
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 (“the CIL Regulations”) (S.I. 2010/948) implement the detail of the Levy. These Regulations amend the CIL Regulations. The CIL Regulations and these Regulations apply in relation to England only.

Regulation 3 amends the requirements in relation to charging schedules, including changing the requirement from two rounds of consultation before adopting a schedule to one. Regulation 4 enhances the procedure where a charging authority is proposing that a charging schedule should cease to have effect.

Regulation 5 makes provision in relation to calculation of chargeable amounts in different cases. The calculations previously in regulations 40, 50 and 128A of the CIL Regulations have been moved into a new schedule, Schedule 1. Additionally the new Schedule includes new provision for calculation of CIL in relation to cases where the granting of an ‘amended’ planning permission under section 73 of the Town and Country Planning Act 1990 (“section 73 permission”) leads to an increase or decrease in CIL liability, and in relation to phase credits where a pre-CIL phased planning permission is ‘amended’ by a section 73 permission once CIL is in effect in the area.

Regulation 6 provides for removal of the provisions which resulted in reliefs being lost if a commencement notice was not submitted before starting the development. Instead a provision has been added requiring the imposition of a surcharge for failing to provide a commencement notice.

Regulation 7 provides for carry over of relief where the planning permission for a development is ‘amended’ by a section 73 permission (provided the amount of relief does not change) and for payment by instalments to continue to apply.

Regulation 8 replaces reference to distress with reference to the new procedure for taking control of goods set out in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (c. 3).

Regulation 9 inserts regulation 121A and a new schedule, Schedule 2, which require local authorities to publish an annual infrastructure funding statement setting out how much CIL is collected, how much is spent and what it is spent on, and makes similar provision in relation to planning obligations (i.e. agreements under section 106 of the Town and Country Planning Act 1990 (c. 8)). It also inserts regulation 121B which makes provision for reporting by parish councils. Regulation 10 also requires (through new regulation 121C) for charging authorities to publish an annual CIL rate summary showing the rates of CIL in its area adjusted for inflation.

Regulation 10 amends regulation 122 to ensure charging authorities can include provision for monitoring fees in agreements under section 106 of the Town and Country Planning Act 1990.

Regulation 11 removes regulation 123, which restricted the number of agreements under section 106 of the Town and Country Planning Act 1990 which a charging authority could enter into in relation to funding particular infrastructure.

Regulation 12 makes consequential amendments and regulation 14 makes transitional and saving provisions.

No formal impact assessment was produced for these Regulations as one is not required for a financial instrument.