

2020 No. 859

TOWN AND COUNTRY PLANNING, ENGLAND

**The Town and Country Planning (Use Classes) (Amendment)
(England) (No. 2) Regulations 2020**

Made - - - - at 12.50 p.m. on 13th August 2020

Laid before Parliament at 2.55 p.m. on 13th August 2020

Coming into force - -immediately before 1st September 2020

The Secretary of State, in exercise of the powers conferred by sections 55(2)(f), and 333(2A) and (7) of the Town and Country Planning Act 1990(a), makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Town and Country Planning (Use Classes) (Amendment) (England) (No. 2) Regulations 2020 and come into force immediately before 1st September 2020.

Amendment of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

2.—(1) The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020(b) are amended as follows.

(2) In regulation 1(3), after the definition of “the GPDO”, insert—

““the CIL Regulations” means the Community Infrastructure Levy Regulations 2010(c),”.

(3) In regulation 2, at the end, for “3 and 4” substitute “3, 4 and 4A”.

(4) After regulation 4 insert—

“**4A.**—(1) If prior to the commencement of the material period, a charging authority published a charging schedule under regulation 25 of the CIL Regulations that—

- (a) pursuant to regulation 13 of those Regulations, set differential rates by reference to different intended uses of development, and
- (b) for the purposes of setting such differential rates, referred to use classes which applied in relation to England and were specified in the Schedule to the Use Classes Order on 31st August 2020,

(a) 1990 c.8. Section 333(2A) of the Town and Country Planning Act 1990 was inserted by the Planning and Compulsory Purchase Act 2004 (c.5), section 118(1), and paragraphs 1 and 14 of Schedule 6 to that Act. There are other amendments to the 1990 Act not relevant to these Regulations.

(b) S.I. 2020/757.

(c) S.I. 2010/948. Relevant amending instruments are S.I. 2012/2975, 2014/385, and 2019/1103. In the CIL Regulations, “charging schedule” is defined in regulation 2(1) and “charging authority” means the collecting authority for CIL charged in its area in accordance with regulation 10(1).

those references to use classes are to be read as if they were references to the descriptions of the uses which were specified for the purposes of those use classes in that Order on that date.

(2) In this regulation “charging authority” and “charging schedule” have the same meaning as in the CIL Regulations.”.

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

Luke Hall

Parliamentary Under Secretary of State

At 12.50 p.m. on 13th August 2020 Ministry of Housing, Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations alter in advance the amendment to the Town and Country Planning (Use Classes) Order 1987 (S.I. 1987/764) effected by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (S.I. 2020/757) with respect to references to use classes contained in charging schedules which are published before 1st September 2020 by charging authorities under regulation 25 of the Community Infrastructure Levy Regulations 2010 (S.I. 2010/948).

These Regulations insert a new regulation 4A into S.I. 2020/757 to provide for any references in such charging schedules to the use classes specified in the 1987 Order prior to 1st September, to be construed as references to the descriptions of the uses which comprised those use classes before that date. S.I. 2020/757 amends the 1987 Order on 1st September to revise certain use classes specified in that Order in relation to England.

An impact assessment has not been prepared for this instrument as no impact on the private, voluntary or public sectors is foreseen.

An Explanatory Memorandum is published alongside this instrument at www.legislation.gov.uk.

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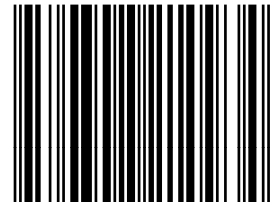
Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

£4.90

UK202008131015 08/2020 19585

<http://www.legislation.gov.uk/id/ukSI/2020/859>

ISBN 978-0-34-821093-4



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