



# Localism Act 2011

## 2011 CHAPTER 20

### PART 6

#### PLANNING

### CHAPTER 2

#### COMMUNITY INFRASTRUCTURE LEVY

#### **115 Use of Community Infrastructure Levy**

- (1) The Planning Act 2008 is amended as follows.
- (2) In section 205(2) (requirement to aim to ensure that overall purpose of the levy is to ensure that costs of providing infrastructure to support development of an area can be funded by owners or developers of land)—
  - (a) for “providing infrastructure to support” substitute “supporting”, and
  - (b) after “land” insert “in a way that does not make development of the area economically unviable”.
- (3) In the Table in section 205(3) (which describes the provisions of the Part) for “Section 216” substitute “Sections 216 to 216B”.
- (4) In section 211(4) (particular provision that may be included in regulations about setting rates, or other criteria, by reference to which the amount of levy chargeable is to be determined) after paragraph (a) insert—
  - “(aa) to have regard, to the extent and in the manner specified by the regulations, to actual and expected costs of anything other than infrastructure that is concerned with addressing demands that development places on an area (whether by reference to lists prepared by virtue of section 216(5)(a) or otherwise);
  - (ab) to have regard, to the extent and in the manner specified by the regulations, to other actual and expected sources of funding for

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anything other than infrastructure that is concerned with addressing demands that development places on an area;”.

- (5) In section 216 (application of levy)—
- (a) in subsection (1) (levy to be used to fund infrastructure, or pay compensation under section 219)—
    - (i) for “section” substitute “sections 216A(1), 216B(2) and”, and
    - (ii) for “funding infrastructure” substitute “supporting development by funding the provision, improvement, replacement, operation or maintenance of infrastructure”,
  - (b) in subsection (2) (meaning of “infrastructure” in subsection (1)) for “subsection (1)” substitute “this section (except subsection (3)) and sections 216A(2) and 216B(2)”,
  - (c) in subsection (4)(a) (power to specify facilities that are to be, or not to be, funded) for “that are to be, or not to” substitute “whose provision, improvement or replacement may or is to be, or may not”,
  - (d) in subsection (4) (matters that may be specified by regulations) after paragraph (a) insert—
    - “(aa) maintenance activities and operational activities (including operational activities of a promotional kind) in connection with infrastructure that may or are to be, or may not be, funded by CIL,
    - (ab) things within section 216A(2)(b) that may or are to be, or may not be, funded by CIL passed to a person in discharge of a duty under section 216A(1),
    - (ac) things within section 216B(2)(b) that may or are to be, or may not be, funded by CIL to which provision under section 216B(2) relates,”
  - (e) in subsection (4)(b) (power to specify criteria for determining areas in relation to which infrastructure may be funded) for “in relation to which infrastructure may be funded” substitute “that may benefit from funding”,
  - (f) in subsection (5)(a) (power to require authorities to list projects that are to be, or may be, funded) for “projects that are” substitute “what is”,
  - (g) in subsection (5)(c) (power to make provision about funding projects not on list) for “projects” substitute “anything”,
  - (h) in subsection (6)(b) (regulations about funding may permit levy to be reserved for expenditure on future projects) for “on future projects” substitute “in the future”,
  - (i) in subsection (6)(c) (regulations may permit funding of administrative expenses in connection with infrastructure) after “infrastructure” insert “or anything within section 216A(2)(b) or 216B(2)(b)”, and
  - (j) in subsection (6)(e) (regulations may make provision for the use of funding where the projects to be funded no longer require funding)—
    - (i) for “the projects” substitute “anything”, and
    - (ii) for “require” substitute “requires”.
- (6) After section 216 insert—

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### **“216A Duty to pass receipts to other persons**

- (1) CIL regulations may require that CIL received in respect of development of land in an area is to be passed by the charging authority that charged the CIL to a person other than that authority.
- (2) CIL regulations must contain provision to secure that money passed to a person in discharge of a duty under subsection (1) is used to support the development of the area to which the duty relates, or of any part of that area, by funding—
  - (a) the provision, improvement, replacement, operation or maintenance of infrastructure, or
  - (b) anything else that is concerned with addressing demands that development places on an area.
- (3) A duty under subsection (1) may relate to—
  - (a) the whole of a charging authority’s area or the whole of the combined area of two or more charging authorities, or
  - (b) part only of such an area or combined area.
- (4) CIL regulations may make provision about the persons to whom CIL may or must, or may not, be passed in discharge of a duty under subsection (1).
- (5) A duty under subsection (1) may relate—
  - (a) to all CIL (if any) received in respect of the area to which the duty relates, or
  - (b) such part of that CIL as is specified in, or determined under or in accordance with, CIL regulations.
- (6) CIL regulations may make provision in connection with the timing of payments in discharge of a duty under subsection (1).
- (7) CIL regulations may, in relation to CIL passed to a person in discharge of a duty under subsection (1), make provision about—
  - (a) accounting for the CIL,
  - (b) monitoring its use,
  - (c) reporting on its use,
  - (d) responsibilities of charging authorities for things done by the person in connection with the CIL,
  - (e) recovery of the CIL, and any income or profits accruing in respect of it or from its application, in cases where—
    - (i) anything to be funded by it has not been provided, or
    - (ii) it has been misapplied,including recovery of sums or other assets representing it or any such income or profits, and
  - (f) use of anything recovered in cases where—
    - (i) anything to be funded by the CIL has not been provided, or
    - (ii) the CIL has been misapplied.
- (8) This section does not limit section 216(7)(f).

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### **216B Use of CIL in an area to which section 216A(1) duty does not relate**

- (1) Subsection (2) applies where—
  - (a) there is an area to which a particular duty under section 216A(1) relates, and
  - (b) there is also an area to which that duty does not relate (“the uncovered area”).
- (2) CIL regulations may provide that the charging authority that charges CIL received in respect of development of land in the uncovered area may apply the CIL, or cause it to be applied, to—
  - (a) support development by funding the provision, improvement, replacement, operation or maintenance of infrastructure, or
  - (b) support development of the uncovered area, or of any part of that area, by funding anything else that is concerned with addressing demands that development places on an area.
- (3) Provision under subsection (2) may relate to the whole, or part only, of the uncovered area.
- (4) Provision under subsection (2) may relate—
  - (a) to all CIL (if any) received in respect of the area to which the provision relates, or
  - (b) such part of that CIL as is specified in, or determined under or in accordance with, CIL regulations.”