Draft Regulations laid before the House of Commons under section 222(2)(b) of the Planning Act 2008 (c. 29), for approval by resolution of that House.

DRAFT STATUTORY INSTRUMENTS

2025 No. ****

COMMUNITY INFRASTRUCTURE LEVY, ENGLAND

The Community Infrastructure Levy (Amendment etc.) (England) Regulations 2025

Made - - - -	***
Coming into force - -	*1st May 2025*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 205(1), 209(5), 220(1) and (2) and 222(1)(a), (b) and (f) of the Planning Act 2008(**a**), with the consent of the Treasury.

A draft of these Regulations has been laid before the House of Commons in accordance with section 222(2)(b) of the Planning Act 2008 and approved by a resolution of that House.

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Community Infrastructure Levy (Amendment etc.) (England) Regulations 2025.

(2) These Regulations come into force on 1st May 2025.

(3) These Regulations extend to England and Wales.

(4) These Regulations apply in relation to England only.

Amendments to the Community Infrastructure Levy Regulations 2010

2.—(1) The Community Infrastructure Levy Regulations 2010(**b**) are amended as follows.

(2) In regulation 5 (meaning of "planning permission"), in paragraph (1)(b)—

(a) after "as applied by sections 76A(10)," insert "76C(1),"(**c**);

(b) for "and 79(4)" substitute ", 79(4) and 293H(1)"(**d**);

(**a**) 2008 c. 29. Most of the functions of the Secretary of State under Part 11 of the Planning Act 2008, in so far as exercisable in relation to Wales, were transferred to the Welsh Ministers by article 44 of the Welsh Ministers (Transfer of Functions) Order 2018 (S.I. 2018/644). There are amendments to section 205 which are not relevant to this instrument.

(**b**) S.I. 2010/948, to which there are amendments not relevant to this instrument.

(**c**) Section 76A of the Town and Country Planning Act 1990 (c. 8) was inserted by section 44 of the Planning and Compulsory Purchase Act 2004 (c. 5). Sections 76C to 76E were inserted by Schedule 1 to the Growth and Infrastructure Act 2013 (c. 27).

(**d**) Sections 293B to 293J of the Town and Country Planning Act 1990 were inserted by section 109 of the Levelling-up and Regeneration Act 2023 (c. 55).

(c) after "a person appointed by the Secretary of State in accordance with" insert "section 76D(1) or 293I(1) of TCPA 1990 or".

(3) In regulation 122 (limitation on use of planning obligations), in paragraph (3), in the definition of "relevant determination", in sub-paragraph (a)—

(a) after "76A" insert ", 76D, 76E";

(b) for "or 77" substitute ", 77, 293I or 293J".

Amendments to the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013

3.—(1) The Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013(**a**) is amended as follows.

(2) In article 2 (interpretation), in paragraph (2), before the "and" after sub-paragraph (f) insert—

"(fa) details of whether the development to which the relevant application relates is liable to community infrastructure levy under Part 11 of the Planning Act 2008 ("CIL") and, where it is so liable, a calculation of the likely amount of CIL;".

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(3) In article 4 (applications for planning permission), after paragraph (1A) insert—

"(1B) In an area where, on the date on which a relevant application is made, a charging schedule is in effect for the charging of community infrastructure levy under Part 11 of the Planning Act 2008 ("CIL"), a relevant application for planning permission must also be accompanied by the following information relating to CIL—

(a) a statement as to whether the applicant considers that the development, if granted planning permission, would be liable for CIL;

(b) where the applicant does not consider the development, if granted planning permission, would be liable for CIL, the reasons for that view;

(c) subject to paragraph (1C), in cases where the applicant considers the development, if granted planning permission, would be liable for CIL, details of—

(i) the gross internal area to be created by the development;

(ii) the existing buildings to be retained, demolished or partially demolished under the development;

(iii) any relief or exemption from CIL which may be applicable to the development.

(1C) For the purposes of paragraph (1B)—

(a) where details of the gross internal area to be created by the development are not specified in, or determinable by reference to, the relevant application, the applicant must provide an estimate of the gross internal area to be created by the development;

(b) where details of the existing buildings to be retained, demolished or partially demolished under the development are not specified in, or determinable by reference to, the relevant application, the applicant must provide a statement as to which existing buildings are likely to be retained, demolished or partially demolished;

(**a**) S.I. 2013/2140. Article 4 was amended by regulation 11 of S.I. 2024/50. There are other amending instruments but none is relevant.

(c) where details of any relief or exemption from CIL which may be applicable to the development are not specified in, or determinable by reference to, the relevant application, the applicant must provide a statement as to which relief or exemption from CIL they consider may be applicable.".

(4) In article 5 (applications for reserved matters), after paragraph (1) insert—

"(1A) In an area where, on the date on which a relevant application is made, a charging schedule is in effect for the charging of community infrastructure levy under Part 11 of the Planning Act 2008 ("CIL"), a relevant application for approval of reserved matters must also be accompanied by the following information relating to CIL—

(a) a statement as to whether the applicant considers that the development, if approval is given, would be liable for CIL;

(b) where the applicant does not consider the development, if approval is given, would be liable for CIL, the reasons for that view;

(c) in cases where the applicant considers the development, if approval is given, would be liable for CIL, details of—

(i) the gross internal area to be created by the development;

(ii) the existing buildings to be retained, demolished or partially demolished under the development;

(iii) any relief or exemption from CIL which may be applicable to the development.

(1B) For the purposes of paragraph (1A)—

(a) where details of the gross internal area to be created by the development are not specified in, or determinable by reference to, the relevant application, the applicant must provide an estimate of the gross internal area to be created by the development;

(b) where details of the existing buildings to be retained, demolished or partially demolished under the development are not specified in, or determinable by reference to, the relevant application, the applicant must provide a statement as to which existing buildings are likely to be retained, demolished or partially demolished;

(c) where details of any relief or exemption from CIL which may be applicable to the development are not specified in, or determinable by reference to, the relevant application, the applicant must provide a statement as to which relief or exemption from CIL they consider may be applicable.".

(5) In article 12 (information to be provided by the designated planning authority)—

(a) after paragraph (1) insert—

"(1A) For the purposes of paragraph (1), in respect of information relating to community infrastructure levy under Part 11 of the Planning Act 2008, the Secretary of State may under paragraph (1) specify different periods for different parts of the questionnaire.";

(b) in paragraph (2), after "questionnaire" insert "or, where paragraph (1A) applies, part of the questionnaire".

We consent

Names
Two of the Lords Commissioners of His Majesty's Treasury

Date

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Name
Parliamentary Under Secretary of State
Ministry of Housing, Communities and Local Government

Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 11 of the Planning Act 2008 (c. 29) provides for the imposition of a charge known as the Community Infrastructure Levy ("CIL"). The Community Infrastructure Levy Regulations 2010 ("the CIL Regulations") (S.I. 2010/948) provide for the imposition of, and procedures in connection with, CIL in England and Wales, with some aspects of some provisions within the CIL Regulations already applying in relation to England only. These Regulations make further provision that applies in relation to England only.

Regulation 2 makes amendments to the CIL Regulations to ensure that they apply to certain planning determinations made by the Secretary of State (or appointed person), namely:

(a) determinations made by virtue of section 76C of the Town and Country Planning Act 1990 ("the 1990 Act") (or by a person appointed under section 76D of that Act) on application made directly to the Secretary of State under section 62A of the 1990 Act; and

(b) determinations made by virtue of section 293H of the 1990 Act (or by a person appointed under section 293I of that Act) on an application made directly to the Secretary of State under section 293D of that Act.

Regulation 3 makes amendments to the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013 (S.I. 2013/2140) which are incidental, consequential and supplementary to the amendments made in relation to sub-paragraph (a) above. This is to enable the Secretary of State to obtain information in relation to CIL where an application has been made under section 62A of the 1990 Act.

An impact assessment has not been produced for these Regulations because they amend an existing local tax regime; publication of a full impact assessment is not necessary for such legislation.

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