

From: Jim Cliffe [REDACTED]
Sent: Monday, November 4, 2024 6:06 PM
To: Section 62A Applications Non Major <section62anonmajor@planninginspectorate.gov.uk>; Development Management <development.management@bristol.gov.uk>
Cc: Section 62A Applications Non Major <section62anonmajor@planninginspectorate.gov.uk>; [REDACTED]
Subject: RE: S62A/2024/0070 David Lloyd, Greystoke Avenue, Southmead, Bristol City

Hi Leanne

I can confirm that application S62A/2024/0070, David Lloyd, Greystoke Avenue, Southmead, Bristol, BS10 6AZ for the ***“Erection of extension to the existing club to extend internal spa facilities and the installation of a spa garden which includes a sauna, plant room and store, the creation of additional parking spaces and associated works..”*** is a ***“chargeable development”*** and therefore it is liable for the Community Infrastructure Levy (CIL).

CIL Calculation

The information provided by the applicant in their CIL Form 1: CIL Additional Information identifies the following:

Proposed floorspace of the Leisure Club extension = 366.7 sqm

There is no existing floorspace to offset therefore the CIL would be based on an increase of 366.7 sqm.

The CIL Rate is for “Other Chargeable Development” is £50/sqm and the indexation factor from 2013 to 2024 is (381 / 224).

The CIL calculation is therefore as follows 366.7 sqm x £50/sqm x (381 / 224) = **£31,185.87**

Need for CIL payment

The primary purpose of CIL receipts is that they are to be spent by the CIL Charging Authority on ***“funding the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area.”*** There is no requirement for there to be a direct link between the infrastructure funded and the development that paid the CIL (as is the case with Section 106). The infrastructure to be funded from CIL is set out in the Councils Annual Infrastructure Statement, which can be found at the following link:

[Infrastructure Funding Statement \(bristol.gov.uk\)](https://www.bristol.gov.uk/infrastructure-funding-statement)

The relevant documents are also attached to this email. The Infrastructure List identifies the infrastructure schemes that the Strategic Element of CIL has been allocated to, by the Council. The CIL Report sets out the current position in respect of CIL Receipts and Spend. This is summarised in the table below:

Total Value of Strategic CIL Allocations made by the Council as at 31 March 2023 (A)	£69,785,000
Total Strategic CIL Receipts as at 31 March 2023 (B)	£47,685,000
Shortfall (B) – (A)	£22,100,000

Given the current shortfall in funding, it is essential that CIL is charged on, and paid by, all liable developments in order to enable the delivery of the identified infrastructure schemes necessary to support the growth of Bristol. This is consistent with the principles behind CIL which are that development contributes a proportionate sum to infrastructure to support the growth of an area, based on the size of the development and the viability of the relevant development typology. As the necessary mitigation of **£31,185.87** that would be required under CIL, cannot be achieved and taken into account when considering the application, the application should not be considered as acceptable.

Section 106 payment

The Council is not currently aware of any mitigation required that could fall within the regulatory tests of CIL Regulation 122, which are as follows:

***“(a) necessary to make the development acceptable in planning terms;
(b) directly related to the development; and
(c) fairly and reasonably related in scale and kind to the development”***

Recommendation to PINS

There is no requirement for a Section 106 Agreement as there will be no site specific mitigation necessary that complies with the regulatory tests. However, in order to fund the infrastructure needed to support the growth of the City, a CIL payment of **£31,185.87** will be required. As PINS is unable to charge CIL on Section 62A applications, this necessary contribution towards infrastructure cannot be achieved and therefore the Council advises that the application should not be considered as acceptable and recommends that PINS refuse the application accordingly.

For the benefit of the applicants agent (copied into this email) I would point out that is an unfortunate quirk of the CIL Regulations that applications determined by PINS under Section 62A cannot be charged CIL, and PINS cover this in their guidance (see link and extract below). You will note that the guidance recommends that proposals that would be CIL chargeable developments continue to be submitted to the planning authority rather than PINS.

[Procedural guidance for Section 62A Authorities in Special Measures - GOV.UK](#)

8.3 Appendix 3 – Community Infrastructure Levy and Planning Obligations

Community Infrastructure Levy (CIL)

We recommend that in circumstances where an LPA has an adopted CIL in place, and the development would fall with the definition of a 'chargeable development' under CIL legislation, that planning applications are made to the relevant LPA rather than the Planning Inspectorate.

In contrast to applications made to the LPA, the Planning Inspectorate cannot charge CIL on applications submitted under s62A, so any necessary mitigation under CIL cannot be achieved and taken into account when considering the application. This may have an adverse effect on the prospects of whether the development is acceptable.

It is therefore recommended that in circumstances where an applicant wishes to have potential mitigation through CIL taken into account, that the application is made to the relevant LPA rather than the Planning Inspectorate.

Should you have any queries regarding this matter please do not hesitate to contact me.

Best wishes

Jim

Jim Cliffe
Planning Obligations Manager

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