

# Archived: Background CIL legislation and Government documents

The Community Infrastructure Levy (CIL) review group was developed with DCLG to: “Assess the extent to which CIL does or can provide an effective mechanism for funding infrastructure, and to recommend changes that would improve its operation in support of the Government’s wider housing and growth objectives.”

---

**The report of the group** was published on 7 February 2017 alongside a study of the value, impact and delivery of CIL.

As indicated in **the Housing White Paper, 2017**, a further announcement from Government is expected later in 2017.

The independent review of CIL is now completed and the government

## **Community Infrastructure Levy (Amendment) Regulations 2015**

The 2015 **amendments** to the CIL regulations came into force on the 20 March 2015. There is also an **explanatory memorandum**.

These changes respond to comments made during the 2013 consultation suggesting that housing relief should be extended to include charitable bodies providing affordable housing that are not local housing authorities or registered providers. These Regulations extend mandatory social housing relief to persons who are not local housing authorities, private registered providers of social housing in England or registered social landlords in Wales, that let dwellings at no more than 80% of market rent to households whose needs are not adequately met by the commercial housing market.

## **CIL Statutory Guidance – June 2014**

Guidance on the Community Infrastructure Levy is contained in the planning practice guidance web-based resource:

## <http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/>

This replaced the stand-alone guidance that was published in PDF format **when amendments to the Community Infrastructure Levy Regulations came into effect in February 2014.**

The following minor changes were made in 2014 after the February 2014 version of the guidance:

- Clarification around the operation of regulation 128A in respect of transitional arrangements for section 73 applications.
- Reference to local authorities giving consideration to setting differential rates in respect of alternative models of social housing provision.
- Reference to how instalment policies can assist the viability and delivery of development within the buy to let sector.
- Clarification around how the restriction on the pooling of planning obligations relates to staged section 106 payments.

**CIL Statutory Guidance (Amended Feb 2014)** The Government issued new statutory guidance to take into account the changes to the February 2014 regulations. Under section 221 of the Planning Act 2008 Charging Authorities must have regard to this guidance. The statutory guidance should be complied with in terms of the setting and operation of the Levy. It sets out the evidence required and outlines the linkages between the relevant plan, CIL, s106 obligations and spending of the CIL on infrastructure: **it can be viewed here**

Earlier versions of the guidance can be viewed here:

- **Guidance (26th April 2013)** which includes the neighbourhood funding to accompany the amended regulation
- The April 2013 guidance was an amendment to, and replaces, the statutory guidance issued on **14 December 2012** which in turn replaced the 'Community Infrastructure Levy Guidance: Charge setting and charging schedule procedures, March 2010'.

## Community Infrastructure Levy (Amendment) Regulations 2014

The 2014 amendments to the CIL regulations came into force on the 24 February 2014.

<http://www.legislation.gov.uk/ukdsi/2014/9780111108543/contents>

These regulations introduce:

- Limitation on pooling of s 106 obligations delayed until April 2015
- new mandatory exemptions for self-build housing, and for residential annexes and extensions
- a change to allow charging authorities to set differential rates by the size of development (i.e. floorspace, units)
- the option for charging authorities to accept payments in kind through the provision of infrastructure either on-site or off-site for the whole or part of the levy payable on a development
- a new 'vacancy test' - buildings must have been in use for six continuous months out of the last three years for the levy to apply only to the net addition of floorspace (previously a building to be in continuous lawful use for at least six of the previous 12 months)
- a requirement on the charging authority to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential effects of the levy on the economic viability of development across the area. Previously the authority only had to 'aim to strike the appropriate balance'
- provisions for phasing of levy payments to all types of planning permission to deal fairly with more complex developments.

The application forms for the new exemptions (self build houses, residential extensions and annexes) and reliefs (discretionary discount market sale properties) are available on the **Planning Portal website**

---

### Amendment to the CIL Regulations – 25 April 2013

The amended regulations came into force on 25 April 2013, they make provision related to neighbourhood funding and Mayoral Development Corporations. Where chargeable development takes place in an area for which there is a parish or community council, a proportion of the Community Infrastructure Levy will pass to that council. Where there is no parish or community council, the charging authority will retain the funds to spend on behalf of the community. They also provide for Mayoral

Development Corporations to become, and cease being, the charging authority for an area, and make related amendments to reporting requirements. The regulations and explanatory memorandum can be **found here**.

---

## **Amendment to the CIL Regulations – November 2012**

One of the main changes to the CIL regulations amends the relationship between CIL and section 73 applications. The other changes to the regulations are to:

- make provision to extend the life of a planning consent made under article 18 of the Development Management Procedure Order
- correct technical errors in the main CIL liability formula for sites with both demolition and change of use
- correct an error which means that social housing relief may be wrongly being granted where a development includes retained housing, some of which will be used for social housing
- ensure that the regulations around instalment policies set by the Mayor of London and London Boroughs operate in a complimentary way
- allow CIL to be chargeable on development granted consent by Neighbourhood Development Orders, including Community Right to Build Orders
- make technical amendments to implement other changes introduced by the Localism Act.

<http://www.legislation.gov.uk/ukxi/2012/2975/contents/made>.

---

## **Letter to Chief Planning Officers:**

### **Local Authorities (Contracting Out of Community Infrastructure Levy Functions) Order 2011 and explanatory memorandum**

This order allows local authorities and those public bodies authorised to collect or charge the Community Infrastructure Levy to contract out, or 'outsource', their levy functions to other organisations. An Explanatory Memorandum accompanies the Order.

### **Letter to Chief Planning Officers: Local Authorities (Contracting Out of Community Infrastructure Levy Functions) Order 2011 and explanatory memorandum**

---

## **The Latest CIL Information Document from DCLG – 10 Oct 2011**

### **Community Infrastructure Levy: Collection and Enforcement – Information Document**

This document is not statutory guidance under section 221 of the Planning Act 2008. It seeks to help understand, and follow, the correct collection and enforcement processes. This information document is aimed at explaining the key process steps.

## **Community Infrastructure Levy: collection and enforcement - Information document**

---

### **The amended regulations (February 2011)**

Regulations to amend the Community Infrastructure Levy regulations 2010 were laid in parliament the week commencing 7 February 2011. The amendment regulations came into force on 6 April 2011.

Amendments include allowing councils to set their own flexible payment deadlines and offer developers the option to pay the Community Infrastructure Levy by instalments, and removing the £50,000 minimum threshold for payments in kind, so charging authorities can accept a payment in kind in respect of any liability payable to them. Other amendments reduce administrative burdens on councils and developers, and make minor changes to clarify and correct the operation of the regulations.

### **The amended regulations – on the [legislation.gov.uk](http://legislation.gov.uk) website**

These amendment regulations need to be read in conjunction with the April 2010 regulations.

### **April 2010 regulations – on the [legislation.gov.uk](http://legislation.gov.uk) website**

**Explanatory memorandum** – on the [Legislation.gov](http://legislation.gov.uk) website. This contains further information on the changes.

The amendments do not prevent charging authorities from continuing to make progress in implementing the levy.

---

### **Updated overview document**

DCLG published a 'CIL Overview' in November 2010. This was updated to include the changes contained in the amendment to the regulations April 2011. These documents may have useful background information but the updated position is contained in the Statutory Guidance December 2012 .

### **Planning Act 2008 – on the OPSI website**

## **Community Infrastructure Levy Relief: Information document** – on DCLG web site, published May 2011

This is a document aims to explain the different reliefs and exemptions. It includes information on state aid and worked examples.

---

### **Previous information and guidance documents**

**The Community Infrastructure Levy (CIL): an overview** – DCLG published a 'CIL Overview' in November 2010. This was updated to include the changes contained in the amendment to the regulations April 2011. These documents may have useful background information but the updated position is contained in the Statutory Guidance December 2012 .

**The Community Infrastructure Levy (CIL): a summary** – on the DCLG website

**Community Infrastructure Levy guidance: charge setting and charging schedule procedures** – on the DCLG website. This document provides specific guidance on setting a CIL and creating a charging schedule. Now superseded by the 2012 Guidance.

---

Share this page:



Print this page

18 Smith Square, London, SW1P 3HZ.

pas@local.gov.uk | 020 7664 3000

Connect with us



---

Cookie guidance

Terms of use

Privacy

Accessibility

Copyright © 2020

Local Government Association company number 11177145

Improvement and Development Agency for Local Government company number 03675577