

**From:** Jim Cliffe [REDACTED]  
**Sent:** 04 March 2025 12:01  
**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/2025/0090 2 Merton Road, Bristol, BS7 8TL

Hi Leanne

I can confirm that application S62A/2024/0090, 2 Merton Road, Bristol, BS7 8TL, for the ***“Erection of a second-floor extension to the above property, and the change of use to 6no. small houses in multiple occupation (Use Class C4) is a “chargeable development”.*** Therefore it is liable for the Community Infrastructure Levy (CIL).

### **CIL Calculation**

The applicant has provided a CIL Form 1: CIL Additional Information, in which it states that the existing GIA of the buildings on site is 414sqm and the GIA of the proposed scheme is 687sqm

The existing building is in lawful use for the purposes of CIL and can therefore be offset, so only the increase in floorspace (273sqm) is liable for CIL.

The development would be charged at the “Other Chargeable Development” CIL Rate of £50/sqm. The indexation factor from 2013 to 2025 is (391 / 224).

The CIL calculation is therefore as follows  $273\text{sqm} \times £50/\text{sqm} \times (391 / 224) = \textbf{£23,826.56}$

### **Need for CIL payment**

The Council wishes to make it clear that the need for CIL to be paid is totally separate for the need for mitigating measures to be in place to make the development acceptable in planning terms. We are concerned that recent PINS Reports on Section 62A applications (and indeed the guidance on the PINS website) are conflating CIL with mitigating measures. Mitigating measures are specified and secured through planning conditions and planning obligations, whereas CIL is a levy to provide the infrastructure necessary to support growth across the local authority area. There is no requirement for there to be a direct link between a CIL Liable development and the infrastructure that is funded from CIL.

Whilst the Council acknowledges that PINS cannot charge CIL in respect of applications submitted to it under S62A, CIL is nonetheless a material financial consideration under the Localism Act. Consequently, we consider that PINS should be considering whether approving applications that would otherwise have been liable for CIL would have an adverse impact on the Council’s ability to provide infrastructure to support the growth of Bristol.

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:

Strategic CIL Allocations made by the Council as at 31 March 2024 (A)	£53,616,000
Strategic CIL Receipts held as at 31 March 2024 (B)	£29,187,000
Shortfall (B) – (A)	£24,429,000

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 CIL payment of **£23,826.56**, cannot be achieved under Section 62A, the application should not be considered as acceptable.

#### **Section 106 payment**

The Council is not currently aware of any mitigation necessary to make the development acceptable in planning terms 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 **£23,826.56** 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.

The Council would also advise that, given the scale of the potential loss of CIL should the application be granted, we would consider challenging the decision in the High Court.

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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