



Levelling-up and Regeneration Act 2023

2023 CHAPTER 55

PART 3

PLANNING

CHAPTER 4

GRANT AND IMPLEMENTATION OF PLANNING PERMISSION

107 Street votes: community infrastructure levy

- (1) The Planning Act 2008 is amended as follows.
- (2) In section 211(10) (amount of levy)—
 - (a) at the beginning insert “Except where subsection (11) applies,” and
 - (b) from “, 213” to the end substitute “to 213 and 214(1) and (2) apply in relation to a revision of a charging schedule as they apply in relation to a charging schedule.”
- (3) After section 211(10) insert—
 - “(11) Where the only provision made by a charging schedule or a revision of a charging schedule is provision for the purpose of determining the amount of CIL chargeable in respect of street vote development—
 - (a) sections 212 to 213 and 214(1) and (2) do not apply in relation to the charging schedule or the revision of the charging schedule, and
 - (b) CIL regulations may make provision about procedural requirements that must be met before the charging schedule or revision may take effect.
 - (12) “Street vote development” means development of land for which planning permission is granted by a street vote development order made under section 61QA of TCPA 1990.”

*Changes to legislation: There are currently no known outstanding effects for the
 Levelling-up and Regeneration Act 2023, Section 107. (See end of Document for details)*

- (4) After section 212(11) (charging schedule: examination) insert—
 “(12) For exceptions to this section see section 211(11).”
- (5) After section 212A(7) (charging schedule: examiner’s recommendations) insert—
 “(8) For exceptions to this section see section 211(11).”
- (6) After section 213(5) (charging schedule: approval) insert—
 “(6) For exceptions to this section see section 211(11).”
- (7) After section 214(6) (charging schedule: effect) insert—
 “(7) For exceptions to subsections (1) and (2) of this section see section 211(11).”
- (8) After section 214 (charging schedule: effect) insert—

**“214A Secretary of State: power to require review of certain charging
 schedules**

- (1) This section applies where—
- (a) a charging schedule makes provision for the purpose of determining the amount of CIL chargeable in respect of street vote development, and
 - (b) section 211(11) applied in relation to the charging schedule or the revision of the charging schedule in connection with making such provision.
- (2) The Secretary of State may direct a charging authority to review the charging schedule if the Secretary of State considers that—
- (a) the economic viability of street vote development in the charging authority’s area is significantly impaired, or
 - (b) there is a substantial risk that it will become significantly impaired, as a result of the CIL which is or will be chargeable in respect of street vote development in that area.
- (3) If a charging authority is directed to review its charging schedule under subsection (2), it must—
- (a) consider whether to revise the charging schedule under section 211(9), and
 - (b) notify the Secretary of State of its decision with reasons.
- (4) If the charging authority decides to revise the charging schedule, it must do so within a reasonable time.
- (5) If a charging authority has not complied with a direction given under subsection (2) within a reasonable time and to a standard which the Secretary of State considers adequate, the Secretary of State may appoint a person to do so on behalf of the charging authority.
- (6) If a person appointed under subsection (5) decides that the charging schedule should be revised, the charging authority must revise the schedule accordingly within a reasonable time.

Changes to legislation: There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Section 107. (See end of Document for details)

- (7) If the charging authority fails to revise the charging schedule in accordance with subsection (4) or (6), the Secretary of State may appoint a person to do so on behalf of the charging authority.
- (8) CIL regulations may make provision about—
- (a) procedures for appointing a person under subsection (5) or (7),
 - (b) conditions which must be met before such an appointment may be made,
 - (c) procedures which must be followed by the person in complying with a direction given under subsection (2) or revising the charging schedule under subsection (7),
 - (d) circumstances in which the person may be replaced,
 - (e) duties of a charging authority where a person is appointed to act on its behalf under subsection (5) or (7),
 - (f) liability for costs incurred as a result of the appointment of the person, and
 - (g) what constitutes a reasonable time under subsections (4) to (6).
- (9) In this section “street vote development” has the meaning given by section 211(12).”
- (9) In section 216(2) (application), after paragraph (f) insert—
- “(fa) where the CIL is chargeable in respect of street vote development, affordable housing.”
- (10) After section 216(7) insert—
- “(8) In this section—
- “affordable housing” means—
- (a) social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, and
 - (b) any other description of housing that CIL regulations may specify;
- “street vote development” has the meaning given by section 211(12).”

Commencement Information

- 11** S. 107 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)
- 12** S. 107 in force at 31.1.2024 for specified purposes by [S.I. 2024/92](#), [reg. 2\(e\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Section 107.