



Community Infrastructure Levy – A Step Nearer

The Government has finally published its detailed draft proposals and regulations for implementing the Community Infrastructure Levy (CIL) for consultation.

The Planning Act 2008 laid the foundations for CIL but indicated that it would be optional. However, the latest proposals have raised fears that at least one of the aims is to force local planning authorities into adopting the scheme; the draft regulations issued now propose restricting the use of s106 agreements after two years which could be interpreted as an attempt to remove any alternatives to CIL.

If the draft regulations are adopted without modification, local planning authorities will be required to have in place both an adopted core strategy and a charging schedule before CIL can be implemented, both of which will require consultation and independent examination. As a consequence, CIL will take some considerable time to put in place, at least for some local planning authorities who do not have an appropriate core strategy adopted.

The Government insists that it is not considering making CIL compulsory and is inviting views on whether a two-year transition is sufficient.

The documentation also proposes:

- charges based on simple formulae relating the amount of the charge to the size and character of the development paying it;
- payment on commencement of development;
- levy on most types of residential, commercial and industrial buildings rather than development;
- a 'de minimis' threshold of 100 square metres for non-residential development;
- an exemption for householder development by homeowners; and
- more detailed definitions of 'development' and 'building' because development such as roads, railways, pipelines, overhead cables and wind turbines would not be liable to pay CIL, even though such things are building operations for some planning purposes.

The consultation documents can be found at <http://www.communities.gov.uk/publications/planningandbuilding/communitylevyconsultation> and the deadline for submission of comments is the 23rd October 2009.

Further Information

For further information on this topic or any local government law related matter please contact:

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This briefing note is intended merely to provide a summary of the law in this area and is not a comprehensive guide. It is not intended to provide legal advice for specific cases.