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## Trowers & Hamblins' planning 'stop press' update: Community Infrastructure Levy

On 13 February we sent you a bulletin on the potential development implications of the Community Infrastructure Levy (CIL).

With the 1 April implementation date for the London Mayoral CIL only three weeks away, where you have obtained a resolution to grant planning permission for a London scheme (but are still negotiating the terms of a Section 106 agreement) then unless that agreement has been completed and planning permission issued by 30 March you could be liable for CIL.

Going forward, in the current economic climate, it is not uncommon to want to vary a condition in an existing planning permission to improve a scheme's viability. However, caution is needed as such a change could amount to a new permission and so trigger a CIL liability.

adopted, can you subsequently be charged CIL if the reserved matters are approved after CIL comes into effect? Current guidance from the Planning Advisory Service states that CIL should not be levied in this manner, but you may want to discuss with us whether it would be advantageous to change the timings of a development scheme.

Where you are obtaining planning permission and entering into a Section 106 agreement but a potential CIL charge could affect your scheme's viability, consider with our team if a claim for 'exceptional relief' can be submitted. The CIL scheme was designed to avoid double-counting and an independent assessment will assess the validity of your case whilst guarding against state aid. Where your development involves highway works then these double-counting rules may not apply and so CIL could also be levied to fund strategic road improvements, while you also have to carry out site specific highway improvements under a section 106 agreement.

It is government policy that CIL should not discourage re-development and so, where your scheme involves an element of demolition, CIL offset may be available. However, there are time limits involving the property's use to be borne in mind and our team can assist you

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If you have already secured outline planning permission in an area where CIL has not yet been