



# Planning Act 2008

## 2008 CHAPTER 29

### PART 11

#### COMMUNITY INFRASTRUCTURE LEVY

#### 216 Application

- (1) Subject to [<sup>F1</sup>sections 216A(1), 216B(2) and] 219(5), CIL regulations must require the authority that charges CIL to apply it, or cause it to be applied, to [<sup>F2</sup>supporting development by funding the provision, improvement, replacement, operation or maintenance of infrastructure].
- (2) In [<sup>F3</sup>this section (except subsection (3)) and sections 216A(2) and 216B(2)] “infrastructure” includes—
  - (a) roads and other transport facilities,
  - (b) flood defences,
  - (c) schools and other educational facilities,
  - (d) medical facilities,
  - (e) sporting and recreational facilities, [<sup>F4</sup>and]
  - (f) open spaces [<sup>F5</sup>.]
  - [<sup>F6</sup>(fa) where the CIL is chargeable in respect of street vote development, affordable housing.]
  - <sup>F7</sup>(g) .....
- (3) The regulations may amend subsection (2) so as to—
  - (a) add, remove or vary an entry in the list of matters included within the meaning of “infrastructure”;
  - (b) list matters excluded from the meaning of “infrastructure”.
- (4) The regulations may specify—
  - (a) works, installations and other facilities [<sup>F8</sup>whose provision, improvement or replacement may or is to be, or may not] be, funded by CIL,

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*Changes to legislation: Planning Act 2008, Section 216 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- [<sup>F9</sup>(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,]
  - (b) criteria for determining the areas [<sup>F10</sup>that may benefit from funding ] by CIL in respect of land, and
  - (c) what is to be, or not to be, treated as funding.
- (5) The regulations may—
- (a) require charging authorities to prepare and publish a list of [<sup>F11</sup>what is ] to be, or may be, wholly or partly funded by CIL;
  - (b) include provision about the procedure to be followed in preparing a list (which may include provision for consultation, for the appointment of an independent person or a combination);
  - (c) include provision about the circumstances in which a charging authority may and may not apply CIL to [<sup>F12</sup>anything ] not included on the list.
- (6) In making provision about funding the regulations may, in particular—
- (a) permit CIL to be used to reimburse expenditure already incurred;
  - (b) permit CIL to be reserved for expenditure that may be incurred [<sup>F13</sup>in the future];
  - (c) permit CIL to be applied (either generally or subject to limits set by or determined in accordance with the regulations) to administrative expenses in connection with infrastructure [<sup>F14</sup>or anything within section 216A(2)(b) or 216B(2)(b) ] or in connection with CIL;
  - (d) include provision for the giving of loans, guarantees or indemnities;
  - (e) make provision about the application of CIL where [<sup>F15</sup>anything ] to which it was to be applied no longer [<sup>F16</sup>requires ] funding.
- (7) The regulations may—
- (a) require a charging authority to account separately, and in accordance with the regulations, for CIL received or due;
  - (b) require a charging authority to monitor the use made and to be made of CIL in its area;
  - (c) require a charging authority to report on actual or expected charging, collection and application of CIL;
  - (d) permit a charging authority to cause money to be applied in respect of things done outside its area;
  - (e) permit a charging authority or other body to spend money;
  - (f) permit a charging authority to pass money to another body (and in paragraphs (a) to (e) a reference to a charging authority includes a reference to a body to which a charging authority passes money in reliance on this paragraph).
- [<sup>F17</sup>(8) In this section—
- “affordable housing” means—
  - (a) social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, and

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- (b) any other description of housing that CIL regulations may specify;  
“street vote development” has the meaning given by section 211(12).]

#### Textual Amendments

- F1** Words in s. 216(1) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 115\(5\)\(a\)\(i\)](#), 240(2) (with s. 144); [S.I. 2012/57](#), [art. 4\(1\)\(g\)](#) (with arts. 679-11)
- F2** Words in s. 216(1) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 115\(5\)\(a\)\(ii\)](#), 240(2) (with s. 144); [S.I. 2012/57](#), [art. 4\(1\)\(g\)](#) (with arts. 679-11)
- F3** Words in s. 216(2) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 115\(5\)\(b\)](#), 240(2) (with s. 144); [S.I. 2012/57](#), [art. 4\(1\)\(g\)](#) (with arts. 679-11)
- F4** Word in s. 216(2)(e) inserted (6.4.2010) by [The Community Infrastructure Levy Regulations 2010 \(S.I. 2010/948\)](#), [regs. 1](#), [63\(2\)](#)
- F5** Word in s. 216(2)(f) substituted (6.4.2010) by [The Community Infrastructure Levy Regulations 2010 \(S.I. 2010/948\)](#), [regs. 1](#), [63\(3\)](#)
- F6** [S. 216\(2\)\(fa\)](#) inserted (31.1.2024 for specified purposes) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), [ss. 107\(9\)](#), 255(3)(b) (with s. 247); [S.I. 2024/92](#), [reg. 2\(e\)](#)
- F7** [S. 216\(2\)\(g\)](#) omitted (6.4.2010) by virtue of [The Community Infrastructure Levy Regulations 2010 \(S.I. 2010/948\)](#), [regs. 1](#), [63\(4\)](#)
- F8** Words in s. 216(4)(a) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 115\(5\)\(c\)](#), 240(2) (with s. 144); [S.I. 2012/57](#), [art. 4\(1\)\(g\)](#) (with arts. 679-11)
- F9** [S. 216\(4\)\(aa\)-\(ac\)](#) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 115\(5\)\(d\)](#), 240(2) (with s. 144); [S.I. 2012/57](#), [art. 4\(1\)\(g\)](#) (with arts. 679-11)
- F10** Words in s. 216(4)(b) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 115\(5\)\(e\)](#), 240(2) (with s. 144); [S.I. 2012/57](#), [art. 4\(1\)\(g\)](#) (with arts. 679-11)
- F11** Words in s. 216(5)(a) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 115\(5\)\(f\)](#), 240(2) (with s. 144); [S.I. 2012/57](#), [art. 4\(1\)\(g\)](#) (with arts. 679-11)
- F12** Word in s. 216(5)(c) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 115\(5\)\(g\)](#), 240(2) (with s. 144); [S.I. 2012/57](#), [art. 4\(1\)\(g\)](#) (with arts. 679-11)
- F13** Words in s. 216(6)(b) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 115\(5\)\(h\)](#), 240(2) (with s. 144); [S.I. 2012/57](#), [art. 4\(1\)\(g\)](#) (with arts. 679-11)
- F14** Words in s. 216(6)(c) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 115\(5\)\(i\)](#), 240(2) (with s. 144); [S.I. 2012/57](#), [art. 4\(1\)\(g\)](#) (with arts. 679-11)
- F15** Word in s. 216(6)(e) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 115\(5\)\(j\)\(i\)](#), 240(2) (with s. 144); [S.I. 2012/57](#), [art. 4\(1\)\(g\)](#) (with arts. 679-11)
- F16** Word in s. 216(6)(e) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 115\(5\)\(j\)\(ii\)](#), 240(2) (with s. 144); [S.I. 2012/57](#), [art. 4\(1\)\(g\)](#) (with arts. 679-11)
- F17** [S. 216\(8\)](#) inserted (31.1.2024 for specified purposes) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), [ss. 107\(10\)](#), 255(3)(b) (with s. 247); [S.I. 2024/92](#), [reg. 2\(e\)](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 10A inserted by [2023 c. 55 Sch. 12 para. 1](#)
- s. 37(3A) inserted by [2021 c. 30 Sch. 15 para. 7](#)
- s. 37(3A) inserted by [2021 c. 30 Sch. 15 para. 7](#)
- s. 103(1A) inserted by [2021 c. 30 Sch. 15 para. 2](#)
- s. 103(1A) inserted by [2021 c. 30 Sch. 15 para. 2](#)
- s. 104(3)-(3B) substituted for s. 104(3) by [2021 c. 30 Sch. 15 para. 3\(2\)](#)
- s. 104(3)-(3B) substituted for s. 104(3) by [2021 c. 30 Sch. 15 para. 3\(2\)](#)
- s. 105(3)(4) inserted by [2021 c. 30 Sch. 15 para. 4\(1\)](#)
- s. 105(3)(4) inserted by [2021 c. 30 Sch. 15 para. 4\(1\)](#)
- s. 120(2)(c) inserted by [2021 c. 30 Sch. 15 para. 8](#)
- s. 120(2)(c) inserted by [2021 c. 30 Sch. 15 para. 8](#)
- s. 223(1)(za) inserted by [2023 c. 55 s. 139\(6\)](#)
- s. 232(5)(f) inserted by [2021 c. 30 Sch. 15 para. 9\(2\)](#)
- s. 232(5)(f) inserted by [2021 c. 30 Sch. 15 para. 9\(2\)](#)
- Sch. 2A inserted by [2021 c. 30 Sch. 15 para. 5](#)
- Sch. 2A inserted by [2021 c. 30 Sch. 15 para. 5](#)