

**Summary of changes to CIL Regulations and PPG relevant for the production of a Community Infrastructure Levy Charging Schedule**

***New 2019 Community Infrastructure Levy Regulations***

Changes within the 1<sup>st</sup> September 2019 Community Infrastructure Levy (CIL) Regulations affecting the production of a CIL Charging Schedule (CS) and future implementation of CIL include the:

- Removal of the requirement to consult on a preliminary draft CS (Regulation 15). However further consultation can take place if considered necessary.
- Removal of the need to produce a 'Regulation 123 list'.
- Requirement to produce an infrastructure funding statement (IFS, Regulation 121A) which sets out the projects or types of infrastructure that are to be funded in whole or in part by the levy (after December 2020).
- Removal of restrictions on the 'pooling' of Section 106 contributions (Regulation 123). There will now be no limit on the number of contributions which can be pooled to support the delivery an infrastructure item.
- Ability to charge a fee through section 106 to contribute towards the cost of monitoring and reporting on developer contributions.
- Requirement to apply an index of inflation to keep the levy responsive to market conditions.
- Flexibility to use CIL funding to address all infrastructure needed to support development in an area, and to combine CIL funding with Section 106 planning obligations to deliver infrastructure projects.

***Summary of the process for producing a CIL Charging Schedule in accordance with the 2019 Regulations***

1. Identify a need for a CIL in the area
  - Through the Infrastructure Delivery Plan (IDP) or Infrastructure Funding Statement (IFS), identify the total cost of infrastructure to be funded partly or wholly through CIL to provide evidence of an aggregate funding gap that demonstrates the need to put the levy in place.
  - Set out (within a IFS after December 2020) the projects or types of infrastructure that are to be funded in whole or in part by the levy Regulation 14).
2. Prepare evidence base
  - Produce a viability study.
  - Assess the potential effects of the imposition of CIL on the economic viability of development across the area (Regulation 14).
  - Required evidence should include the actual and expected cost of infrastructure, the viability of development, other actual or expected sources of funding for infrastructure and the actual and expected administrative expenses in connection with the levy (Regulation 14).
3. Produce a draft charging schedule and associated evidence base.
  - Collaborate with neighbouring authorities and stakeholders as required to inform the production of the CS.
4. Consultation (Regulation 16)
  - It is for charging authorities to decide how they wish to consult. The regulations do not specify for how long or how many times charging authorities should consult.

- The expectation is that charging authorities will consult for a minimum of 4 weeks. Conversely, where only minor changes are proposed a shorter consultation period may be considered appropriate.
  - CIL Regulation 16 requires the Council to publish on the website / make available at a principal office and other appropriate places the draft CS, relevant evidence and a statement of representations procedure.
5. Review and assess consultation responses (Regulation 17)
- Make amendments to the schedule to take account of representations as necessary.
  - Any substantial changes to the CS based on the representations would require further consultation (see Regulation 16).
  - Produce a statement of modifications.
6. Submission of the CS (Regulation 19)
- This should include the submission of the following documents:
    - The draft CS;
    - A consultation statement; and
    - A statement of modifications, setting out changes made since the Regulation 16 consultation.
  - Inform all people that made a representation on the draft CS consultation that the Schedule has been submitted, and provide a copy of the statement of modifications to neighbouring local authorities, the county council, all parish councils and neighbourhood forums.
7. Examination
- Make amendments to the CS as advised by the examiner (Regulation 23).
8. Council approves the CS (Regulation 25)