
STATUTORY INSTRUMENTS

2010 No. 948

The Community Infrastructure Levy Regulations 2010

PART 12

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

[^{F1}Transitional provision: section 73 of TCPA 1990 applications

[^{F2}128A.—(1) Where all the criteria set out in paragraph (2) are satisfied by a development, paragraphs (3) to (6) shall apply.

(2) The criteria are—

- (a) on the day planning permission (A) is granted in relation to the development, the development is situated in an area in which a charging authority has no charging schedule in effect;
- (b) a new planning permission (B) is later granted in relation to the development under section 73 of TCPA 1990; and
- (c) on the day B is granted, the development is situated in an area in which that charging authority has a charging schedule in effect.

(3) Liability to CIL shall arise in respect of the development, and the amount of CIL payable (“chargeable amount”) shall be—

~~where~~^XY—

X = the chargeable amount for the development for which B was granted, calculated in accordance with regulation 40; and

Y the amount, calculated in accordance with regulation 40, that would have been the chargeable amount for the development for which A was granted, if A first permitted development on the same day as B.

[^{F3}(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;
- (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.]

(5) If Y is greater than or equal to X, the chargeable amount is deemed to be zero.

(6) Part 11 of these Regulations (planning obligations) shall not apply in relation to that development.]]

Changes to legislation: There are currently no known outstanding effects for the The Community Infrastructure Levy Regulations 2010, Section 128A. (See end of Document for details)

Textual Amendments

- F1** Reg. 128A inserted (29.11.2012) by [The Community Infrastructure Levy \(Amendment\) Regulations 2012 \(S.I. 2012/2975\)](#), regs. 1, **9(1)** (with reg. 10(1))
- F2** Reg. 128A omitted (E.) (1.9.2019) by virtue of [The Community Infrastructure Levy \(Amendment\) \(England\) \(No. 2\) Regulations 2019 \(S.I. 2019/1103\)](#), regs. 1, **5(11)** (with regs. 1(3), 13)
- F3** Reg. 128A(4) substituted (9.2.2018) by [The Community Infrastructure Levy \(Amendment\) Regulations 2018 \(S.I. 2018/172\)](#), regs. 1(1), **2(2)** (with reg. 1(2))

Changes to legislation:

There are currently no known outstanding effects for the The Community Infrastructure Levy Regulations 2010, Section 128A.