

Bradford District CIL Frequently Asked Questions

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1. What is CIL and when does it come into effect?

The Community Infrastructure Levy (CIL) is a new levy which the council may charge on new developments in the District. CIL is applied as a charge per square metre (m²) on the net additional increase in liable floorspace resulting from new development. The money raised will help the Council pay for infrastructure such as schools, transport, parks, open spaces and other community facilities required to support development in the District.

The Bradford CIL Charging Schedule has been formally approved by the council and will take effect from **1 July 2017**. For more information about the CIL approval and CIL charging Schedule please see the council's CIL policy [webpage](#).

The amount payable varies depending on the type and location of the development within the District. Please view the council's CIL planning application [webpage](#) for the CIL rates and interactive Charging Zone Map to see if your development is liable.

2. Who is liable to pay?

Landowners are ultimately liable for the levy, but anyone involved in a development may take on the liability to pay CIL.

Prior to commencing development someone should assume liability for paying CIL by submitting an [Assumption of Liability](#) form to the council. Where no one has assumed liability to pay the levy, the liability will automatically default to the landowner(s) and payment will become due as soon as development commences.

3. What type of development is liable to pay CIL in Bradford?

CIL will be chargeable on the following types of development:

- Any residential development over 100 sq m in size or if creating 1 new dwelling or more
- large supermarkets over 2000 sq m in size
- retail warehouse development (central Bradford)

4. What type of development is not liable to pay CIL?

The following types of applications are not liable for CIL:

- Development of less than 100m² of new build floorspace, provided that it does not result in the creation of a new dwelling.
- The conversion of a building that is in-use (see [Q.16](#) for definition of lawful use).
- The conversion of a building that is not in-use provided that it does not result in new dwellings
- Development of buildings into which people do not normally go, or into which they only go intermittently for the purposes of inspecting or maintaining fixed plant or machinery (for example wind turbines, electricity sub stations etc.).
- Mezzanine floors of less than 200m² inserted into an existing building, unless they form part of a wider development (e.g. external alterations, changes of use etc.).

Residential annexes and extensions over 100 sq m in size can be granted self build exemption from paying the Community Infrastructure Levy (CIL) but this exemption is NOT automatic and must be applied for (see [Q.21](#) for further details)

5. Is permitted development/prior approval CIL liable?

Potentially. Development permitted under a 'general consent' such as permitted development or prior approval is CIL liable if a new dwelling is being created (even if this is through a change of use). You will need to submit a [Notice of Chargeable Development](#) form to the council before development commences on site.

6. Will a development be liable for CIL if planning permission is granted before 1 July 2017 when the CIL is implemented?

No. There is no CIL liability for a planning permission if that planning permission was granted before the CIL implementation date (1 July 2017). The relevant date is the date of the issuing of the planning permission decision notice.

7. I have already submitted my application. What happens if it is determined after 1 July 2017?

CIL will take effect from 1 July 2017, therefore any application determined from 1 July 2017 will be determined under CIL and maybe liable. All applications for CIL liable uses determined from this date will need to complete and submit the [CIL Additional Information Requirements](#) form to enable the council to decide if the application is CIL liable and calculate any CIL charge.

The council is focusing resources on processing and signing off any existing applications in the system S106 before the 1 July 2017. The Council have written out to all agents and developers with current planning applications in the system that have yet to be determined.

The target is to process major applications within 12 weeks and minor applications within 8 weeks. Therefore, you should be aware that any application submitted after April 2017 may fall under CIL. If you have any queries regarding planning applications and CIL please visit the council's CIL planning application [webpage](#) or contact the council at CIL@bradford.gov.uk or call 01274 434605.

8. When is the date that first permits development?

The date that first permits development is the date of grant of permission for a full permission, and the date of the approval of the last reserved matters for outline permission.

9. I have an existing Outline planning permission, so would I have to pay the CIL Levy when the reserved matters are approved?

If the Outline application was granted prior to the introduction of CIL (1 July 2017), then no because the reserved matters do not constitute a new planning consent. You would only be liable for the levy if you receive permission on a new outline application or detailed full application.

10. Does CIL apply to applications to amend existing permissions, resubmission and applications to extend the time of existing unimplemented permissions?

Potentially, if the proposal involves a net gain of 100 square metres of floor space or one or more dwelling units and the new applications are lodged after CIL comes into effect (1 July 2017), then the resultant developments may be liable to pay CIL.

11. Are planning application appeals CIL Liabe if they pre-date 1st July 2017 when CIL came into effect in Bradford?

The CIL Regulations require the levy to be applied to all new planning consents granted after the date that the charging schedule comes into effect (1 July 2017). The date at which the application was made is not relevant, neither is the date of the officer's recommendation nor the date at which a planning application was considered by committee. The Council has no discretion in this matter, which is set by statute. From when the CIL comes into effect the levy also applies to any permission issued by a Planning Inspector as a result of a successful planning appeal, (or appeal against an enforcement notice).

12. How is CIL calculated?

CIL is calculated by multiplying the net additional floor area by the relevant CIL rate as follows:

$$\text{CIL Charge} = \text{Net additional floor area (A)} \times \text{CIL Rate (R)}$$

Where:

A = the net area of floor space chargeable in square metres after deducting any existing floor space and any demolitions, where appropriate.

R = the levy rate as set in the Charging Schedule

Please see the council's CIL planning application [webpage](#) for CIL Charges, interactive [CIL Charging Zone Map](#) and CIL calculator to find out what your CIL charge might be.

13. How is chargeable development measured?

CIL will be measured using m² of the Gross Internal Area (GIA). The council will determine which parts of a building falls under the definitions of GIA in accordance with the guidance set out in the RICS Code of Measuring 6th Edition.

For further information please see the following guidance: [How to measure floorspace for the purposes of CIL](#)

14. Are residential garages included in the CIL calculation?

Yes, because these fall within the RICS Code of Measuring definition of Gross Internal Area (GIA). Garages that are an integral part of planning applications for new houses count as "residential floorspace" and are liable for CIL whether integral to the new house design or detached.

Applications for a new garage for an existing house will not normally be liable for CIL as the floorspace will be less than 100 sq. m. CIL is not liable on car ports.

15. Can existing floorspace that is to be demolished be subtracted from the floorspace that is liable for CIL?

Yes. Where planning permission is granted for a new development that involves the demolition of a building in lawful use, the level of CIL payable will be calculated based on the net increase in floorspace. This means that the existing floorspace contained in the building to be demolished can be deducted from the total floorspace of the new development when calculating the CIL liability.

However, the building that is to be demolished must still be on site on the day that first permits development and must be proven to have been 'in lawful use' (see [Q.16](#) for definition of lawful use)

16. What does 'in lawful use' mean?

The definition of lawful use is contained in Regulation 40(11) of the Community Infrastructure Levy Regulations 2010 (as amended) as a building that:

"contains a part that has 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 chargeable development".

17. Will CIL be charged on conversions and change of use?

CIL will be liable where the change of use or conversion would result in a new dwelling, unless the building is already in a lawful residential use (i.e. subdivision into multiple flats, for example). You can reduce your CIL liability by counting the existing floor space against the new floor space proposed, where the existing floor space can be proven to have been in a lawful use.

A change of use from a building to a supermarket or a retail warehouse could also be liable for CIL, but only if there is additional new build of over 100sqm.

18. How do you calculate CIL payment for an outline permission?

Outline permissions that have been granted before 1 July 2017 will not be liable to pay CIL unless a S.73 (variation/removal of condition) is subsequently approved after 1 July 2017. Reserved matters approvals granted after 1 July 2017 will not trigger a CIL liability under Regulation 42.

Outline development approved after 1 July 2017 will not be required to submit an [Additional Information](#) form for CIL until a reserved matters application is submitted.

19. What happens for a mixed use development?

You will need to supply detailed information on the types of use, and the floor space for each use. The council will then calculate your CIL charge based on the floor space that belongs to each use. Where floor space is being demolished or re-used, you will need to supply detailed information on floor space and former / current use to allow the council to include this information in the calculations.

20. Will CIL be charged where I apply to sub-divide an existing dwelling?

No, the CIL Regulations make specific provision for this type of development, and confirm that residential sub-divisions are not CIL liable. If a change of use or additional floor space of 100m² or more is required to create the sub-division, this would be CIL liable.

21. Will residential extensions or annexes be liable for CIL?

If the residential extension or annexe is below 100 sq m GIA in size it will not be liable for CIL.

If it is over 100 sq m, CIL Regulations 42A and 42B of the CIL Regulations (2010) (as amended) state that residential annexes and extensions can be exempt from paying the Community Infrastructure Levy (CIL). However, this relief is NOT automatic and must be applied for by submitting a claim for [self-build relief](#) to the council. This must be submitted prior to commencing development.

22. When is CIL payment due?

CIL is payable on commencement of development in line with the Council's Instalments Policy (see [Q.23](#)).

Please note you **MUST** notify the council at least one day prior to commencing a CIL liable development by submitting a CIL [Commencement Notice](#).

23. Can CIL be paid in instalments?

Yes. Please read the council's [CIL Instalments Policy](#) for further details.

24. What happens if I don't pay the CIL?

Any CIL charge is mandatory and non-negotiable. If the CIL is not paid on time or the process is not followed correctly, the Regulations require that you will be subject to a penalty, plus you will not be able to pay in instalments so the total amount will immediately become due. There are a range of enforcement powers and penalties for failure to pay. These will be set out on the council's CIL planning application [webpage](#).

25. Will I still have to pay planning obligations (Section 106 contributions) as well as CIL?

CIL will replace the part of planning obligations previously collected for pooled obligations (e.g. pooled education/recreation contributions). Planning obligations will still be required in addition to any CIL for affordable housing and for other site specific matters required to make a development acceptable in planning terms (e.g. highways works, drainage, on-site open space). However, to avoid 'double dipping' these agreements cannot be used to secure infrastructure that is listed on the council's [CIL Regulation 123 List](#), which will be funded through CIL.

26. Is there any exceptions/relief from CIL?

In accordance with the CIL Regulations the following types of development may receive exemption/relief from CIL:

- Charitable development
- Social housing development
- Self-build residential development
- Self-build residential annexe or extension

Guidance notes are available on the council's CIL planning applications [webpage](#) to explain the process for claiming relief. In addition the council have published an Exceptional Circumstances Relief Policy. For further details see the council's CIL Policy [webpage](#).

27. Can I appeal a CIL charge?

Yes. A liable person can ask the council for a review of the chargeable amount, within 28 days from the date on which the CIL Liability Notice was issued. Following this review, the liable person may submit an appeal to the [Valuation Office Agency](#).

Penalties and surcharges can also be appealed to the Government. Please see guidance on appealing a Community Infrastructure Levy with the [Valuation Office Agency](#) or [Planning Inspectorate](#).

28. What will CIL be spent on?

CIL will be spent by the Council on infrastructure required to support growth in the District. Infrastructure items that may be funded by CIL is set out on the council's [CIL Regulation 123 List](#).

29. Will local communities receive any CIL money?

Yes, under the CIL Regulations 15% of CIL receipts for development in an area with a Parish or Town Council must be passed to the Parish or Town Council where development has taken place. This 15% must not amount to more than £100 per existing dwelling in the Parish. If there is a Neighbourhood Plan in place, 25% of the CIL receipts for that Town or Parish must be passed to the Parish or Town Council, and the £100 per existing dwelling "cap" does not apply.

Local areas without a Parish or Town council will still receive 15% or 25% of CIL but this money will be held and administered by the council.

30. How do I find out what CIL has been spent on?

CIL monies received and spent, including any specific projects where CIL has been spent, will be set out in the Council's CIL Annual Monitoring Report (AMR). The AMR is published at the end of each calendar year and will be made available on the council's website. Parish and Town Councils will also have to produce a publicly available annual report on the use of their neighbourhood funds' share of the CIL receipts.

31. I will be submitting a planning application. How can I find out more about CIL and what I need to do for my planning application submission?

The [Planning Portal](#) provides an overview of CIL and the complete list of [CIL forms](#) are available to download. In addition the council has prepared guidance notes for applicants to help guide them through submission of planning applications and the related CIL documentation and these are available on the council's CIL planning application [webpage](#).

The process relating to CIL is strictly prescribed by the CIL Regulations, with penalties if the process is not correctly followed. The Government's CIL [Planning Practice Guidance](#) sets out the approach to CIL. Applicants are strongly advised to read this guidance and obtain professional advice if they are unclear on any aspect of CIL or seek further advice from the council by email CIL@Bradford.gov.uk or calling 01274 434605.

32. Is my development chargeable and are there any examples of the types of development liable for CIL?

Please see the CIL Charging Rates and interactive [Charging Zone Map](#) on the council's CIL planning application [webpage](#) or view the following examples of CIL liable development:

Examples of CIL Liable development and chargeable floorspace

| Development | CIL Liable | Chargeable floorspace | CIL exemption/relief |
|---|---|---|---|
| Residential extension/annexe below 100 sq m | Not liable as under 100 sq m and does not create a new dwelling | N/A | Residential extensions below 100 sq m are exempt from the levy under the minor development exemption . |
| Residential extension/Annexe over 100 sq m | Liable as development is residential and over 100 sq m | For any development greater than the 100 sq m threshold CIL will be charged on the total build new floorspace | Development is liable but may claim self-build relief for a residential annexe/extension. See Planning portal relief and exemption |

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| <p>1 new dwelling (any size)</p> | <p>Liable as development is creating a new dwelling (even if it is below 100 sq m)</p> | <p>For any development creating a new dwelling CIL will be charged on the total build new floorspace</p> | <p>Development is liable but the following types of development may claim exemption/relief from CIL:</p> <ul style="list-style-type: none"> • Charitable development • Social housing development • Self-build residential development <p>See Planning portal relief and exemption</p> |
| <p>Application for more than 1 new dwelling (any size)</p> | <p>Liable as development is creating a new dwelling (even if individual dwellings are below 100 sq/m)</p> | <p>CIL will be charged on the total build new floorspace</p> | <p>Development is liable but the following types of development may claim exemption/relief from CIL:</p> <ul style="list-style-type: none"> • Charitable development • Social housing development • Self-build residential development <p>See Planning portal relief and exemption</p> |
| <p>Cleared building site</p> <p>Application for 80 sq m new build residential dwelling</p> | <p>Liable as development is creating a new dwelling.</p> | <p>80 sq m (no minimum floorspace threshold as creating a new dwelling)</p> | <p>Development is liable but the following types of development may claim exemption/relief from CIL:</p> <ul style="list-style-type: none"> • Charitable development • Social housing development • Self-build residential development <p>See Planning portal relief and exemption</p> |

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| <p>Single dwelling – in use</p> <p>Application for 125 sq m extension</p> | <p>Liable as development is over 100 sq m</p> | <p>125 sq m as the development is over 100sq m</p> | <p>Development is liable but may claim self-build relief for a residential extension.</p> <p>See Planning portal relief and exemption</p> |
| <p>Greenfield site (no existing buildings)</p> <p>Application for 2,000 sq m residential, including 40% affordable housing (800 sq m) granted social housing relief</p> | <p>Liable as development is creating new dwellings.</p> | <p>1,200 sq m (2000-800)</p> <p>NB: Chargeable floorspace of affordable housing (800 sqm) can be reduced from CIL liability if granted social housing relief.</p> <p>Social housing relief must be claimed prior to commencement and meet certain criteria to be granted.</p> | <p>Development is liable but may claim social housing relief for affordable houses.</p> <p>See Planning portal relief and exemption</p> |
| <p>Single dwelling (90sq m)– in lawful use but to be demolished</p> <p>Application for 125 sq m new residential development</p> | <p>Liable as development is creating a new dwelling.</p> | <p>35 sq m (125-90)</p> <p>NB: new residential floorspace liable as development comprises one or more dwelling but CIL charge discounted due to existing building to be demolished being in lawful use (see Q.16 for definition of ‘in lawful use’)</p> | <p>Development is liable but the following types of development may claim exemption/relief from CIL:</p> <ul style="list-style-type: none"> • Charitable development • Social housing development • Self-build residential development <p>See Planning portal relief and exemption</p> |

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| <p>Single dwelling (90 sq m) – not in lawful use and to be demolished</p> <p>Application for 125 sq m new development</p> | <p>Liable as development is creating a new dwelling.</p> | <p>125 sq m</p> <p>NB: new residential floorspace liable as development comprises one or more dwellings and no reduction in charge as original building to be demolished not in lawful use</p> <p>(See Q.16 for definition of ‘in lawful use’)</p> | <p>Development is liable but the following types of development may claim exemption/relief from CIL:</p> <ul style="list-style-type: none"> • Charitable development • Social housing development • Self-build residential development <p>See Planning portal relief and exemption</p> |
| <p>3,500 sq m mill building not in use to be demolished.</p> <p>Mixed use application for 15,000 sq m new residential and 5,000 sq m new offices</p> | <p>Liable as development is creating new dwellings.</p> | <p>15,000 sq m</p> <p>NB: 15,000 sq m new residential floorspace is CIL liable. 5,000 sq m offices zero rated as no CIL charge for office uses.</p> <p>No credit for demolition of existing buildings as not in lawful use (See Q.16 for definition of ‘in lawful use’).</p> | <p>Development is liable but the following types of development may claim exemption/relief from CIL:</p> <ul style="list-style-type: none"> • Charitable development • Social housing development • Self-build residential development <p>See Planning portal relief and exemption</p> |

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| <p>3,500 sq m mill building development in use and to be demolished</p> <p>Mixed use application for 15,000 sq m new residential and 5,000 sq m new offices</p> | <p>Liable as development is creating new dwellings</p> | <p>12,375 sq m (15,000-2625) residential is CIL liable.</p> <p>4,125 (5000-975) sq m offices but zero rate as no charge for office uses.</p> <p>NB: The demolished amount is apportioned across the whole development e.g. ¾ development residential; ¼ business; therefore, of the 3,500 sq m demolished floor space, 2,625 sq m is deducted from residential floor space and 875 sq m from office (see Q.16 for definition of 'in lawful use').</p> | <p>Development is liable but the following types of development may claim exemption/relief from CIL:</p> <ul style="list-style-type: none"> • Charitable development • Social housing development • Self-build residential development <p>See Planning portal relief and exemption</p> |
| <p>Conversion of mill building not in use to 5000 sq m new residential floorspace, including 10% affordable housing granted social housing relief</p> | <p>Liable as development is creating new dwellings</p> | <p>4500 sq m</p> <p>NB: new residential floorspace liable as development comprises of one or more dwellings, social housing relief granted for 500 sq m and no reduction in charge as original building not in lawful use (See Q.16 for definition of 'in lawful use')</p> | <p>Development is liable but the following types of development may claim exemption/relief from CIL:</p> <ul style="list-style-type: none"> • Charitable development • Social housing development • Self-build residential development <p>See Planning portal relief and exemption</p> |

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| <p>Conversion and extension of an existing dwelling to form 2 flats. The existing dwelling is 100 sq m and the extension is 45 sq m</p> | <p>Liabile as although new floorspace is below 100 sq development is creating new dwellings</p> | <p>45 sq m</p> <p>NB. The size of the existing dwelling is not counted as the building is already in a lawful residential use (see Q.17). What is relevant is the level of new build. Although it is only 45 sq m because it results in a new dwelling, CIL applies</p> | <p>Development is liable but the following types of development may claim exemption/relief from CIL:</p> <ul style="list-style-type: none"> • Charitable development • Social housing development • Self-build residential development <p>See Planning portal relief and exemption</p> |
| <p>Change of use of ground floor from A1 retail to A3 food and drink and conversion of first floor into 2 residential flats (80 sq m). The first floor is currently used as storage for the retail unit.</p> | <p>Liabile as development is creating new dwellings</p> | <p>N/A</p> <p>NB : As the change of use of the ground floor does not result in any new development (i.e. it all takes place within the existing building), or the creation of a new dwelling CIL does not apply.</p> <p>The conversion of the first floor does not result in any new development but does create new dwellings therefore CIL applies. The residential development is within an existing building which has been in lawful use for at least six months in the three years prior to the development being permitted and does not create any new build floorspace. Therefore CIL will not be charged.</p> | <p>N/A</p> |

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| <p>Brownfield site (no existing buildings)</p> <p>Application for new supermarket (1500 sq m)</p> | <p>Liabie as development is over 100 sq m and creating new floorspace</p> | <p>N/A</p> <p>NB: 1500 sq m retail floorsapce but rated zero as no CIL charge for supermarkets <2000 sq m</p> | <p>N/A</p> |
| <p>Brownfield site (no existing buildings)</p> <p>Application for new supermarket (2500 sq m)</p> | <p>Liabie as development is over 100 sq m and creating new floorspace</p> | <p>2500 sq m</p> <p>NB: The development is over 100sq m and for a use with a CIL charge (supermarkets >2000 sq m)</p> | <p>Development is liable but the following types of development may claim exemption/relief from CIL:</p> <ul style="list-style-type: none"> • Charitable development <p>See Planning portal relief and exemption</p> |