



COMMUNITY INFRASTRUCTURE LEVY

CIL Process and Procedure Charts

Implemented in Chorley September 2013

The Charging Authority

The Charging Authority is Chorley Council.

Date Charging Schedule Took Effect

The Charging Schedule came into effect on 1 September 2013.

Version and Date

Version 3: Implemented 01 September 2022

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DISCLAIMER: Please Note

The information relating to CIL contained in this guide is intended to assist developers and land owners to understand and determine their CIL liability, and the regulatory processes therein. It should, however, not be regarded as definitive advice.

It is not intended to replace the need to read and understand the CIL Regulations and Governmental Advice on CIL. If in doubt, developers and land owners are advised to seek their own professional advice.

The Planning Application and CIL Process

CIL is payable on the commencement of development. The process operates through the formal exchange of notices between the planning applicant and the local planning authority.

1. In the first instance, the applicant must provide sufficient information to allow the Council to determine whether the development is liable for CIL and, if so, the chargeable amount. The Council recommends that applicants seek pre-application advice prior to submitting a planning application.
2. At the time of submitting a planning application the applicant must submit *CIL Form 1: CIL Additional Information*. This form is available on the [Planning Portal](#) website and submission of this will form part of the validation process for any planning application.
3. When planning permission is granted for a CIL liable development the Council will issue a **'Liability Notice'** as soon as is practicable following the Decision Notice, which will set out how much CIL is to be paid and when it is to be paid.
4. The ultimate responsibility to pay CIL lies with whoever owns the land. However, the Regulations recognise that others involved in a development may wish to pay. To allow this, anyone can come forward and assume liability for the payment. Therefore, prior to commencing development *CIL Form 2: Assumption of Liability* (available on the [Planning Portal](#) website) **MUST** be submitted to the Council advising them who will be liable to pay CIL for the development, even if it is the Land Owner.
5. To make a claim for an exemption or relief, the following forms must be submitted prior to commencement. They are available on the [Planning Portal](#) website:
 - Self-Build Exemption (Part 1): *CIL Form 7 Part 1: Self-build Exemption Claim Form*
 - Self-Build Exemption (Part 2) Within 6 months of completion: *CIL Form 7 Part 2: Self-build Exemption Claim Form*
 - Residential Annex: *CIL Form 8: Self Build Residential Annex Exemption Claim Form*
 - Residential Extension: *CIL Form 9: Self Build Residential Extension Exemption Claim Form*
 - Social housing or charitable relief: *CIL Form 10: Charitable and/or Social Housing Relief Claim Form*
 - Further Exemption Claim: *CIL Form 13: Alteration of a development already granted Self Build / Annex / Extension Relief.*

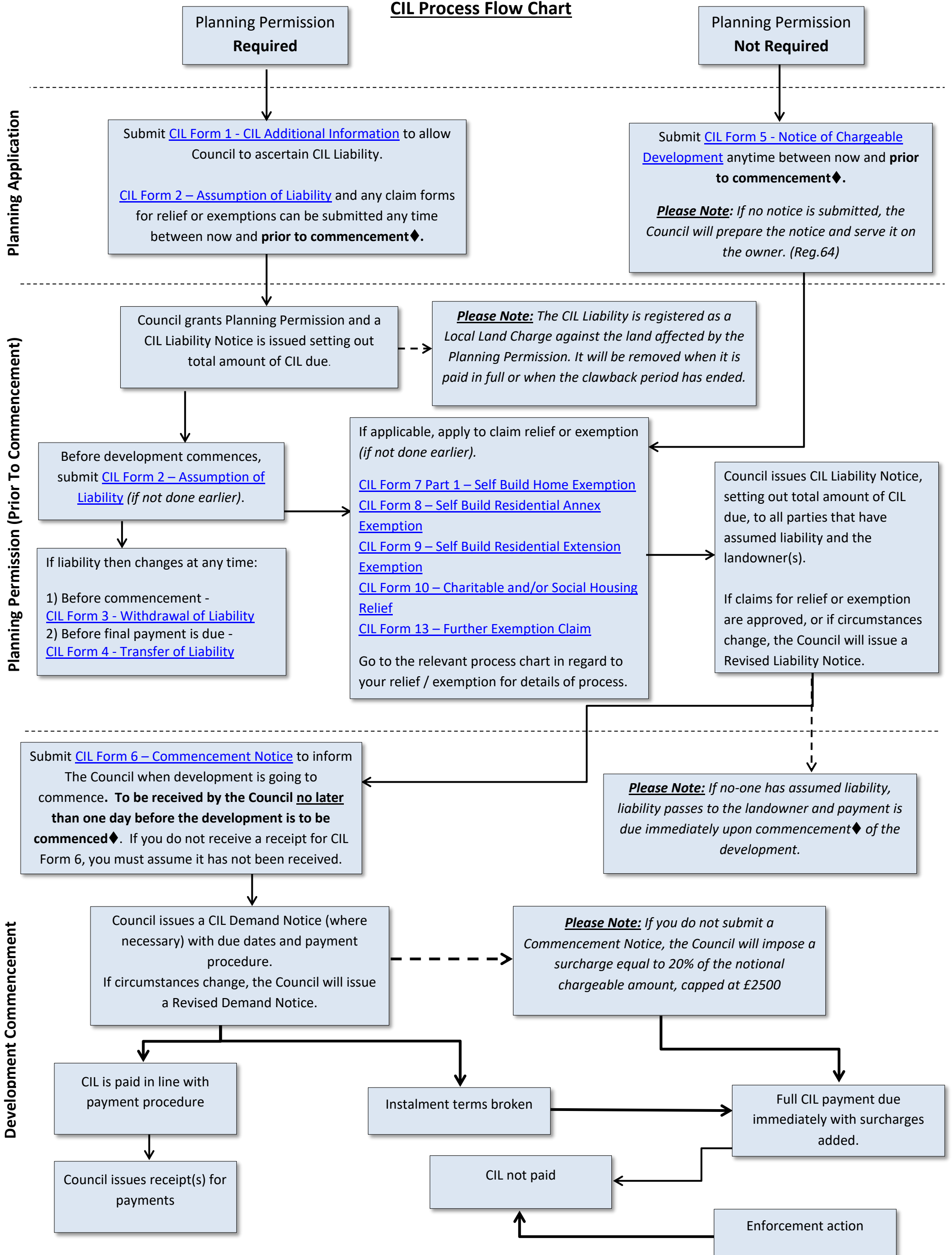
Relief or exemption can only be claimed after the *'Assumption of Liability'* form has been submitted to the Council and can only be claimed by the person who has assumed liability for paying the CIL. If the development commences before the Council has determined the amount of relief/exemption and issued a revised *'Liability Notice'*, the claim will lapse, and relief/exemption will not be given.

6. Prior to commencing development *'CIL Form 6: Commencement Notice'* must also be submitted to the Council stating the date when construction work will begin. The Council will then serve a **'Demand Notice'** setting out precise details of payment arrangements (if no relief or exemptions have been granted).

CIL liable development not requiring planning permission

1. Developments not requiring planning permission are still liable to pay CIL if the development is over 100m² of new floor space or comprises a new dwelling.
2. These developments are authorised by 'General Consent' and include the following:
 - Permitted development rights under the General Permitted Development Order (GPDO) 1995 as amended.
 - Any development permitted by Local Development Orders or Neighbourhood Development Orders.
3. Before commencing development a [Form 5: Notice of Chargeable Development](#) must be submitted to the Council.

CIL Process Flow Chart



♦ **Please Note:** Under the CIL Regulations, Commencement of development is defined within Regulation 7.

Under Regulation 7, development is to be treated:

7(2) as commencing on the earliest date on which any material operation begins to be carried out on the relevant land.

7(6) In this regulation, 'material operation' has the same meaning as in section 56(4) of TCPA 1990 (time when development begun).

CIL Process Flow Chart – Claiming Self-Build Exemption for New Dwellings

Planning Permission
Required

Planning Application

Submit [CIL Form 1 - CIL Additional Information](#) to allow Council to ascertain CIL Liability.
[CIL Form 2 – Assumption of Liability](#) and [CIL Form 7: Self Build Exemption Part 1](#) can be submitted any time prior to commencement ♦.

NOTE: Self-Build Exemption CANNOT be requested nor granted on retrospective applications or where work commences prior to the determination of a planning application.

Planning Permission (Prior to Commencement)

Council grants Planning Permission and a CIL Liability Notice is issued setting out total amount of CIL due.

Please Note: The CIL Liability is registered as a Local Land Charge against the land affected by the Planning Permission. It will be removed when it is paid in full or when the clawback period has ended.

Before development commences, submit [CIL Form 2 – Assumption of Liability](#) with [CIL Form 7: Self Build Exemption Part 1](#) (if not done earlier).

If eligible, the Council issues a CIL Liability Notice granting Self-Build Exemption and setting out payment procedure if a disqualifying event † occurs.

† **Please Note:** For the purposes of Regulation 54D a disqualifying event is:
(a) any change in relation to the self build housing or self-build communal development which is the subject of the exemption such that it ceases to be self-build housing
(b) a failure to comply with Regulation 54C ([CIL Form 7 Part 2](#))
(c) the letting out of a whole dwelling or building that is self-build housing
(d) the sale of the self-build housing or
(e) the sale of the self-build communal development

Development amended (which changes the liable floorspace) via revised planning permission following commencement – Submit [CIL Form 13](#) prior to implementation.

Development Commencement

Submit [CIL Form 6 – Commencement Notice](#) to inform the Council when development is going to commence. **This must be returned no later than one day before the development is to be commenced** ♦.

Development is complete and a completion / compliance certificate is issued.

Submit [CIL Form 7: Self Build Exemption Part 2](#) along with supporting evidence requested on the form within 6 months of date of completion certificate.
Please Note: if you are unable to produce any of the evidence documents required within this form then you will not be able to retain the exemption.

Please Note: If you do not submit a Commencement Notice, the Council will impose a mandatory surcharge equal to 20% of the notional chargeable amount, or £2500 (whichever is lower)

CIL Form 7 Part 2 and evidence received with 6 months of completion

CIL Form 7 Part 2 and evidence **NOT** received within 6 months of completion.

Exemption retained and held under a clawback period of 3 years from date of completion certificate.

Comply with Regulation 54D(6).

Notification issued as per Regulation 54D(6).

Liability remains on Land Charges Register for 3 years from date of completion, after which the claw back period expires, and the Land Charge is removed.

† Disqualifying event occurs within 3 years of completion. See [Reg 54D](#).

Full CIL payment due immediately – surcharges may be added if notification of the disqualifying event is not received.

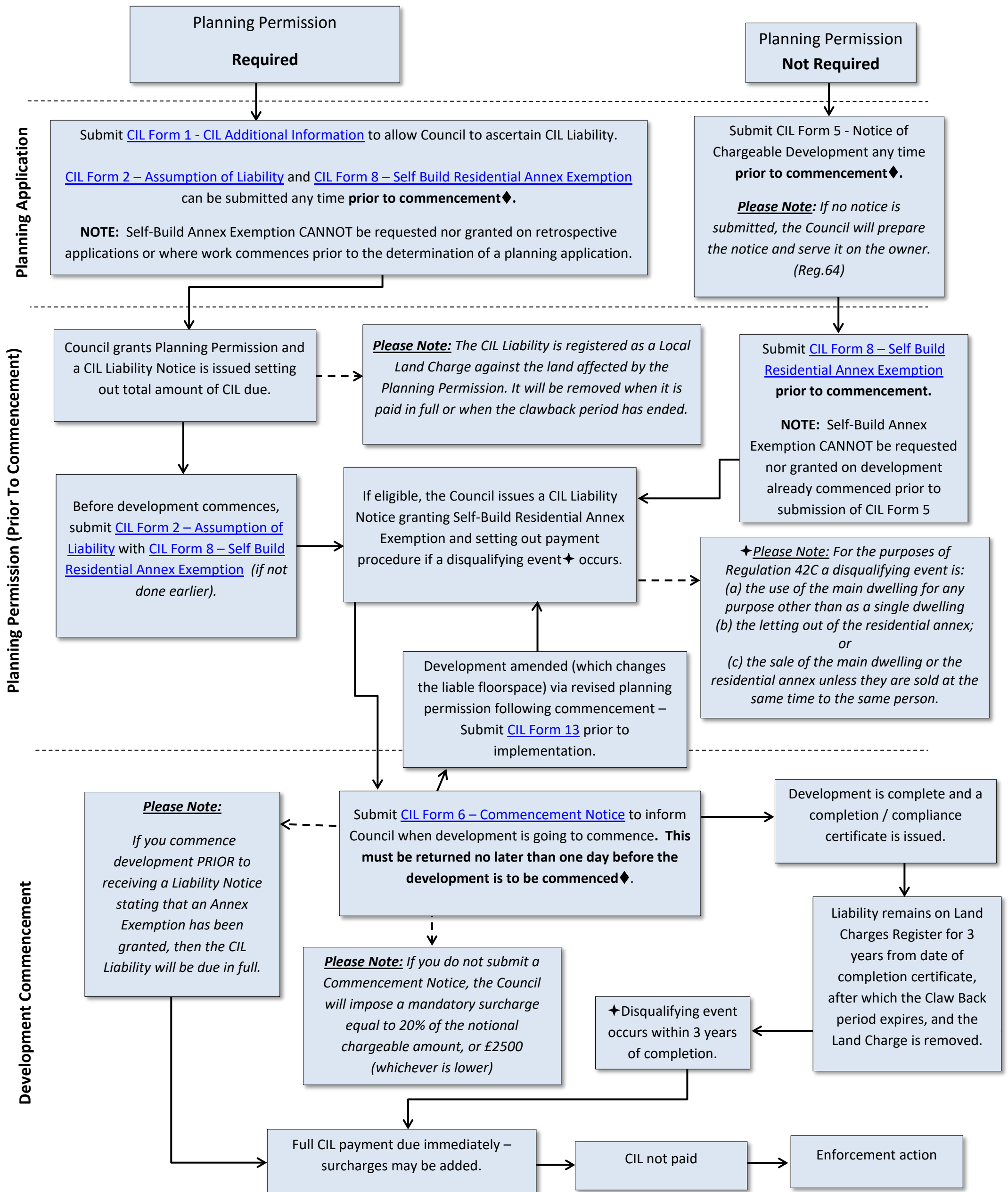
Failure to comply with Regulation 54D(6).

CIL not paid.

Enforcement action.

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7(6) In this regulation, ‘material operation’ has the same meaning as in section 56(4) of TCPA 1990 (time when development begun).

CIL Process Flow Chart – Claiming Self-Build Residential Annex Exemption



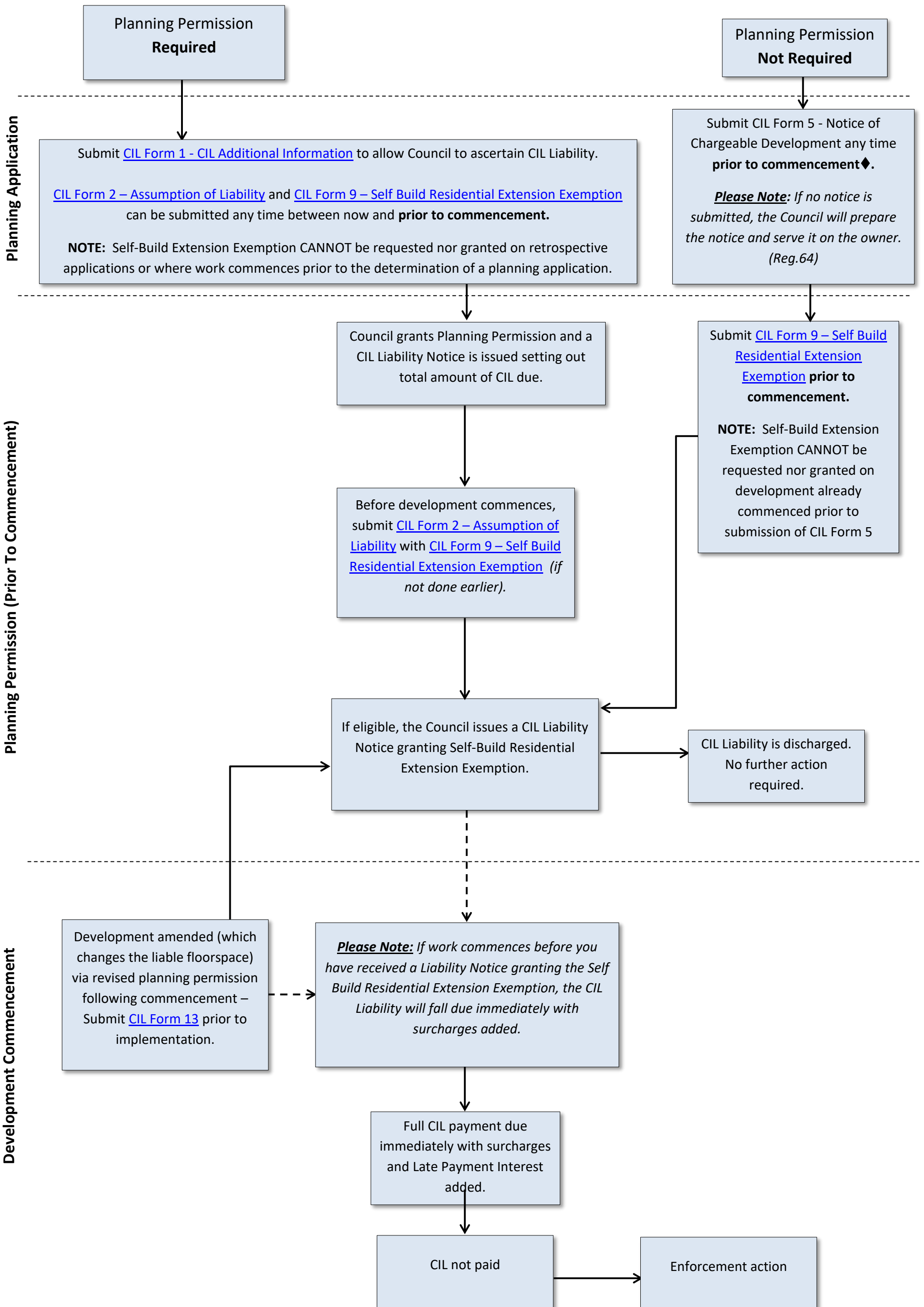
♦ **Please Note:** Under the CIL Regulations, Commencement of development is defined within Regulation 7.

Under Regulation 7, development is to be treated:

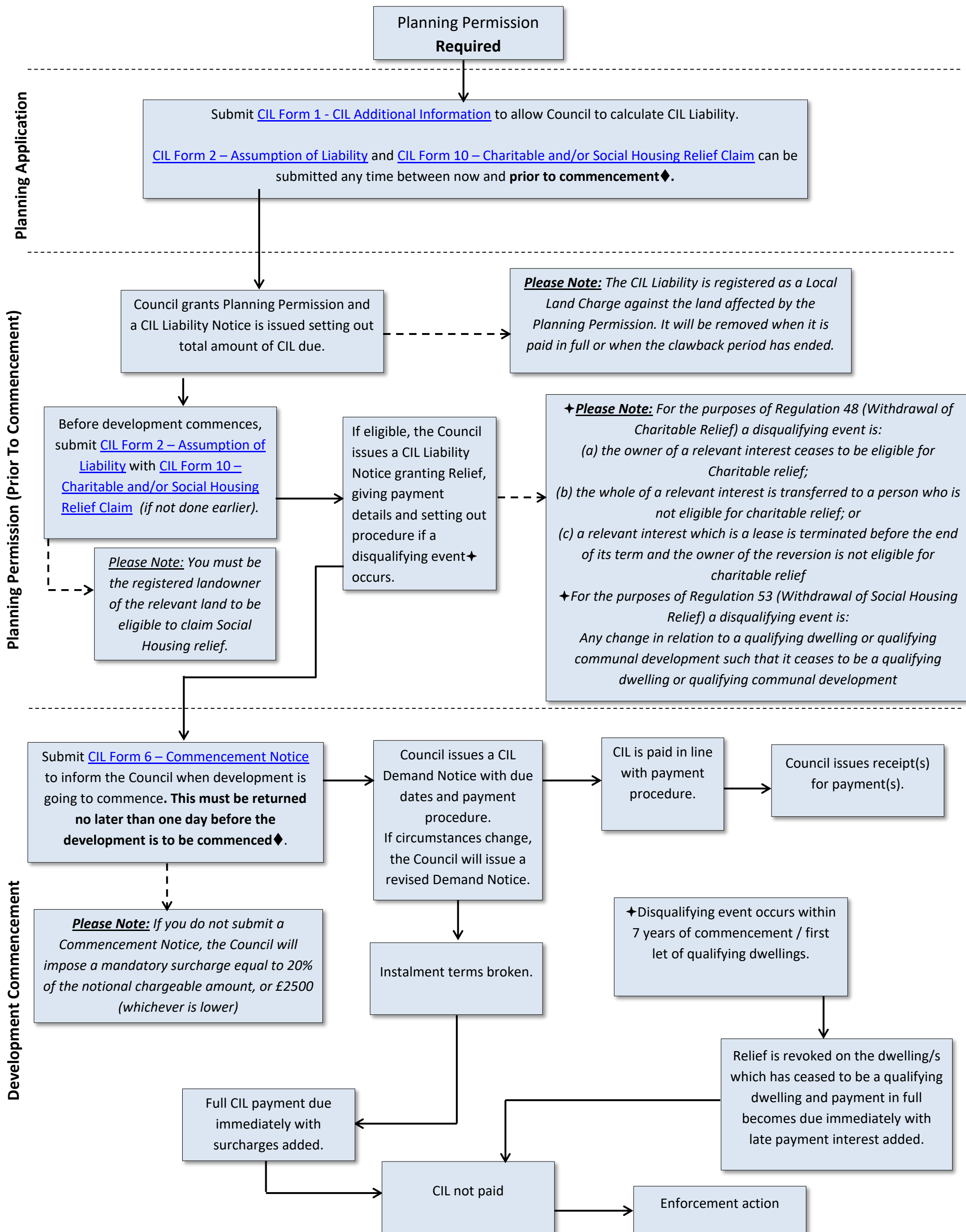
7(2) as commencing on the earliest date on which any material operation begins to be carried out on the relevant land.

7(6) In this regulation, 'material operation' has the same meaning as in section 56(4) of TCPA 1990 (time when development begun).

CIL Process Flow Chart – Claiming Self-Build Residential Extension Exemption



CIL Process Flow Chart – Claiming Charitable or Social Housing Relief



◆ **Please Note: Under the CIL Regulations, Commencement of development is defined within Regulation 7.**

Under Regulation 7, development is to be treated:

7(2) as commencing on the earliest date on which any material operation begins to be carried out on the relevant land.

7(6) In this regulation, 'material operation' has the same meaning as in section 56(4) of TCPA 1990 (time when development begun).