



**Changes to  
CIL  
Regulations**

**DLP BRIEFING NOTE 148**

Prepared by  
**DLP Planning Consultants**

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# Changes to CIL Regulations

## Introduction

Changes to the Community Infrastructure Levy (CIL) Regulations came into force on 24 February 2014. These changes aim to address concerns raised by the development and property industry concerning the practicalities of CIL implementation.

## Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is a levy local authorities can choose to charge on new developments to raise funds for infrastructure projects. The Government's intention is that CIL gives local authorities more flexibility on how to prioritise their spending, while giving developers more certainty about how much they are expected to contribute, when compared to section 106 agreements.

Local authorities set out their levy rates in charging schedules and charging is applied to the gross internal floor spaces of the net additional development liable for the levy.

## Changes to CIL Regulations

On 24 February 2014, the Community Infrastructure Levy (Amendment) Regulations 2014 came into force and amend the Community Infrastructure Levy Regulations 2010. Key changes include:

- Regulation 4 ensures that where development is phased, each phase will attract a different chargeable amount.
- Regulation 5(2) enables differential rates can be set based on floor space, number of units or dwellings. Previously differential rates could only be set by reference to geographic zones and for different use of development.
- Regulation 5(3)(a) amends the test for setting level rates and introduces a requirement on the charging authority to strike an appropriate balance between the desirability of funding infrastructure from CIL and the potential impact on the economic viability of developments. Previously the authority only had to 'aim to strike an appropriate balance'.
- Regulation 7(4) ensures that rental housing provided at no more than 80% of market rent is eligible for social housing relief.
- Regulation 9(7) enables charging authorities the option to accept payments in kind through the provision of infrastructure either on-site or off-site for the whole or part of CIL. Previously only land could be provided in lieu of a CIL payment.
- Developers can apply to have CIL recalculated if the provision of social housing in a development changes after commencement of that development.
- Regulation 7(10) introduces a new mandatory exemption for self-build housing and residential annexes and extensions from paying CIL.
- Section 278 agreements cannot be required for work that is intended to be funded through CIL pursuant to Regulation 12(a) and (b).
- The date by which local authorities can no longer seek pooled contributions through section 106 agreements has been put back until April 2015 under Regulation 12(d)(iv). Planning Minister Nick Boles has ruled out any further extensions to this deadline.

## **How can DLP Help?**

DLP Planning Consultants has considerable knowledge of the national planning system and CIL regulations. We regularly assist our clients in identifying if their development is CIL liable and determining the likely charges. If you require any further advice regarding CIL requirements, please do not hesitate to contact an office listed below. Senior staff within the practice would be very happy to help you with this process and explain CIL's potential implications or opportunities for you.

If you wish to utilise DLP's considerable planning expertise to maximise your opportunity, please contact us.

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A summary of matters that the DLP Consulting Group provide services for follows:

**Strategic Planning Research Unit (DLP)**

- Objective Assessment of Housing Needs
- Five Year Land Supply Assessment
- Economic Impact of Housing
- Economic Impact of Development Proposals
- Retail Impact Analysis
- Expert Witness on Housing Needs
- Local Plan Examinations

**DLP Planning Consultants**

- Planning Applications and Appeals
- Public Consultation
- Development Promotion
- Development Plan Representations
- Land Searches
- Project Management
- Minerals and Waste Planning
- Conservation Area / Listed Building Negotiation
- Enforcement
- Retail Impact Analysis
- Renewable Energy Planning and Delivery
- Discharge of Planning Conditions

If you would like to receive a brochure providing more detail of the service provided by the DLP Consulting Group, please contact any of the offices listed on the left of this page.

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