



# Localism Act 2011

## 2011 CHAPTER 20

### PART 6

#### PLANNING

### CHAPTER 3

#### NEIGHBOURHOOD PLANNING

#### **117 Charges for meeting costs relating to neighbourhood planning**

- (1) The Secretary of State may with the consent of the Treasury make regulations providing for the imposition of charges for the purpose of meeting expenses incurred (or expected to be incurred) by local planning authorities in, or in connection with, the exercise of their neighbourhood planning functions.
- (2) A local planning authority's "neighbourhood planning functions" are any of their functions exercisable under any provision made by or under—
  - (a) any of sections 61E to 61Q of, or Schedule 4B or 4C to, the Town and Country Planning Act 1990 (neighbourhood development orders),
  - (b) any of sections 38A to 38C of the Planning and Compulsory Purchase Act 2004 (neighbourhood development plans), or
  - (c) this section.
- (3) The regulations must secure—
  - (a) that the charges are payable in relation to development for which planning permission is granted by a neighbourhood development order made under section 61E of the Town and Country Planning Act 1990,
  - (b) that the charges become payable when the development is commenced (determined in accordance with the regulations), and
  - (c) that the charges are payable to local planning authorities.

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*Status: Point in time view as at 15/11/2011.*

*Changes to legislation: Localism Act 2011, Section 117 is up to date with all changes known to be in force on or before 15 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (4) The regulations may authorise local planning authorities to set the amount of charges imposed by the regulations; and, if so, the regulations may—
- (a) provide for the charges not to be payable at any time unless at that time a document (a “charging document”) has been published by the authority setting out the amounts chargeable under the regulations in relation to development in their area,
  - (b) make provision about the approval and publication of a charging document,
  - (c) prescribe matters to which the authorities must have regard in setting the charges,
  - (d) require the authorities, in setting the charges, to disregard such expenditure expected to be incurred as mentioned in subsection (1) as falls within a description prescribed by the regulations,
  - (e) authorise the authorities to set different charges for different cases, circumstances or areas (either generally or only to the extent specified in the regulations), and
  - (f) authorise the authorities to make exceptions (either generally or only to the extent specified in the regulations).
- (5) The regulations must make provision about liability to pay a charge imposed by the regulations.
- (6) The regulations may make provision—
- (a) enabling any person to assume (in accordance with any procedural provision made by the regulations) the liability to pay a charge imposed by the regulations before it becomes payable,
  - (b) about assumption of partial liability,
  - (c) about the withdrawal of assumption of liability,
  - (d) about the cancellation by a local planning authority of assumption of liability,
  - (e) for the owner or developer of land to be liable to pay the charge in cases prescribed by the regulations,
  - (f) about joint liability (with or without several liability),
  - (g) about liability of partnerships,
  - (h) about apportionment of liability, including provision for referral to a specified body or other person for determination and provision for appeals, and
  - (i) about transfer of liability (whether before or after the charge becomes due and whether or not liability has been assumed).
- (7) In subsection (6)(e)—
- (a) “owner” of land means a person who owns an interest in land, and
  - (b) “developer” means a person who is wholly or partly responsible for carrying out a development.
- (8) The provision for appeals that may be made as a result of subsection (6)(h) includes provision about—
- (a) the period within which the right of appeal may be exercised,
  - (b) the procedure on appeals, and
  - (c) the payment of fees, and award of costs, in relation to appeals (including provision requiring local planning authorities to bear expenses incurred in connection with appeals).

**Status:**

Point in time view as at 15/11/2011.

**Changes to legislation:**

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