
STATUTORY INSTRUMENTS

2012 No. 2975

**The Community Infrastructure Levy
(Amendment) Regulations 2012**

Amendment to Part 2 – definition of key terms

3.—(1) In regulation 5(3)(a) (meaning of “planning permission”) after paragraph (ii) insert—
“(ia) by a neighbourhood development order made under section 61E of TCPA 1990,”

(2) In regulation 9 (meaning of chargeable development) for paragraph (5) substitute—

“(5) In Wales, where the effect of a planning permission granted under section 73 of TCPA 1990⁽¹⁾ is only to change a condition subject to which a previous planning permission was granted by extending the time within which development must be commenced, the chargeable development is the development for which permission was granted by the previous permission as if that development was commenced.

(6) Where the effect of a planning permission granted under section 73 of TCPA 1990 is to change a condition subject to which a previous planning permission was granted so that the amount of CIL payable calculated under regulation 40 (as modified by paragraph (8)) would not change, the chargeable development is the development for which planning permission was granted by the previous permission as if that development was commenced.

(7) Where the effect of the planning permission granted under section 73 of TCPA 1990 is to change a condition subject to which a previous planning permission was granted so that the amount of CIL payable under regulation 40 (as modified by paragraph (8)) would change, the chargeable development is the most recently commenced or re-commenced chargeable development.

(8) For the purposes of paragraphs (6) and (7), the liability to CIL under regulation 40 should be calculated in relation to an application made under section 73 of TCPA 1990 as if the date on which the planning permission granted under that application first permits development was the same as that for the application for planning permission to which the application under section 73 of TCPA 1990 relates.

(9) For the purposes of paragraph (7), chargeable development is re-commenced where—

- (a) the chargeable development (“the earlier development”) was commenced;
- (b) work on the earlier development was halted and a different chargeable development (“the later development”) that was granted planning permission under section 73 of TCPA 1990 was commenced on the relevant land; and
- (c) the later development was subsequently halted and the earlier development is continued.”

⁽¹⁾ Section 73(5), inserted by section 51(3) of the Planning and Compulsory Purchase Act 2004 (c. 5), prevents such permissions from extending the time within which development must be commenced. This provision is yet to be commenced in relation to Wales.

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