
DRAFT STATUTORY INSTRUMENTS

2014 No.

**The Community Infrastructure Levy
(Amendment) Regulations 2014**

Amendment to Part 11 – planning obligations

- 12.** In regulation 123 (further limitations on use of planning obligations)—
- (a) in paragraph (2) after “relevant infrastructure” insert “(including, subject to paragraph (2B), through requiring a highway agreement to be entered into)”;
 - (b) after paragraph (2) insert—
 - “(2A) Subject to paragraph (2B) a condition falling within either of the following descriptions may not be imposed on the grant of planning permission—
 - (a) a condition that requires a highway agreement for the funding or provision of relevant infrastructure to be entered into;
 - (b) a condition that prevents or restricts the carrying out of development until a highway agreement for the funding or provision of relevant infrastructure has been entered into. - (2B) Paragraphs (2) and (2A) do not apply in relation to highway agreements to be entered into with—
 - (a) the Minister, for the purposes of section 1(1) of the 1980 Act⁽¹⁾; or
 - (b) Transport for London.”;
 - (c) in paragraph (3)—
 - (i) for “A planning obligation” substitute “Other than through requiring a highway agreement to be entered into, a planning obligation”, and
 - (ii) in sub-paragraph (a) after “infrastructure project or” insert “provides for the funding or provision of a” ; and
 - (iii) in sub-paragraph (b)(ii), for “ , or” substitute “or provide for the funding or provision of that”.
 - (d) in paragraph (4)—
 - (i) before the definition of “charging authority” insert—
 - ““the 1980 Act” means the Highways Act 1980⁽²⁾,”;
 - (ii) after the definition of “charging authority” insert—
 - ““condition”, in relation to a planning permission, has the same meaning as in section 70(1)(a) of TCPA 1990,”;
 - (iii) after the definition of “determination” insert—

(1) 1980 c.66. In relation to Wales, the functions of the Minister were transferred to the National Assembly for Wales by S.I. 1999/672, and to Welsh Ministers by paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(2) 1980 c. 66.

““highway agreement” means an agreement under section 278 of the 1980 Act(3);”, and

(iv) in the definition of “relevant determination” for “6th April 2014” substitute “6th April 2015”.

(v) in the definition of “relevant infrastructure”, for paragraphs (a) and (b) substitute—

- “(a) where a charging authority has published on its website a list of infrastructure projects or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL (other than CIL to which regulation 59E or 59F applies), those infrastructure projects or those types of infrastructure;
- (b) except where paragraph (c) applies, where no such list has been published, any infrastructure; or
- (c) in relation to any planning obligation requiring a highway agreement to be entered into or condition falling within paragraph (2A), where no such list has been published, no infrastructure.”

(3) Section 278 was substituted by section 23 of the New Roads and Street Works Act 1991 (c. 22).