

Response to Question from Councillor Gidney to Councillor Blunt regarding CIL applications

Many authorities request the CIL form at validation, and those that don't have a lot of additional work to try to get details of the GIA of developments when an application is granted. If the CIL Form is not submitted, the Collecting Authority will not take into account existing floorspace and Revised Liability Notices have to be issued and/or formal appeals are taken to the Planning Inspectorate and the Valuation Office. I have attached guidance notes provided by Christopher Cant a leading CIL Barrister, demonstrating the known issues relating to the administration of CIL and service of CIL documents.

Unfortunately most agents are not employed to administer the CIL. Once an application has been granted, they have no responsibility to assist their clients with the complex processes involved relating to CIL. The CIL liability falls upon the land owner until such time as the developer/applicant assumes liability. It can be difficult to ascertain whom is responsible for a development, once the application has been granted. as many agents put c/o agent and the Ownership Certificate within the planning application only contains the agents details. By taking a proactive approach we are able to request the applicants details and correspond directly to the liable party. This reduces the workload for officers and benefits the liable parties which also reduces surcharges, provides a positive experience for the applicant and very little rework is required.

We want to ensure that applicants are aware of the CIL at validation stage, to ensure that there is full understanding of the cost implications relating to the planning application. There can be serious financial consequences, which could affect the viability of a project, if CIL is not taken into consideration at the outset of an application. In my experience, there are many agents whom are not aware of the CIL and can provide inaccurate information to their client. Many agents have been sued for professional negligence, with 2 in this Borough. By taking up the responsibility of CIL with the applicant directly, we are also assisting the architects/agents.

By taking a proactive approach, we are able to provide advice to applicants on the CIL processes, which forms need to be submitted, how to apply for exemption and also what happens if the CIL process is not followed, which includes surcharges for non-compliance.

My approach has seen very few surcharges issued, the avoidance of many exemptions withdrawn and to date no formal appeals have been made against us. Agents work with me to assist their clients, and the applicants understand the CIL requirements.

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