
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 (“CIL”). The Community Infrastructure Levy Regulations 2010⁽¹⁾ (“the CIL Regulations”) implement the detail of CIL. These Regulations amend the CIL Regulations.

The CIL Regulations and these Regulations apply in relation to England and Wales only.

The main changes to the CIL regulations are:

- A power for charging authorities to set an instalment policy for CIL payments (regulations 3(b), 9(6), (7) and (11) (substituted regulation 69B)).
- Amendment so that no notice of chargeable development or commencement notice is required for minor developments which are exempt from CIL. Collecting authorities are able to investigate cases where a notice of chargeable development should have been filed, and if necessary to issue a deemed notice of chargeable development (regulations 3(c), 4(2) and (3), 9(1), (5) and (8), 10(1), (2) and (3)).
- Removal of the minimum threshold of £50,000 for payments in kind (regulation 9(12)).
- Clarification of how apportionment of liability is to be calculated (regulation 6).
- Where liability has been apportioned to landowners because the developer has not assumed liability or has defaulted, providing a power for collecting authorities not to enforce against those landowners where no development has been commenced upon their land and enforcement would be unreasonable in the circumstances (regulation 9(10)).
- Removal of the exemption for applications to which section 73 of the Town and Country Planning Act 1990 applies from the limitations on the use of planning obligations imposed by regulations 122 and 123 (regulation 12(1) and (3)).
- The setting of a time limit (6th April 2010) beyond which charging authorities do not have to go back when determining whether five or more planning obligations have already contributed to the infrastructure project or type of infrastructure (regulation 12(2)).

An impact assessment has been prepared in respect of these Regulations and also amendments to CIL contained in the Localism Bill⁽²⁾. This assessment is available at: <http://www.communities.gov.uk/documents/localgovernment/pdf/1829714.pdf>, and copies may be obtained from the Department for Communities and Local Government, Eland House, Bressenden Place, London SW1E 5DU.

(1) S.I. 2010/948.

(2) Bill 126/2010.