

Appendix 1 Summary of the key features of s106 contributions and CIL

s106 contributions

- financial contributions from developers secured by a legal agreement, usually accompanying a planning permission, to make developments acceptable which would otherwise be unacceptable in planning terms;
- secured during the planning process, bespoke and negotiated (unlike CIL) but must meet specific tests (Regulation 122 of the CIL Regs), i.e. contributions must be necessary, directly related to the development and be fairly and reasonably related in scale and kind to the development.
- As a general rule, planning obligations for education, highways and open space infrastructure are only sought for larger developments (i.e. for 10 dwellings or more); (separate provision is made for affordable housing and this varies depending upon the policy position set out in the legacy Local Plans);
- usually focused on site specific mitigation of the impact of development, e.g. to provide specific new infrastructure;
- payments often linked to ‘trigger points’ at different stages of development e.g. occupation of 50, or 100 homes, and may vary for each contribution and by site; and
- typically have to be spent or committed within a set timescale, often ten years;

Community Infrastructure Levy (CIL):

- Is a charge levied on new development in accordance with CIL Charging Schedules. Reflecting their legacy origins, these are different for the West and South/East areas, with different rates, which apply to different categories of uses;
- Must be used for “the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area”. This can apply across the whole of the Buckinghamshire Council area;
- Although the levy can be used flexibly to fund a wide range of infrastructure (including health and social care facilities), it cannot be used to fund affordable housing (affordable housing obligations are usually secured through a s.106 Planning Obligation);
- Are not time limited and not negotiable (unlike section 106 contributions);

- Is shared with town and parish councils. A proportion of CIL (15% rising to 25% where a Neighbourhood Plan is adopted) collected from development is twice a year passed to the Town or Parish Council within which the development was situated. In the unparished area of High Wycombe the local allocation is held by the Council; High Wycombe Town Committee makes recommendations on its use.
- Is self funding: up to 5% of the sum collected is available to meet the council's costs of administering the CIL
- Is charged for all developments involving the creation of a dwelling (no floorspace thresholds for habitable space where the development proposes the creation of a dwelling);
- In these cases and for all other development not creating a dwelling, the charge is based on the size of new development (the gross internal area measured in sq.m) but is exempt if less than 100 sqm of new floorspace is created;
- There are notable exemptions and reliefs (including for self-build, affordable housing and charities)

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