

**Changes to  
Validation  
Requirements**

**DLP BRIEFING NOTE 147**

Prepared by  
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# Bedford Borough Council: Changes to Validation Requirements

## Introduction

Bedford Borough Council has recently announced changes to the validation requirements for planning applications. CIL liable planning applications must now be accompanied by a completed CIL [Question Form](#), otherwise known as the CIL Assumption of Liability form, to be validated.

## Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is a levy local authorities can choose to charge on new developments to raise funds for infrastructure projects. In February 2014 Bedford Borough Council formally approved the CIL Charging Schedule and resolved to bring CIL into force from 1 April 2014. Planning permissions issued on or after 1 April 2014 may be liable for CIL.

Bedford Borough Council has indicated that CIL will largely replace off-site S106 contributions for residential developments. However, S106 agreements will continue to be used to secure affordable housing within residential developments and enable site specific mitigation for residential development and other types of development.

## CIL Liable Applications

Not all development is liable for CIL. The following types of planning applications are CIL liable:

- All applications for full planning permission, Section 73 variations and reserved matters applications (if the outline planning permission was granted on or after 1 April 2014) for:
  - Residential development of one or more dwellings through new build or conversion, even if less than 100sqm
  - The establishment of other residential floorspace such as extensions, and other ancillary buildings if over 100sqm or less than 100sqm if it contributes to the creation of a new dwelling
  - Convenience based supermarkets and superstores and retail warehouses (net retailing spaces over 280sqm) or an extension of over 100sqm to such retail stores.

Not all development is liable for CIL. Permissions for uses such as offices, small retail, leisure facilities etc. whether granted on application or deemed to have been granted by way of permitted development rights etc. are not liable for CIL. Certain types of development may qualify for exemption from CIL including affordable housing.

Furthermore, when a development proposal involves the replacement of previously developed land, there may be an opportunity to apply a reduction on the basis of the existing floorspace providing it meets the requirements of the CIL Regulations for occupation.

The Charging rates are dependent upon the type of development proposed together with the location of the site. There are 5 Zones identified on the [CIL Charging Schedule](#) depicted in the

accompanying [CIL Residential Charging Areas Map](#). The rates range from £40 per square metre up to £125 per square metre. The charging rate applicable for CIL is non-negotiable and so will need to be factored into the cost of development proposals.

### **Changes to Validation Requirements**

From 24 February 2014 all CIL liable applications must be accompanied by a completed CIL Question Form to determine whether a development is liable for CIL. Bedford Borough Council will not validate CIL liable applications without a completed CIL Question Form. Additionally, applications for affordable housing, although exempt from CIL requirements, will require a completed CIL Question Form to confirm there is no liability.

A CIL Form 1: Assumption of Liability should also be submitted to enable the Council to ensure the CIL liability notice is issued to the correct party. However, this will not affect validation.

### **CIL Liability Not Clear**

If it is not clear whether a development will be liable for CIL or not, it is recommended that a CIL Question Form is submitted to the Council to enable them to confirm liability.

### **How can DLP Help?**

DLP Planning Consultants has considerable knowledge of the national planning system, Bedford Borough Council Development Plan documents and CIL Charging Schedule. We regularly assist our clients in identifying if their development is CIL liable and determining the likely charges.

If you require any further advice regarding CIL and Bedford Borough Council's new validation requirements, please do not hesitate to contact an office listed below. Senior staff within the practice would be very happy to help you with this process and explain CIL's potential implications or opportunities for you.

If you wish to utilise DLP's considerable planning expertise to maximise your opportunity, please contact us.

A summary of matters that the DLP Consulting Group provide services for follows:

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- Objective Assessment of Housing Needs
- Five Year Land Supply Assessment
- Economic Impact of Housing
- Economic Impact of Development Proposals
- Retail Impact Analysis
- Expert Witness on Housing Needs
- Local Plan Examinations

**DLP Planning Consultants**

- Planning Applications and Appeals
- Public Consultation
- Development Promotion
- Development Plan Representations
- Land Searches
- Project Management
- Minerals and Waste Planning
- Conservation Area / Listed Building Negotiation
- Enforcement
- Retail Impact Analysis
- Renewable Energy Planning and Delivery
- Discharge of Planning Conditions

If you would like to receive a brochure providing more detail of the service provided by the DLP Consulting Group, please contact any of the offices listed on the left of this page.

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