

From: Jim Cliffe [REDACTED]
Sent: Monday, November 11, 2024 5:16 PM
To: Section 62A Applications Non Major <section62anonmajor@planninginspectorate.gov.uk>; [REDACTED]
Cc: Section 62A Applications Non Major <section62anonmajor@planninginspectorate.gov.uk>; [REDACTED]
Subject: RE: S62A/2024/0072 8 Druid Stoke Avenue, Bristol, BS9 1DD

Hi Leanne

I can confirm that application S62A/2024/0072, 8 Druid Stoke Avenue, Bristol, BS9 1DD, for the ***“Proposed self-build dwelling 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 new dwelling = 306 sqm.

Consequently the CIL would be based on an increase of 306 sqm.

The CIL Rate is £70/sqm and the indexation factor from 2013 to 2024 is (381 / 224).

The CIL calculation is therefore as follows: 306 sqm x £70/sqm x (381 / 224) = **£36,433.13**

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 **£36,433.13** that would be required under CIL, cannot be achieved and taken into account when considering the application, it should not be considered as acceptable.

Self-Build Relief

The applicants agent states that as the proposal is a self-build scheme it is exempt from CIL. An exemption from CIL is available but it must be claimed, as it is not automatic. CIL Regulation 54(B) is clear that for a self-build exemption to be claimed, the claimant must have already assumed liability for CIL, and this is also clearly set out at the top of CIL Form 7: Self Build Exemption Claim Form Part 1. Until such time as there is a CIL Liable planning consent, there is nothing to assume liability for. Therefore in this case (if the Council were determining the application) at the point of a consent being granted there would be a CIL Liability of **£36,433.13**, and at any time between the consent being granted and development commencing a person could assume liability for CIL and claim a self-build exemption.

Consequently, in determining the application, the issue of a CIL Self Build exemption is not a material issue, as it can only be claimed once a consent is in place.

Section 106 payment

The Council is not 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 **£36,433.13** will be required. Any self-build exemption claim cannot be made or considered until after a consent is granted and therefore is not relevant to the consideration of the application. 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.

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

Best wishes

Jim

Jim Cliffe
Planning Obligations Manager

