

**Community  
Infrastructure Levy  
(CIL):  
Detailed proposals  
and draft regulations  
for reform –  
Consultation**

**DLP BRIEFING NOTE 72**

Prepared by  
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## **Community Infrastructure Levy: Consultation on Detailed Proposals and Draft Regulations for Reform**

The '*Community Infrastructure Levy: Detailed proposals and draft regulations for reform – Consultation*' Document was published by the Department for Communities and Local Government on 10<sup>th</sup> October 2011. Consultation will run for 12 weeks from 10<sup>th</sup> October 2011 to 30<sup>th</sup> December 2011. The draft '*Community Infrastructure Levy (Amendment) Regulations 2012*' have also been published alongside the consultation document.

### **Community Infrastructure Levy (CIL)**

CIL gives local authorities the option to decide whether to charge a levy on new development in their area in order to raise funds to provide for infrastructure and enable growth. It applies to most new buildings and charges are based on the size and type of new development.

The levy will be used to encourage growth by supporting schemes that will benefit entire communities, such as health centres, parks, waste management and transport infrastructure. A charging schedule setting out the rates to be charged must be produced by local authorities wishing to implement CIL and this must be consulted on and will be subject to a public examination.

### **CIL Consultation**

The CIL Consultation document is divided into 5 chapters:-

- Neighbourhood funds
- Affordable housing
- Mayoral Development Corporations
- Other regulatory matters
- Giving your views

The main proposals are outlined in more detail below.

### **Neighbourhood Funds**

To ensure that the funds raised by CIL benefit those neighbourhoods that are most affected by new development, it is proposed that a significant proportion of the money raised is passed on to the parish or town council where the development takes place. In cases where there is no parish or town council it is likely that the money will be retained by the charging authority who will undertake consultation with the relevant community to determine how the funds would best be spent.

### **Affordable Housing**

This chapter seeks views on whether or not CIL should be used by local authorities for the provision of affordable housing and if so, what the balance between this and section 106 planning obligations should be.

### **Mayoral Development Corporations**

Mayoral Development Corporations have full planning powers for their areas. Proposals regarding Mayoral Development Corporations involve ensuring that CIL continues to operate fairly during the setting up or dissolving of a Mayoral Development Corporation. It is proposed that the Mayor be allowed to prepare the necessary work in advance of an area becoming a Mayoral Development Corporation to enable it to function as a charging authority as soon as it is set up. If planning permission has been granted by a London Borough then it should be able to collect its fee even if work starts after the Mayoral Development Corporation has taken on its plan making powers. It is also necessary to ensure arrangements are in place for Mayoral Development Corporations that have been dissolved.

## **Other Regulatory Matters**

The proposals aim for “*full transparency and accountability to communities*” which it is hoped can be achieved by making CIL receipts available in ‘real time’. Local Authorities will need to produce CIL information in their Authority Monitoring Reports.

Development given the go ahead by Neighbourhood Development Orders, including the Community Right to Build Order, will also be subject to CIL.

## **Giving Your Views**

A questionnaire has been drawn up which is based on questions posed in chapters 1 – 3 of the consultation document. Those wishing to give their opinion should answer the questions set out at the end of the document. The deadline for submission of questionnaires is 30<sup>th</sup> December 2011.

DLP Planning Ltd has an extensive understanding of CIL and is already advising clients on its likely implications for their projects and would be pleased to discuss any projects you may be planning.

If you require more information or would like to discuss the issues mentioned in further detail please contact:

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