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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Part 11 of the Planning Act 2008 provides for the imposition of a charge known as the Community Infrastructure Levy (“CIL”). The Community Infrastructure Levy Regulations 2010(1) (“the CIL Regulations”) implement the detail of CIL. These Regulations amend the CIL Regulations.

The CIL Regulations and these Regulations apply in relation to England and Wales only.

The main changes to the CIL Regulations are:

(1) Amendment to make provision for developments granted consent under neighbourhood development orders to be liable to CIL (regulation 3(1), which amends regulation 5 of the CIL Regulations).

(2) Amendment to make provision for applications made under section 73 of the Town and Country Planning Act 1990 in respect of development for which a liability notice has already been issued. This includes provision to set out when the permission granted under section 73 will be liable to CIL (regulation 3(2), which substitutes regulation 9(5) of the CIL Regulations), provision relating to commencement notices (regulation 8(1), which substitutes regulation 67(6) of the CIL Regulations), a new provision so that CIL already paid can be set off against any CIL liability in relation to the section 73 application (regulation 8(3), which inserts new regulation 74A into the CIL Regulations) and provision in relation to overpayments (regulation 8(4), which amends regulation 75 of the CIL Regulations). These regulations also provide for the situation where such an application is made after a charging schedule comes into effect, in relation to a planning permission granted before the charging schedule came into effect (regulation 9(1), which inserts new regulation 128A into the CIL Regulations).

(3) Amendment to the publication of charging schedules to extend the relevant provisions to any report made under section 213(3B) of the Planning Act 2008(2) (charging schedule: approval) (regulation 4(3), which amends regulation 25 of the CIL Regulations).

(4) Amendment to the calculation of CIL liability. This corrects an error which meant that development involving the retention of some existing buildings, and the demolition of others, could have been overcharged (regulation 5, which substitutes regulation 40(6) of the CIL Regulations).

(5) Amendment to the calculation of social housing relief. This corrects an error which meant that social housing relief may wrongly be granted where a development includes retained housing, some of which will be used for social housing (regulation 6 which amends regulation 50 of the Regulations).

(6) Amendment to the application of CIL to reflect changes made to section 216 of the Planning Act 2008 (application) by section 115(5) of the Localism Act 2011 (use of community infrastructure levy) (regulation 7, which amends regulation 59 of the CIL Regulations).

(7) Amendment to make provision for the payment periods where the Mayor of London charges CIL in an area where a London borough council does not (regulation 8(2), which amends regulation 70 of the CIL Regulations).

(8) Amendment to make general transitional provision in relation to applications made under article 18(1)(b) or (c) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (regulation 9(2) which inserts new regulation 128B into the CIL Regulations).

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(1) [S.I. 2010/948](#) as amended by [S.I. 2011/987](#).

(2) Section 213(3B) was inserted by section 114(6) of the Localism Act 2011 (c. 20).

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

There are also minor amendments to the administration of CIL and other transitional provisions. The Department is not required to produce an impact assessment in relation to the community infrastructure levy, as it is a financial instrument.