

*Draft Regulations laid before the House of Commons under section 222(2)(b) of the Planning Act
2008, for approval by resolution of that House.*

DRAFT STATUTORY INSTRUMENTS

2018 No.

**COMMUNITY INFRASTRUCTURE
LEVY, ENGLAND AND WALES**

The Community Infrastructure Levy
(Amendment) Regulations 2018

Made - - - - *****
Coming into force in accordance with regulation 1

The Secretary of State, in exercise of the powers conferred by sections 205(1), 211(3) and (6)(d) and 222(1)(a), (b) and (f) of the Planning Act 2008⁽¹⁾, and with the consent of the Treasury, makes the following Regulations.

A draft of these Regulations has been laid before the House of Commons under section 222(2)(b) of the Planning Act 2008 and approved by resolution of that House.

Citation, commencement and application

1.—(1) These Regulations may be cited as the Community Infrastructure Levy (Amendment) Regulations 2018 and come into force on the day after the date on which they are made.

(2) These Regulations apply to any liability notice or revised liability notice issued by a collecting authority under regulation 65 of the Community Infrastructure Levy Regulations 2010 on or after the date on which these Regulations come into force.

Amendment to Part 12 of the Community Infrastructure Levy Regulations 2010

2.—(1) Regulation 128A (transitional provision: section 73 of TCPA 1990 applications) of the Community Infrastructure Levy Regulations 2010 is amended in accordance with the following provisions.

(2) For paragraph (4) substitute—

“(4) For the purposes of calculating Y, regulation 40 applies as if—

(a) the index figure (Ip) for A were the index figure for the year in which B was granted;

(1) 2008 c. 29. There are amendments to section 205 which are not relevant to these Regulations.

- (b) a reference to a relevant charging schedule were a reference to the charging schedule which was in effect—
 - (i) at the time B first permits development; and
 - (ii) in the area in which the development will be situated.”.

We consent

Date *Name*
Name
Two of the Lords Commissioners of Her
Majesty’s Treasury

Signed by authority of the Secretary of State for Communities and Local Government

Date *Name*
Parliamentary Under Secretary of State
Department for Communities and Local
Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 11 of the Planning Act 2008 provides for the imposition of a charge known as the Community Infrastructure Levy (“the Levy”). The Community Infrastructure Levy Regulations 2010 (S.I. 2010/948) (“the CIL Regulations”) implement the detail of the levy. Whether to charge a community infrastructure levy in their area is a decision for the charging authority (usually the local planning authority). A community infrastructure levy (“CIL”) is brought into force in an area by the authority adopting a charging schedule.

These Regulations provide a clarificatory amendment to regulation 128A of the CIL Regulations. These Regulations apply in England and Wales. The Regulations apply to any liability notice or revised liability notice issued by an authority under section 65 of the CIL Regulations on or after that coming into force date.

Regulation 2 amends regulation 128A of the CIL Regulations. Regulation 128A provides for the case where development is granted planning permission (A) before a CIL comes into force in the area and the conditions of that permission are amended by any later planning permission (B) granted under section 73 of the Town and Country Planning Act 1990 where B is granted after a CIL for the area comes into effect. In these cases regulation 128A provides that the development under B is liable to CIL on any additional liability it introduces to the development such as an increase in floorspace (or change of use) compared to the development under A. The amendment to regulation 128A clarifies that when calculating “Y” (the notional amount of CIL payable for development under A), the index figure (for building cost inflation) to be used is the index figure for B.

The Department is not required to produce an impact assessment in relation to the community infrastructure levy, as it is a financial instrument.