

Meeting:	Executive
Meeting date:	4 November 2025
Report of:	Garry Taylor, Director of City Development
Portfolio of:	Councillor Lomas, Executive Member for Finance, Performance, Major Projects, Human Rights, Equality and Inclusion

Decision Report: Community Infrastructure Levy

Subject of Report

1. Executive in Summer 2022 resolved to proceed with a Community Infrastructure Levy (CIL) as a charging mechanism for the delivery of associated infrastructure resulting from development. Subsequently, a number of consultations on the CIL Draft Charging Schedule have taken place with the final draft version submitted for independent Examination on 18 July 2025.
2. Examination concluded on 22 October 2025 with receipt of the Examiner's Report, wherein it concluded that *"the draft City of York Community Infrastructure Levy Charging Schedule, subject to the making of the modifications... satisfies the drafting requirements and I therefore recommend that the draft Charging Schedule be approved."*
3. This report considers the outcomes of the Examination and how to proceed with implementation of the Community Infrastructure Levy.

Benefits and Challenges

4. CIL provides a consistent, non-negotiable charge per square metre on most developments over 100 sqm or any new dwelling. This will capture developments that currently do not contribute to infrastructure delivery where they are either ineligible for making Section 106 contributions or are not sufficiently meaningful to deliver an infrastructure project. It is the cumulative impact of these sites that have a consequential impact on the city's social, health and transport infrastructure, which CIL can address through capturing funding contributions toward essential infrastructure improvements.

5. The introduction of a CIL Charging Schedule provides a predictable and transparent approach for developers by being clear and upfront in relation to what they will be expected to pay. It should lead to early discussions in relation to ensuring scheme viability as well as simplifying the process.
6. For the Council, it also means that we can plan infrastructure investment more effectively with a clearer understanding of future income. CIL funds can be allocated to strategic or local infrastructure priorities without being tied to the development site, supporting delivery of the Council's long-term growth and infrastructure planning. Unlike Section 106 agreements, CIL enables the Council to pool contributions and fund infrastructure across the city, rather than being limited to site-specific mitigation.
7. The CIL will continue to operate alongside Section 106 agreements but should streamline the process of complex negotiations. Section 106 agreements will focus on on-site or site-specific mitigation (particularly for the large strategic sites and/or where affordable housing is necessary) tied to the development, while CIL handles broader infrastructure needs.
8. The CIL Examination has provided an independent review of the process undertaken and found that subject to proposed modifications, the schedule is proportionate and a viable approach by which to proceed. The Examiner accepted the levy rate for purpose built student accommodation (PBSA) at £150 per sqm for but has proposed two modifications to the draft Schedule:
 - £0 rating all strategic sites
 - Reducing the residential rate from £150 to £75 per sqm.
9. The revised draft CIL Charging Schedule proposed by the Examiner reflects his consideration of the updated viability evidence, including consideration of a general uplift in build costs, and evidence presented at Examination. The modifications are seen as necessary to set rate charges that are proportionate and viable.
10. The conclusions of the Examination are binding. The formal route to challenge an examiner's conclusions is via Judicial Review in the High Court. The grounds must be based on procedural unfairness, irrationality, or illegality — not simply disagreement with the conclusions, such as if the examiner failed to consider key evidence or misapplied the law, a challenge might be possible.

11. As a result of the proposed modifications, the projected receipts of CIL previously calculated at c.£40m has reduced to c.£19m based upon collection from all potential CIL liable development. This is subject to change should more or less development become CIL liable. The regulatory framework allows for exemptions to the payment of CIL in specific circumstances (detailed below under Policy considerations). The regulations also provide for disqualifying events which mean exemptions initially granted can cease if the regulations are not followed.
12. Although the CIL will help in future infrastructure delivery, there remains a funding gap of c.£460m to deliver strategic infrastructure¹. Some of this will be secured through Section 106 agreements but alternative funding mechanisms need to be pursued to fully realise delivery of the infrastructure required.
13. The regulatory regime allows flexibility for when the CIL Charging Schedule takes effect following a decision to publish (adopt) the schedule. This is helpful as the implementation of CIL relies on a change to Council systems. Effective rollout depends on internal monitoring systems, staffing, and governance being fully prepared to manage collection, monitoring, and spending of the CIL fund. The implementation (commencement date) of the CIL therefore needs to reflect a realistic timetable to enable in-house system management to be coordinated for day 1.
14. The commencement date must also be balanced against projected CIL receipt and planning application decision-taking. It is anticipated that there will be an uplift in planning applications received and wanting a decision made prior to the implementation of CIL, which would otherwise be CIL liable. This will increase a burden on Planning and Development Services, Legal Services and the Council's technical officers who feed into decision-making.
15. A proportion of the CIL (the Neighbourhood Fund) goes directly to communities. A percentage of CIL receipts must be spent in the local area. Whilst the regulations dictate some of this spending, Executive can decide how to spend the remaining monies collected as part of a spending protocol. A future report to Executive will consider proposals for spending of CIL monies.

¹ [CSD8: Funding Gap Statement](#)

Policy Basis for Decision

National Policy

16. The power to charge by way of the Community Infrastructure Levy was introduced by Part 11 (Sections 205-225) of the Planning Act 2008. The Community Infrastructure Levy Regulations 2010 (as amended) deal with the detailed implementation of CIL and cover matters such as the procedure for setting CIL, the charging and collecting of the levy and liability for payment. In addition, there is considerable Government Planning Policy Guidance dealing with the approach to be adopted in setting and reviewing rates within the Charging Schedule.

17. The CIL Regulations allows flexibility for the implementation of the CIL under Regulation 28:

Charging schedule: effect

28.(1) A charging schedule takes effect at the beginning of the day specified for that purpose in the charging schedule.

(2) A charging schedule may not take effect any earlier than the day after the day on which it is published.

18. The regulation does not impose an upper limit on the implementation date. This provides the Council with legal flexibility to delay the start of the levy, allowing alignment with strategic priorities and operational readiness. This will also ensure developers and stakeholders have adequate notice before the levy takes effect.

19. Under the regulations, CIL has effect until the charging authority determines it ceases to have effect or the end of the day before a revised charging schedule issued by the authority takes effect. Notice by way of public statements would be necessary to publicise these facts.

20. Whilst there is no statutory requirement for how often a charging schedule must be reviewed, Planning Practice Guidance recommends that authorities keep their charging schedules under review to ensure its relevance, particularly when:

- There are significant changes in local development viability;
- The Local Plan is updated or replaced;
- There are major infrastructure funding changes or shifts in development priorities.

21. Part 4 of the regulations specifically includes details regarding liability and how this works in different circumstances. Part 6 sets out the regime regarding available exemptions and relief. Importantly, reliefs and exemptions must be claimed before commencement of development. Failure to submit a Commencement Notice may result in loss of relief or a surcharge. If the use of the development changes (e.g. social housing sold privately), the CIL may become payable.
22. A summary of exemptions include:
- *Minor Development Exemption*: Developments creating less than 100m² of new gross internal area, unless it involves the creation of a new dwelling.
 - *Self-Build Exemption*: For individuals building their own home to live in (who must then use the property as their sole residence for a minimum of 3 years).
 - *Residential Annex or Extension Exemption*: For building an annex or extension to an existing home.
 - *Charitable Development Exemption*: Applies to development by or for charities for charitable purposes.
23. Reliefs from CIL reduce or eliminate the CIL charge but must be applied for and approved before development starts. These include:
- *Mandatory Social Housing Relief*: 100% relief for qualifying affordable housing. Must remain as social housing for at least 7 years.
 - *Discretionary Social Housing Relief*: May be offered by the authority for housing that doesn't meet mandatory criteria but serves similar purposes.
 - *Mandatory Charitable Relief*: For charities using the development for charitable purposes.
 - *Discretionary Charitable Relief*: May be granted at the authority's discretion for other charitable developments.
 - *Exceptional Circumstances Relief*: Available where CIL would make a development unviable. Requires a Section 106 agreement and evidence of financial hardship. Must be enabled by the charging authority.
24. Under Regulation 69B of the CIL Regulations 2010 (as amended), a charging authority may set out an instalment policy specifying how CIL payments can be made in phases. This policy must be published on the authority's website and should be clear and accessible. Once introduced, this can be amended at any time by the charging authority, provided the change is properly published.

25. Regulation 121A of the CIL Regulations requires charging authorities to publish an annual Infrastructure Funding Statement by 31 December each year; these are published on the Council's website². The IFS must include:
- CIL receipts and expenditure.
 - A summary of Section 106 agreements.
 - A list of infrastructure projects that the authority intends to fund or has funded.

Local Policy Context

26. CIL directly supports the requirement for new development to contribute to the delivery of supporting infrastructure as set out in the adopted Local Plan (2025). Specifically, this will support Policy DM1 'Infrastructure and Developer Contributions' which recognises the need to provide appropriate physical, social and economic infrastructure. This policy states: *"The Council will seek contributions from developers to ensure that the necessary infrastructure is in place to support future development in York. Contributions will be sought to fund strategic infrastructure that helps to deliver the Vision, Spatial Strategy and Objectives of the Local Plan, as well as specific infrastructure that is necessary to deliver an individual site."*
27. The anticipated infrastructure necessary to deliver the Local Plan is set out in the Infrastructure Delivery Plan³. This will be updated annually to support the delivery and coordination of infrastructure across the city. Additionally, a more detailed Infrastructure Funding Plan will be developed to support and guide how CIL income is prioritised and spent.
28. The Charging schedule builds in assumptions for the delivery of planning policy considerations, including sustainable construction and affordable housing delivery to ensure that it is affordable and viable for developers. This seeks to ensure that strategic objectives relating to climate change and affordable homes are supported.
29. Additionally, affordable housing is not liable for CIL. Relief for this must be applied for and granted before development starts, and a Commencement Notice must be served to retain the relief. This

² [Annual Infrastructure Funding Statement – City of York Council](#)

³ [CSD9: Infrastructure Delivery Plan July 2025](#)

should encourage meeting our strategic ambitions for affordable housing delivery, potentially above Local Plan policy.

30. As set out above, the monies secured will be able to support the social and physical infrastructure, arranging spend according to priorities. There is flexibility to align to the Council's priorities set out in the Council Plan; These will be considered in more detail as part of a future report focussed on CIL spending.

Financial Strategy Implications

31. The Local Plan has identified a requirement of approximately £1 billion to deliver the infrastructure to deal with the impact of future growth as identified during the plan period. Of this value approximately only half has identified funding available. This leaves a viability gap of approximately £500m. CIL is one of the funding streams that will provide a funding opportunity for the council to make a contribution to the overall funding requirements identified; the identified gap justifies the implementation of CIL as agreed by the Examiner (Annex B).
32. Based on updated Viability Evidence (2025) and a revised Draft Charging Schedule (DCS), and using housing trajectory figures, the projected CIL receipts generated are expected to be in the region of £19m over the Plan Period. This does not reflect or affect monies, which would be otherwise secured through Section 106 (S106) for the provision of site-specific infrastructure or affordable housing.
33. CIL will allow the Council greater flexibility than Section 106 agreements to choose the infrastructure that is to be funded to deliver the Local Plan. CIL also provides developers with greater certainty as it is non-negotiable and therefore development costs are more readily calculated than previously, as S106 obligations are agreed through a process of negotiation. CIL rates are index-linked ensuring they remain up to date with market fluctuations, unlike S106 contributions which need regular evidence base updates.
34. Income raised from the CIL that is retained by the council will be treated as funding available towards delivering critical infrastructure and priorities for spend will be determined by Executive and Full Council while setting the council's annual capital budget.
35. The spending schedule includes for a 5% administration fee for the implementation, monitoring and delivery of the infrastructure. This

will provide a new income source for the council to administer the levy. Additionally, costs incurred through the CIL Examination process can be recouped from the monies received as part of the CIL administration fee.

Recommendation and Reasons

36. Executive is asked to:

- i. Consider and accept the outcomes of the independent Examiner's Report (Annex B), including modifications proposed by the Examiner to ensure the Community Infrastructure Levy and proposed Charging Schedule can be soundly implemented.

Reason: To ensure the Charging Schedule is legally compliant, robust, and capable of being implemented effectively, in line with the recommendations of the independent Examiner and national planning guidance.

- ii. Subject to (i), recommend to Council that the draft CIL Charging Schedule be approved as set out in Annex A as modified by the Examiner as set out in Annex B to this report.

Reason: To allow the CIL Schedule to be legally adopted and implemented.

- iii. Subject to a positive decision for (i) and (ii), to recommend that the implementation date for the Community Infrastructure Levy will take effect from 1 February 2026.

Reason: To agree to set a CIL implementation date that supports adequate preparation of internal systems and resources.

- iv. Subject to a positive decision for (i) and (ii), delegate authority to the Director of City Development to review the instalment policy and make any necessary further minor editorial changes to the Charging Schedule or a change to the implementation date, if necessary.
- v. Subject to a positive decision for (i) and (ii), delegate authority to the Director for Environment and Regulatory Services to agree publishing and necessary documentation for the introduction of CIL.

Reason: To enable timely and efficient progression of the CIL adoption process, ensuring operational readiness, sound implementation and regular monitoring.

- vi. To note that a further report regarding the spending of CIL will be brought to a future Executive for consideration.

Reason: To allow Executive to consider how to spend the CIL monies received.

Background

- 37. Since 2010, authorities in England and Wales have been empowered to establish a Community Infrastructure Levy (CIL) to help pay for infrastructure to support development. This charge on the development can operate alongside S106, which can continue to be used for affordable housing and other on-site infrastructure. The CIL Amendment Regulations 2025 reaffirm the role of CIL as a strategic funding tool and clarify its relationship with planning obligations, particularly in relation to infrastructure delivery and subsidy control.
- 38. CIL is a fixed, non-negotiable, charge per square metre on most development of 100 square metres or more, or a new dwelling of any size. The amount due is calculated using standard formulae set out in the CIL Regulations. Development which does not pay the levy includes buildings into which people do not normally go; structures which are not buildings; and zero-rated development as identified on the CIL charging schedule. Other types of development (including residential annexes and extensions; self-build housing; social housing which meets the criteria in the CIL Regulations; and charitable development) can apply for an exemption from CIL.
- 39. Recent updates clarify that exemptions must be applied for and granted before development commences, and failure to submit a Commencement Notice may result in a surcharge rather than automatic loss of exemption.

Evidential Basis for CIL

- 40. The level at which CIL rates are set must strike an appropriate balance between collecting money to fund the infrastructure needed

to support development and the ability of developments in its areas to afford the charge – that is the viability of development.

41. Accordingly, CIL Draft Charging Schedules are supported by evidence of infrastructure needs and costs and viability impacts – with the latter having a central role in defining the CIL charge. These are all then subject to public consultation before going forward to an examination in public by an ‘Independent Person’, such as an Inspector from the Planning Inspectorate.
42. The 2025 Regulations continue to emphasise the importance of viability testing and public consultation, and introduce clearer expectations for transparency in how evidence is presented and assessed.
43. Demonstration of the ‘appropriate balance’ is critical through the publication of viability evidence. The Council’s CIL approach is grounded in its Local Plan evidence base, particularly the Infrastructure Delivery Plan and viability studies. Further viability assessment was prepared to support CIL testing in detail the assumptions necessary. The following assessments were prepared and submitted⁴ to support the draft CIL Charging Schedule:
 - CSD5 - CIL Viability Assessment Update (June 2025)
 - CSD6a – CIL Sensitivity Test Viability Report (November 2023)
 - CSD6b – CIL Sensitivity Test Viability Report Errata Addendum (December 2023)
 - CSD7 – CIL Viability Assessment Study (December 2022)
 - CSD8 - CIL Infrastructure Funding Gap Assessment - July 2025
 - CSD9 - Local Plan Infrastructure Delivery Plan - July 2025
44. The viability assessments considered the following to reach conclusions on whether/how much of a charge could be levied:
 - National Policy context;
 - Market and economic conditions;
 - Development Viability Assumptions;
 - Policy costs and S106 Obligations; and
 - Benchmark land values.

⁴ <https://www.york.gov.uk/planning-policy/community-infrastructure-levy/3>

CIL Examination

45. The CIL was submitted for independent Examination on 18 July 2025; this is part of the regulatory procedure for implementing a CIL. The independent Examination ensures that it complies with the legal requirements of the CIL Regulations and confirms that the schedule has been prepared in accordance with the correct procedures, including consultation and evidence gathering. The examiner assesses whether the proposed CIL rates strike an appropriate balance between funding infrastructure and not threatening the economic viability of development in the area. They provide an objective assessment of the schedule and its supporting evidence and provide confidence that the levy is fair, justified, and legally sound.
46. An independent Examiner, Mr Keith Holland, and a Programme Officer were procured to undertake and oversee the Examination process. Mr Holland determined that an in-person hearing should be held to discuss the submission with interest parties; this was held on 2 September 2025⁵. Consideration of further evidence submitted was undertaken post the hearing session allowing each interested party to comment. The examination conclusions and proposed modifications are presented above.
47. The Examiner made the following key comments/ observations in coming to his conclusions:
- CYC has complied with the legislative requirements in the Planning Act 2008 and CIL Regulations; has appropriately consulted on the charging schedule; and there is consistency with the adopted Local Plan and Infrastructure Delivery Plan.
 - The Viability report (2025) indicated an increase in build costs and a fall in sales values resulting in the lowering of the CIL rates proposed at Submission compared to consultation on the original charging schedule in spring 2023.
 - Noted York's historic under-delivery of housing, with a reliance on the strategic sites to deliver the housing numbers needed over the plan period;
 - Noted the importance of facilitating housing development and the importance of the Local Plan strategic sites to housing delivery. Consequently, that the intention to apply a £0 rate to

⁵ This was recorded in full. The recording is available via the council's YouTube channel: <https://youtu.be/4jdKctHjJXw?si=PGPa5DA2G0WrlMkA>

the strategic sites was a sensible approach and should be applied to all strategic sites;

- The submission proposed £150 residential CIL rate relied on a viability headroom buffer of 25% whereas in 2022 the Council applied a more cautious approach with a buffer of 60%. He considered that the lower buffer was not justified in the current uncertain economic climate with rising build costs and stalled sales values.
- He noted that the viability evidence included a return of 20% (the maximum allowable in accordance with the National Planning Policy Guidance on viability) and allowed for a high cost of borrowing (7.75%), which was higher than often seen in CIL viability work. Whilst this was considered to help to counter concerns that the build costs used by the Council underestimated current costs, this did not justify the low viability buffer now proposed.
- Lowering the residential CIL rate to £75 would result in 20 out of 25 of the non-strategic typologies being able to afford CIL and still remain viable, as opposed to 15 out of 25 at the £150 rate proposed.

Implementation of CIL

48. CIL applies only to developments granted planning permission after the Charging Schedule becomes effective. Once the CIL Charging Schedule takes effect, payment of CIL becomes due from commencement of the development, this is defined in an Instalment Policy. From that date, any liable application will receive a CIL Liability Notice.
49. The following proposed Instalment Policy (Table 1) was set out as part of Draft Charging Schedule and consulted on in Spring 2023 and Winter 2024. The instalment policy is not part of the Charging Schedule itself, so no conclusions arose as part of the examination process.
50. Should we wish to specify a different instalment policy, we would be required to give adequate notice. While formal consultation is not required for changes to the instalment policy, it is considered good practice to engage with stakeholders, especially developers and infrastructure providers, to ensure transparency and manage expectations. Any changes to the instalment policy apply only to CIL liabilities arising after the date the revised policy is published. They

do not apply retrospectively to developments where the liability has already been established.

Table 1: CIL Instalments policy consulted in December 2023

Overall CIL liability	Payment instalments
Less than £20,000	Payment in full within 240 days
£20,000 - £99,999	50% paid within 360 days Further 50% paid within 540 days
£100,000 - £499,999	10% paid within 270 days Further 15% paid within 540 days Further 25% paid within 720 days Remaining 50% paid within 900 days
£500,000 or more	Agreement of project specific payment schedule

51. Applicants will therefore need an adequate time period to ensure that the introduction of CIL is clear and well explained ahead of implementation. They will be required to submit the requisite forms as part of a planning application.

Previous Decisions

52. Executive agreed to proceed with the preparation of a CIL in [June 2022](#). Subsequently the following decisions were made:
- Executive agreed to proceed to consultation on the draft charging schedule, the draft payment schedule and supporting Viability evidence base on [26 January 2023](#). Delegated authority was given to the Corporate Director of Place (City Development) and the Executive Member for Housing, Planning and Safer Neighbourhoods to agree the consultation documents and any subsequent amendments prior to submission for Examination.
 - Officer decision was made to consult on a revised draft CIL charging schedule in [December 2023](#).
 - Officer decision was made to publish an errata addendum to the revised CIL DCS in [December 2023](#).

- Officer decision was made to accept changed to the proposed DCS and notify and consult on the Statement of Modifications to the DCS in [July 2025](#).
- Officer decision was made in [July 2025](#) to submit the CIL DCS and supporting evidence for independent examination, in accordance with Executive decision from January 2023.

Consultation Analysis

53. As the CIL charging authority, the CIL Regulations require the Council to consult with residents, local communities, business and stakeholders on the proposed levy rates of the Charging Schedule. In summary, the following stages of consultation were undertaken:

- 2018 – 2025: Local Plan Examination – Phase 2 of the hearing sessions dealt with Infrastructure and Delivery, including supporting Viability evidence and the Infrastructure Delivery Plan. This provided important initial and contextual evidence to the preparation of the CIL.
- March – April 2023: Consultation on the Draft Charging Schedule and supporting Viability Assessment.
- December 2023 – January 2024: Consultation on a revised draft Charging Schedule and further viability evidence responding to the Spring 2023 consultation.
- July – August 2025: A final 4-week consultation on the proposed modifications, in accordance with Regulation 19 of the CIL Regulations 2010 (as amended) wherein comments were limited to the modifications proposed and whether they wish to be heard on this matter during the Examination in Public. Further viability testing was commissioned in summer 2025 to reassess assumptions using updated data and was available as part of this consultation.

54. A Consultation Statement setting out the process and outcomes for this was submitted as part of the supporting evidence to the CIL Examination⁶. This presents a summary of the representations received and the Council's response and summarises how the representations were taken into account in finalising the CIL Charging Schedule for examination.

⁶ CSD4: [Consultation statement June 2025](#)

55. As set out above, an Independent Examiner was appointed to conduct an Examination in Public of the revised draft Charging Schedule. All written representations received through the consultation stages were sent in full to the Examiner for his consideration as part of the submitted core documents or as received via the final consultation. Those who registered to attend the in-person hearing session offered their views at the session; this was recorded and is available to view via the Council's YouTube channel⁷.
56. In compliance with the Regulations, the Examiner's report was published following its receipt on 22 October 2025. The Examiner was satisfied that *"the Charging Schedule complies with the Act and the Regulations, including in respect of the statutory processes and public consultation, consistency with the adopted Local Plan and the Infrastructure Delivery Plan, and is supported by an adequate financial appraisal. I also consider it compliant with the national policy and guidance contained in the NPPF and PPG respectively."*
57. Subject to the Executive decision to proceed to a Council and a decision to adopt the CIL, there will be a statutory judicial review period of 6 weeks, wherein a decision to challenge the decision to implement the levy could be made.

Options Analysis and Evidential Basis

58. The following options have been considered:

Examiners Report and proceeding to Council

- i. Consider and accept the conclusions of Examiners report, including any proposed modifications to the CIL Draft Charging Schedule.
- ii. Consider and do not accept the conclusions of the Examiners report and/or proposed modifications to the CIL Draft Charging Schedule
- iii. Subject to (i), recommend to Council that the CIL charging schedule be adopted.
- iv. Subject to (i), do not proceed to Council for a decision to adopt the CIL charging schedule.

Implementation and commencement

⁷ <https://youtu.be/4jdKctHjJXw?si=PGPa5DA2G0WrLMkA>

- v. Implement the charging schedule immediately after the Council decision.
- vi. Implement the charging schedule from 01 February 2026.
- vii. Delegate authority to the Director of City Development to review the instalment policy and make any necessary further editorial changes to the Charging Schedule or implementation date.
- viii. Delegate authority to the Director for Environment and Regulatory Services to agree publishing and necessary documentation for the introduction of CIL.
- ix. Agree alternative delegations for the implementation of the CIL charging schedule.

Rationale

59. As set out in para 40, the Council must submit the charging schedule for independent Examination which ensures that it complies with the legal requirements, strikes an appropriate balance between funding infrastructure and does not threaten the economic viability of development in the area. The Examiner has concluded in his report that the charging schedule can proceed to be implemented subject to proposed modifications that are necessary in their view to make the charging schedule proportionate and viable (Annex B).
60. Officers therefore consider that option (i) can be progressed with confidence that the levy has been independently and publicly examined and found to be a sound approach. Consequently, officers also consider that, subject to accepting option (i) the CIL Charging Schedule should progress to Council to make a decision as to whether to adopt the CIL (option (iii)). This will allow a new method for developer contributions for the delivery of infrastructure and would allow the collection of monies from a broader spectrum of residential applications.
61. To not accept the Examiners report and modifications (Option (ii) would mean that it could not proceed to a decision for implementation (Option (iii)). This option would not align with the Council's Executive Decision in June 2022 which resolved to proceed with CIL as a charging mechanism for the delivery of associated infrastructure resulting from development. This would result in the current developer contribution approach continuing and the council receiving payment for infrastructure secured through Section 106 contributions only.

62. As set in above, there is flexibility regarding the date of implementation. For this, there must be consideration for the Council's resources and systems being in place to allow this new levy to be implemented completely. Consideration should be given to the following in setting a realistic effective date:
- Timescales for the procurement, introduction and bedding in of a suitable supporting software;
 - Officer resource to manage set up and administration of CIL;
 - Development of a communication strategy regarding the CIL process i.e. agent's forum, website updates, setting up online payment systems and invoicing processes;
 - Determining the internal administration process to ensure effective systems are in place for issuing Liability Notices, collecting payments, and enforcing and monitoring compliance;
 - Training and updates to relevant departments across CYC including Planning and Development Services, Finance and Legal Teams and internal technical consultees;
 - Updating the Local Validation List to require submission of the requisite CIL forms;
 - The statutory 6 week judicial review period following a decision by Council;
 - Decision-taking for planning applications within the system prior to implementation that would otherwise be CIL liable.
63. Subject to a positive decision to proceed, Officers consider a date which balances the above is 1 February 2026 and therefore recommend Option (vi). We do not consider that implementation straight after Council's decision (end of November or an earlier date prior to February) (Option v) would be feasible to allow for an effective implementation. A shorter timeframe risks inadequate preparation, reduced public confidence and potential errors leading to appeals and complications.
64. We consider it prudent to delegate authority to the relevant Directors (Options (vii) and (viii)) to ensure decisions can be made should factors change prior to implementation. This ensures responsiveness to unforeseen issues or feedback during the final preparation phase. It allows operational decisions to be made efficiently without requiring further formal approvals, while maintaining democratic oversight through consultation with the Executive Member.

65. Additionally, Option (vii) allows a review of the instalment policy (currently set out at Table 1/para 49) ahead of implementation to vary the previously published policy. Following the Examiner's modifications and likely impact on the CIL funds to be received, a review of the triggers and timescales on the instalment plan could be considered to ensure receipt of funds expeditiously; this is recommended. Option (viii) allows alternative delegations for implementation.

Organisational Impact and Implications

66. **Financial:** The introduction of Community Infrastructure levy will lead to additional costs in administration across planning and support services. There is an opportunity to charge up to 5% of the levy raised to cover these costs which based on the anticipated income levels will be in the region of £1m over the period.
67. **Human Resources (HR):** There are no immediate HR implications associated with the implementation of the Community Infrastructure Levy, however, should additional resources be required for the monitoring, governance and delivery of the CIL, these will be considered in accordance with existing HR policies.
68. **Legal:** The statutory framework for CIL is set out in sections 205-225 of the Planning Act 2008 and further detail is provided under the CIL Regulations. The legal requirements for the preparation of a CIL Charging Schedule are set out under s211 of the PA 2008 and this report demonstrates that the statutory requirements have been met. The PA 2008 and the CIL Regulations set out requirements for adopting a Community Infrastructure Levy and provide that a draft Charging Schedule must be submitted to an independent Examiner who is empowered to make findings and recommendations on it. Where pursuant to s212A of the PA 2008 the independent Examiner has made recommendations as to modifications that the independent Examiner considers sufficient and necessary to remedy a non-compliance, then pursuant to s213 the Council are only able to adopt the Charging Schedule with modifications that are sufficient and necessary to remedy the non-compliance found.
69. As noted in this report the independent Examiner appointed to examine the Council's draft Charging Schedule has recommended approval of the Council's draft Charging Schedule subject to modifications. The Council may therefore only adopt the Charging Schedule if it does so with the necessary modifications and should

have regard to the recommendations and the Independent Examiner's reasons for them.

70. If the Council chose to adopt the Charging Schedule as submitted, ignoring the Examiner's recommendations, it would not be considered legally sound as the issue of non-compliance (identified by the Examiner) would not have been dealt with by the Council.
71. Once adopted the Council must publish and give notice of the approval of the Charging Schedule in accordance with Regulation 25 of the CIL Regulations. The Charging Schedule will come into effect on the day specified within the schedule, but this must not be earlier than the day after it is published.
72. **Procurement:** Should any priorities require procurement, all works and/or services must be procured via a compliant, open, transparent, and fair process in accordance with the council's Contract Procedure Rules and where applicable, Procurement Act 2023. Further advice regarding the procurement process and development of procurement strategies must be sought from the Commercial Procurement team.
73. **Health and Wellbeing:** The Community Infrastructure Levy (CIL) can play a vital role in supporting health and well-being by funding infrastructure that promotes active lifestyles, access to healthcare, and inclusive public spaces. Contributions from CIL can be directed towards the development of parks, cycle paths, and pedestrian-friendly environments, encouraging physical activity and social interaction. It can also support the provision of new or improved health facilities, ensuring communities have access to essential services. By investing in green infrastructure, community centres, and safe transport links, CIL helps create healthier, more resilient places that support both physical and mental well-being across all age groups.
74. **Environment and Climate action:** Positive implications may arise from the CIL in relation to the environment and climate action as the funds raised are to be spent on strategic infrastructure within the authority area which may include district heating schemes, parks and open spaces.
75. **Affordability:** The Community Infrastructure Levy (CIL) offers several social benefits by providing funding for essential local infrastructure, such as schools, parks, roads, and community

facilities, which are necessary to support new development. This ensures that new developments contribute fairly to the costs of growth, reducing the burden on existing residents. CIL also promotes community well-being by allowing for greater local input on infrastructure priorities, flexible funding for diverse needs, and transparent, accountable spending processes

76. **Equalities and Human Rights:** A full EIA is included at Annex C and identifies positive impacts of potential increased health care provision, education, transport and green infrastructure funded by CIL.
77. **Data Protection and Privacy:** The data protection impact assessment (DPIA) screening questions were completed for the recommendations and options in this report. As there is no personal, special categories or criminal offence data being processed to set these out, there is no requirement to complete a DPIA at this time. However, this will be reviewed following the approved recommendations and options from this report and a DPIA completed if required.
78. **Communications:** There are likely implications for managing relevant communications for incoming media enquiries and proactive media activity regarding the implementation of CIL.
79. **Economy:** Adoption of Community Infrastructure Levy will provide a clear, transparent and consistent approach to the securing of developer contributions across the city, allowing development to proceed with certainty and efficiency, and providing a funding source to contribute to the delivery of the essential infrastructure that is needed to support this City growth and our communities. Adopting the CIL is a welcome step forward, and whilst it is disappointing that the levy rates have been reduced by the inspector, maintaining the viability of development is critical, and there will be future opportunities to review the levy rate. The scale of overall infrastructure needs and costs to support growth in the city are noted, and CIL will only play a small role in meeting these needs at the rates allowed – this means that the Council will need to work closely with funding and delivery partners to secure additional essential investment over the plan period.

Risks and Mitigations

80. As the statutory process has been followed in accordance with the Community Infrastructure Levy Regulations 2010 (as amended) and

the Draft Charging Schedule has undergone independent examination, the risk of legal challenge following the Council's formal adoption and implementation of CIL is considered to be low. Regardless, a period of 6 weeks to challenge the decision will exist.

Mitigation: This risk is mitigated by ensuring all decisions, documentation, and consultation responses are robust, transparent, and legally compliant in accordance with requisite legislative framework.

81. Only planning applications determined on or after the proposed implementation date (recommended as 1 February 2026) will be liable to pay CIL. Any delay to the implementation date will reduce the number of developments subject to the levy, thereby diminishing the potential CIL receipts generated. This reduction in income would have an impact on the funding of local infrastructure projects.

Mitigated by periodically reviewing the Charging Schedule and viability evidence, and by continuing to use Section 106 agreements for site-specific infrastructure and affordable housing contributions.

82. Effective rollout of CIL depends on the procurement and integration of suitable software, as well as adequate officer capacity to manage collection, monitoring, and enforcement. Without these, there is a risk of administrative errors, delays, or non-compliance. Mitigation measures include early procurement, cross-departmental training, and the allocation of dedicated resources to support implementation.

To mitigate this, the Council must set a realistic lead-in period that aligns with operational readiness, allowing sufficient time for systems, staffing, and communications to be fully established before the levy takes effect. Mitigation includes early procurement of software, cross-departmental training, and the allocation of dedicated staff to support implementation and ongoing administration.

83. There is also a risk of confusion among developers and applicants, particularly due to the introduction of differentiated rates and new procedural requirements. This could lead to non-compliance, reputational damage, or appeals.

To address this, the Council must ensure that guidance is clear, accessible, and widely communicated—through website updates, agent forums, and inclusion of CIL requirements in the Local Validation List and information on Planning Decision notices.

84. Public perception and confidence in the planning system may be affected if the implementation is rushed or poorly communicated.

Mitigation involves transparent engagement, clear governance for neighbourhood CIL allocation, and consistent messaging that highlights the benefits of CIL for local infrastructure delivery.

Wards Impacted

85. All wards are impacted by the implementation of the Community Infrastructure Levy.

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Background papers

- [16 June 2022 Executive](#) - Decision to proceed with the preparation of a CIL.
 - [26 January 2023 Executive](#) - Decision to proceed to consultation on the draft charging schedule, the draft payment schedule and supporting Viability evidence base on.
 - [15 December 2023 Officer Decision](#) - to consult on a revised draft CIL charging schedule.
 - [21 December 2021 Officer Decision](#) - to publish an errata addendum to the revised CIL DCS
 - [18 July 2025 Officer decision](#) - to accept changed to the proposed DCS and notify and consult on the Statement of Modifications to the DCS in.
 - [18 July 2025 Officer Decision](#) - to submit the CIL DCS and supporting evidence for independent examination, in accordance with Executive decision from January 2023.

Annexes

- A.** Submitted Community Infrastructure Levy Draft Charging Schedule – July 2025.
- B.** Examiner's report including Appendix with proposed modifications schedule
- C.** Equalities Impact Appraisal