

## 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.

**Please note that changes to the national CIL Forms in September 2019 have been replicated in Shropshire Council's CIL Forms. Specifically, CIL Form 1: Determination of CIL Liability has replaced CIL Form 0: Determination of CIL Liability. CIL Form 2: Assumption of Liability has replaced CIL Form 1: Assumption of Liability. Their contents remain the same.**

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

**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:

- |   |     |    |
|---|-----|----|
| a) New build (including extensions and replacement) floorspace of 100 sqm or above?   | Yes | No |
| <i>This is determined using the <b>total gross internal floorspace</b> of the <b>development for which planning permission is granted</b> in Question 8. This is the calculation of new floorspace, <b>before</b> any deductions for existing floorspace that is to be converted or demolished (in accordance with CIL Regulations 9, 40 and 42).</i> |     |    |
| b) Proposals for one or more new dwellings, including holiday lets (either through conversion or new build)?  | Yes | No |
| c) None of the above  | Yes | No |

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

If you answered yes to c) please document the amount of new residential floorspace proposed (residential floorspace before deductions for existing floorspace to be converted or demolished); and then proceed to **Q11. Declaration.**

	m2
--	----

### 3. Reserved Matters Application

3.1 Does this application relate to details or reserved matters on an outline consent that was granted before 01/01/2012?

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:	<input type="text"/>	m2
Reduction:	<input type="text"/>	

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) 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
- b) 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 to a) or b), please also complete **CIL Form 10: Charitable and/or Social Housing Relief Claim Form** available on the Shropshire Council website at: [www.shropshire.gov.uk/CIL](http://www.shropshire.gov.uk/CIL)*

- c) Do you wish to claim a self-build exemption for a whole new dwelling, a residential annexe or a residential extension? Yes No

*If you answered yes to c) please also complete:*

- For a new dwelling: **CIL Form 7: Self-Build Exemption (Part 1)**
- For a residential annexe: **CIL Form 8: Residential Annexe Exemption**
- For a residential extension: **CIL Form 9: Residential Extension Exemption**

*These 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 the full or part conversion, change of use or demolition of existing buildings, then this floor space can be deducted from any potential CIL Liability. Please provide the following information for all existing buildings on the site:

- A description of the building;
- The relevant floorspace of each existing building/part of existing building that is to be demolished or converted/undergo a change of use, as part of the completed development. Where a building is to be converted or undergo a change of use please specify the proposed use e.g. residential, retail, office etc;
- Whether all or part of each building has been 'in lawful use' for a continuous period of at least six months within the past thirty six months. **This is a requirement for the deductions to be made and sufficient evidence, such as dated photographs, must be provided.** In the absence of sufficient evidence Shropshire Council **cannot** make any deductions for the existing floor space.
- When the building was last occupied and how it was used.

*Please Note: A building is considered to have been occupied for its lawful use, where its use is consistent with its approved use. Please do not include any existing buildings which:*

- *People do not usually go or only go into intermittently for the purposes of inspecting or maintaining plant or machinery;*
- *Are not a permanent and substantial structure; and*
- *Were granted temporary planning permission.*

Brief description of existing building/part of existing building to be retained or demolished	Gross internal area to be demolished (sqm)	Conversion or change of use		Was the building or part of the building occupied for its 'lawful use' for a continuous period of 6 months within the last 36 months*	When was the building last occupied for its 'lawful use'? And what was this use?*
		Gross internal area to be converted or undergo change of use (sqm).	Proposed use of converted floorspace		
1				Yes No	Date: Or still in use: <input type="checkbox"/> Use:
If you consider all or part of Building 1 has been occupied for its 'lawful use' for a continuous period of 6 months within the last 36 months, please provide evidence that this is the case (*see below).					Evidence provided:
2				Yes No	Date: Or still in use: Use:
If you consider all or part of Building 2 has been occupied for its 'lawful use' for a continuous period of 6 months within the last 36 months, please provide evidence that this is the case (*see below).					Evidence provided:
3				Yes No	Date: Or still in use: Use:
If you consider all or part of Building 3 has been occupied for its 'lawful use' for a continuous period of 6 months within the last 36 months, please provide evidence that this is the case (*see below).					Evidence provided:
<b>Total Floorspace:</b>					

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

\*It is the applicant's responsibility to provide evidence to the effect that buildings were in 'lawful use', and that the building(s), or part of the building, have been in this use for a continuous period of at least six months within the period of thirty six months ending on the day planning permission first permits the chargeable development. **Sufficient evidence must be provided to show that the building(s) have been in their lawful use for the required time. In the absence of sufficient evidence Shropshire Council cannot make any deductions for the existing floor space. Such evidence must be provided prior to commencement.** Shropshire Council suggests photographs as an initial form of evidence, however other forms of evidence can also be considered. Please note that if photographs are used they must be dated and must include both internal and external photos.

**Clarification of what constitutes lawful use is provided in Section 191(2) of the Town and Country Planning Act (1990) as amended.**

*Shropshire Council must be notified if the amount of deductible floorspace changes for any reason between completion of this Form and the date Planning Permission first permits the chargeable development.*

## 8. Proposed Residential Floorspace

8.1. Does your application involve new residential floorspace (including new dwellings, 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)		
Residential extensions <sup>1</sup>					
Ancillary buildings (including but not exclusively: garages, etc.)					
New dwellings (including Holiday Lets, excluding Affordable Housing)					
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.

Liable Person(s) name:

Company (if relevant):

Address:

Contact Telephone Number:

Alternative Contact Number:

Contact Email Address:

Liable Person(s) Signature (Compulsory):

Date (DD/MM/YYYY):

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

## Further Information

If there are multiple Liable 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: **Shropshire Council, CIL Team, Planning Policy - 5th Floor, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND**

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