
STATUTORY INSTRUMENTS

2012 No. 2975

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

Amendment to Part 12 – miscellaneous and transitional provisions

9.—(1) After regulation 128 (transitional provision: general) insert—

“Transitional provision: section 73 of TCPA 1990 applications

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—

$$X - Y$$

where—

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.

(4) For the purposes of calculating Y, for regulation 40(4) substitute—

“(4) The relevant rates are the rates at which CIL is chargeable in respect of the development taken from the charging schedules which are in effect—

- (a) at the time B was granted; and
- (b) 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.”

(2) Before regulation 129 (transitional provision: charging schedule ceases to have effect) insert—

“Transitional provision: article 18(1) of DMPO applications

128B.—(1) In this regulation “DMPO” means the Town and Country Planning (Development Management Procedure) (England) Order 2010(1).

(2) Where all the criteria set out in paragraph (3) are satisfied, paragraph (4) shall apply.

(3) The criteria are—

- (a) on the day planning permission (A) is granted in relation to a development, the development is situated in an area in which a charging authority has no charging schedule in place;
- (b) a new planning permission (B) is later granted in relation to the development;
- (c) B is granted in accordance with regulation 18(1)(b) or (c) of DMPO (consultations before the grant of planning permission pursuant to section 73 or the grant of a replacement planning permission subject to a new time limit); and
- (d) on the day B is granted, the development is situated in an area in which that charging authority has a charging schedule in effect.

(4) Other than this regulation these Regulations shall not apply in relation to that development.”