6. Pre-CIL outline permissions ‘amended’ when CIL is in effect – before reserved matters are agreed

Pre-CIL outline permissions ‘amended’ when CIL is in effect – before reserved matters are agreed

Time

Pre-CIL outline planning permission (A) granted

Charging schedule takes effect

Application under section 73 granted – in-CIL planning permission (B)

Application under section 73 granted – in-CIL planning permission (C)

In this situation, where the charging authority has sufficient information to calculate the notional amount, planning permission (B) can be compared with the notional amount for planning permission (A). Where this is not possible, the first in-CIL section 73 permission (B) should be treated as a pre-CIL permission and the liability is zero. The liability for a subsequent section 73 permission (C) would involve a calculation of the difference between the chargeable amount for (C) and the notional amount for (B).