*					

1. *Additional residential floorspace associated with an existing dwelling*
2. *Affordable Housing is defined in Appendix G of the Type and Affordability of Housing Supplementary Planning Document (March 2011) available on Shropshire Council's website.*

7.2. 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 ☐
No ☐

If yes, how much of the gross internal floorspace proposed will be created by the *mezzanine floor* (sqm)? ____

Please ensure this floorspace is also included within the table in Question 7 above.

8. Proposed Non-Residential Floorspace

Does your application involve any non-residential floorspace?

Yes ☐ **No** ☐

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.

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)*		
Total non-residential floorspace					

9. Additional Information

Please detail below any supporting evidence (if necessary):

10. 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 I / 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):*

Telephone Number

Date *(DD/MM/YYYY)*

Email Address

A hand written signature is required

Shropshire 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.

11. 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[3] 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).

3 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

Liable Party First name(s)

Liable Party Surname

Address

Telephone Number

Company *(if relevant)*

Email address *(please print to ensure legibility)*

Are you landowner of the development site? Yes ☐ No ☐ ***If "no" please provide details below (if known)***

Landowner first name & surname	***Landowner address***	***Landowner email***

Liable Party Signature/s *(compulsory)*

Date *(DD/MM/YYYY)*

A handwritten signature is required in order to assume liability

If there is more than one liable party please complete CIL Form 2, available at www.shropshire.gov.uk/cil

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

Failure to formally provide information on the CIL liable person(s) to Shropshire Council may result in any CIL due incurring a surcharge where Shropshire 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 by either:

- **Email:** CIL@shropshire.gov.uk
- **Post:** 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/