

A guide to 2014

Community Infrastructure Levy (Amendment) Regulations

The Community Infrastructure Levy (Amendment) Regulations 2014, effective 24 February 2014, provide more opportunities to mitigate, minimise or phase the Community Infrastructure Levy (CIL) and the payment of all/part of it by direct provision of infrastructure by the developer either on or off-site.

What has changed	Points to note
Payments in kind <ul style="list-style-type: none">Will be possible to provide infrastructure items on LPA's list in part/full payment of the CIL liability.The infrastructure provided may be on or off-site – delivery agreement must be reached before commencement.	This addresses concerns that if a developer pays the CIL there is no control over timing of delivery of certain infrastructure which may be key to value of the development.
Vacancy test extended <ul style="list-style-type: none">The test as to whether vacant floor space can be decuted in the CIL calculation has been relaxed.Previously, part of a building had to be in lawful use for six months in the last twelve to qualify, but now that period has been extended to six months in the last three years.	CIL applies to changes of use under permitted development rights as well as full applications – in particular office to resi conversions through the prior approval process where it will be of particular assistance.
Phased developments <ul style="list-style-type: none">All types of planning permissions (not just outlines) can be treated as phased permissions and the CIL for each phase can be paid by instalmentsCredit can be given for demolished floor space from earlier phases to be set again later phases	To benefit from this the phases need to be part of the permission so the conditions would need to provide for such phases.
Amendments to development after implementation <ul style="list-style-type: none">Where a planning permission has been implemented, and the scheme is changed beyond what a s.73 minor material amendment would allow, so that a new planning permission is required, any CIL already paid can now be credited against the new liability.This change only applies to permissions granted after the 2014 regulations come into force.	This is of particular help to development involving listed buildings where it is difficult to make any changes in the course of construction without getting a new full permission and thus paying twice.
Exemption for residential annexes <ul style="list-style-type: none">Where an owner wants to build an extension or annex (1 dwelling max.) within grounds of main building this is now exempt from CIL provided any annex is not sold off within 7 yrs.	Previously house extensions were caught if more than 100 sq.m. This now helps those planning larger more comprehensive developments of a house.

For further advice on CIL and the impact of the amendments please contact:

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