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.