



Localism Act 2011

2011 CHAPTER 20

PART 6

PLANNING

CHAPTER 2

COMMUNITY INFRASTRUCTURE LEVY

114 Community Infrastructure Levy: approval of charging schedules

(1) The Planning Act 2008 is amended as follows.

(2) In section 211 (amount of levy) after subsection (7) insert—

“(7A) A charging authority must use appropriate available evidence to inform the charging authority’s preparation of a charging schedule.

(7B) CIL regulations may make provision about the application of subsection (7A) including, in particular—

- (a) provision as to evidence that is to be taken to be appropriate,
- (b) provision as to evidence that is to be taken to be not appropriate,
- (c) provision as to evidence that is to be taken to be available,
- (d) provision as to evidence that is to be taken to be not available,
- (e) provision as to how evidence is, and as to how evidence is not, to be used,
- (f) provision as to evidence that is, and as to evidence that is not, to be used,
- (g) provision as to evidence that may, and as to evidence that need not, be used, and
- (h) provision as to how the use of evidence is to inform the preparation of a charging schedule.”

Changes to legislation: Localism Act 2011, Section 114 is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(3) For section 212(4) to (7) (draft must be accompanied by declaration of compliance with requirements, and examiner must consider the requirements and make recommendations with reasons) substitute—

“(4) In this section and sections 212A and 213 “the drafting requirements” means the requirements of this Part and CIL regulations (including the requirements to have regard to the matters listed in section 211(2) and (4)), so far as relevant to the drafting of the schedule.

(7) The examiner must consider whether the drafting requirements have been complied with and—

- (a) make recommendations in accordance with section 212A, and
- (b) give reasons for the recommendations.”

(4) After section 212 insert—

“212A Charging schedule: examiner's recommendations

(1) This section applies in relation to the examination, under section 212, of a draft charging schedule.

(2) If the examiner considers—

- (a) that there is any respect in which the drafting requirements have not been complied with, and
- (b) that the non-compliance with the drafting requirements cannot be remedied by the making of modifications to the draft,

the examiner must recommend that the draft be rejected.

(3) Subsection (4) applies if the examiner considers—

- (a) that there is any respect in which the drafting requirements have not been complied with, and
- (b) that the non-compliance with the drafting requirements could be remedied by the making of modifications to the draft.

(4) The examiner must—

- (a) specify the respects in which the drafting requirements have not been complied with,
- (b) recommend modifications that the examiner considers sufficient and necessary to remedy that non-compliance, and
- (c) recommend that the draft be approved with—
 - (i) those modifications, or
 - (ii) other modifications sufficient and necessary to remedy that non-compliance.

(5) Subject to subsections (2) to (4), the examiner must recommend that the draft be approved.

(6) If the examiner makes recommendations under subsection (4), the examiner may recommend other modifications with which the draft should be approved in the event that it is approved.

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- (7) If the examiner makes recommendations under subsection (5), the examiner may recommend modifications with which the draft should be approved in the event that it is approved.”
- (5) For section 213(1) (charging authority has to follow examiner's recommendations when approving charging schedule) substitute—
- “(1) A charging authority may approve a charging schedule only if—
- (a) the examiner makes recommendations under section 212A(4) or (5), and
 - (b) the charging authority has had regard to those recommendations and the examiner's reasons for them.
- (1A) Accordingly, a charging authority may not approve a charging schedule if, under section 212A(2), the examiner recommends rejection.
- (1B) If the examiner makes recommendations under section 212A(4), the charging authority may approve the charging schedule only if it does so with modifications that are sufficient and necessary to remedy the non-compliance specified under section 212A(4)(a) (although those modifications need not be the ones recommended under section 212A(4)(b)).
- (1C) If a charging authority approves a charging schedule, it may do so with all or none, or some one or more, of the modifications (if any) recommended under section 212A(6) or (7).
- (1D) The modifications with which a charging schedule may be approved include only—
- (a) modifications required by subsection (1B), and
 - (b) modifications allowed by subsection (1C).”
- (6) In section 213 (approval of charging schedules) after subsection (3) insert—
- “(3A) Subsection (3B) applies if—
- (a) the examiner makes recommendations under section 212A(4), and
 - (b) the charging schedule is approved by the charging authority.
- (3B) The charging authority must publish a report setting out how the charging schedule as approved remedies the non-compliance specified under section 212A(4)(a).
- (3C) CIL regulations may make provision about the form or contents of a report under subsection (3B).”
- (7) In section 213 after subsection (4) insert—
- “(5) In this section “examiner” means examiner under section 212.”
- (8) The amendments made by this section do not apply in relation to cases where an examiner submits recommendations to a charging authority before the coming into force of this section, but subject to that the cases in relation to which the amendments apply include a case in which steps in relation to the charging schedule have been taken before then.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 158(8)-(9B) substituted for s. 158(8)(9) by [2016 c. 22 s. 121\(2\)\(e\)](#)
- s. 202(3A) inserted by [2023 c. 55 s. 176\(2\)](#)