



# Levelling-up and Regeneration Act 2023

## 2023 CHAPTER 55

### PART 5

#### COMMUNITY LAND AUCTION PILOTS

PROSPECTIVE

#### *CLA receipts*

#### **143 Application of CLA receipts**

- (1) CLA regulations must require a local planning authority which receives sums that represent financial benefit derived from CLA options over land in its area (“CLA receipts”) to apply them, or cause them to be applied, to—
  - (a) support the development of an area by funding the provision, improvement, replacement, operation or maintenance of infrastructure, or
  - (b) fund the operation of community land auction arrangements in relation to its area.
- (2) Subsection (1) is subject to the following provisions of this section and sections 144(1) to (3) and 145(2) and (3).
- (3) CLA regulations may make provision about the extent to which the CLA receipts received by a local planning authority may or must be applied to funding the provision, improvement, replacement, operation or maintenance of infrastructure of a particular description.
- (4) In this section (except subsection (6)) and sections 144(2), 145(2) and 146 “infrastructure” includes—
  - (a) roads and other transport facilities,
  - (b) flood defences,
  - (c) schools and other educational facilities,
  - (d) medical facilities,

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*Status:* This version of this cross heading contains provisions that are prospective.

*Changes to legislation:* There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Cross Heading: CLA receipts. (See end of Document for details)

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- (e) sporting and recreational facilities,
  - (f) open spaces,
  - (g) affordable housing,
  - (h) facilities and equipment for emergency and rescue services,
  - (i) facilities and spaces which—
    - (i) preserve or improve the natural environment, or
    - (ii) enable or facilitate enjoyment of the natural environment, and
  - (j) facilities and spaces for the mitigation of, and adaptation to, climate change.
- (5) In [subsection \(4\)\(g\)](#) “affordable housing” means—
- (a) social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, and
  - (b) any other description of housing that CLA regulations may specify.
- (6) CLA regulations may amend this section 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”.
- (7) CLA regulations may make provision about circumstances in which local planning authorities may apply a specified amount of CLA receipts, or cause a specified amount of CLA receipts to be applied, towards specified purposes which are not mentioned in [subsection \(1\)](#).
- (8) CLA regulations may specify—
- (a) works, installations and other facilities whose provision, improvement or replacement may or is to be, or may not be, funded by CLA receipts,
  - (b) 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 CLA receipts,
  - (c) things within [subsection \(1\)\(b\)](#) that may or are to be, or may not be, funded by CLA receipts,
  - (d) things within [section 144\(2\)](#) that may or are to be, or may not be, funded by CLA receipts passed to a person in discharge of a duty under [section 144\(1\)](#),
  - (e) things within [section 145\(2\)](#) that may or are to be, or may not be, funded by CLA receipts to which provision under [section 145\(2\)](#) relates,
  - (f) criteria for determining the areas that may benefit from funding by CLA receipts, and
  - (g) what is to be, or not to be, treated as funding.
- (9) The regulations may—
- (a) require local planning authorities in relation to which [section 142](#) applies to prepare and publish a list of what is to be, or may be, wholly or partly funded by CLA receipts;
  - (b) include provision about the procedure to be followed in preparing a list (which may include provision for consultation or for the appointment of an independent person or both);
  - (c) include provision about the circumstances in which a local planning authority may and may not apply CLA receipts to anything not included on the list;
  - (d) permit or require the list to be prepared and published as part of a CLA infrastructure delivery strategy (see [section 146](#)).

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- (10) In making provision about funding the regulations may, in particular—
- (a) permit CLA receipts to be used to reimburse expenditure already incurred;
  - (b) permit CLA receipts to be reserved for expenditure that may be incurred in the future;
  - (c) permit CLA receipts 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 or anything within [section 144\(2\)\(a\)\(ii\)](#) or [section 145\(2\)\(b\)](#) or otherwise in connection with a community land auction arrangement;
  - (d) include provision for the giving of loans, guarantees or indemnities;
  - (e) make provision about the application of CLA receipts where anything to which they were to be applied no longer requires funding.
- (11) The regulations may—
- (a) require a local planning authority to account separately, and in accordance with the regulations, for CLA receipts received or due;
  - (b) require a local planning authority to monitor the use made and to be made of CLA receipts in its area;
  - (c) require a local planning authority to report on actual or expected collection and application of CLA receipts;
  - (d) permit a local planning authority to cause money to be applied in respect of things done outside its area;
  - (e) permit a local planning authority or other body to spend or retain money;
  - (f) permit a local planning authority to pass money to another body (and in paragraphs (a) to (e) a reference to a local planning authority includes a reference to a body to which a local planning authority passes money in reliance on this paragraph).
- (12) For the purposes of [subsection \(1\)](#) a financial benefit is derived from a CLA option if it arises as a consequence of the local planning authority—
- (a) exercising the option and developing or disposing of the land which was subject to it, or
  - (b) disposing of the option.

#### Commencement Information

**II** S. 143 not in force at Royal Assent, see [s. 255\(4\)](#)

### 144 Duty to pass CLA receipts to other persons

- (1) CLA regulations may require a local planning authority that receives CLA receipts in respect of development in an area to pass them to a person other than the authority.
- (2) CLA regulations imposing a duty under [subsection \(1\)](#) must contain provision to secure that any CLA receipts passed to a person in discharge of the duty are used to—
  - (a) support the development of the area to which the duty relates, or of any part of that area, by funding—
    - (i) the provision, improvement, replacement, operation or maintenance of infrastructure, or

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- (ii) anything else that is concerned with addressing demands that development places on an area, or
  - (b) fund the operation of community land auction arrangements in relation to land in the local planning authority’s area.
- (3) CLA regulations may make provision about circumstances in which a specified amount of the CLA receipts may be used for specified purposes which are not mentioned in [subsection \(2\)](#).
- (4) A duty under [subsection \(1\)](#) may relate to—
  - (a) the whole of a local planning authority’s area or the whole of the combined area of two or more local planning authorities, or
  - (b) part only of such an area or combined area.
- (5) CLA regulations may make provision about the persons to whom CLA receipts may or must, or may not, be passed in discharge of a duty under [subsection \(1\)](#).
- (6) A duty under [subsection \(1\)](#) may relate—
  - (a) to all CLA receipts (if any) received in respect of the area to which the duty relates, or
  - (b) such part of those CLA receipts as is specified in, or determined under or in accordance with, CLA regulations.
- (7) CLA regulations may make provision in connection with the timing of payments in discharge of a duty under [subsection \(1\)](#).
- (8) CLA regulations may, in relation to CLA receipts passed to a person in discharge of a duty under [subsection \(1\)](#), make provision about—
  - (a) accounting for the CLA receipts,
  - (b) monitoring their use,
  - (c) reporting on their use,
  - (d) responsibilities of local planning authorities for things done by the person in connection with the CLA receipts,
  - (e) recovery of the CLA receipts, and any income or profits accruing in respect of them or from their application, in cases where—
    - (i) anything to be funded by them has not been provided, or
    - (ii) they have been misapplied,
 including recovery of sums or other assets representing them or any such income or profits, and
  - (f) use of anything recovered in cases where—
    - (i) anything to be funded by the CLA receipts has not been provided, or
    - (ii) the CLA receipts have been misapplied.
- (9) This section does not limit [section 143\(11\)\(f\)](#).

#### Commencement Information

**I2** S. 144 not in force at Royal Assent, see [s. 255\(4\)](#)

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## **145 Use of CLA receipts in an area to which section 144(1) duty does not relate**

- (1) Subsection (2) applies where—
  - (a) there is an area to which a particular duty under section 144(1) relates, and
  - (b) there is also an area to which that duty does not relate (“the uncovered area”).
- (2) CLA regulations may provide that the local planning authority that receives CLA receipts in respect of development in the uncovered area may apply the CLA receipts, or cause them to be applied, to—
  - (a) support development by funding the provision, improvement, replacement, operation or maintenance of infrastructure,
  - (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, or
  - (c) funding the operation of community land auction arrangements in relation to the local planning authority’s area.
- (3) The regulations may make provision about circumstances in which the authority may apply a specified amount of CLA receipts, or cause a specified amount of CLA receipts to be applied, towards specified purposes which are not mentioned in subsection (2).
- (4) Provision under subsection (2)(a) or (b) may relate to the whole, or part only, of the uncovered area.
- (5) Provision under subsection (2) may relate—
  - (a) to all CLA receipts (if any) received in respect of the area to which the provision relates, or
  - (b) such part of those CLA receipts as is specified in, or determined under or in accordance with, CLA regulations.

### **Commencement Information**

**I3** S. 145 not in force at Royal Assent, see s. 255(4)

## **146 CLA infrastructure delivery strategy**

- (1) CLA regulations may require a local planning authority in relation to which section 142 applies to prepare and publish a CLA infrastructure delivery strategy.
- (2) A CLA infrastructure delivery strategy is a document which—
  - (a) sets out the strategic plans (however expressed) of the local planning authority in relation to the application of CLA receipts, and
  - (b) includes such other information as may be prescribed by CLA regulations.
- (3) A CLA infrastructure delivery strategy may and, if required by CLA regulations, must set out the plans (however expressed) of the local planning authority in relation to the provision, improvement, replacement, operation and maintenance of infrastructure in the authority’s area.
- (4) A local planning authority may at any time prepare and publish a revision to, or replacement of, its CLA infrastructure delivery strategy.

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- (5) CLA regulations may make provision for the independent examination of—
- (a) CLA infrastructure delivery strategies, and
  - (b) revisions to, or replacements of, such strategies.
- (6) The regulations may make provision for an examination to be combined with—
- (a) an examination under Part 2 of PCPA 2004 in relation to a local plan, or
  - (b) an examination under Part 10A of the Planning Act 2008 in relation to an infrastructure delivery strategy under that Part.
- (7) The regulations may, in particular, make provision—
- (a) about who is to carry out the examination;
  - (b) about what the examiner must, may or may not consider;
  - (c) about the procedure to be followed;
  - (d) about recommendations, or other consequences, arising from or in connection with the examination;
  - (e) about circumstances in which an examination is not required;
  - (f) applying, or corresponding to, any provision made by or under Part 10A of the Planning Act 2008 relating to an examination in relation to a charging schedule or infrastructure delivery strategy under that Part (with or without modifications).
- (8) A local planning authority which is required to prepare and publish a CLA infrastructure delivery strategy must have regard to any guidance published by the Secretary of State in relation to the preparation, publication, revision or replacement of CLA infrastructure delivery strategies.
- (9) CLA regulations may make provision about—
- (a) the form and content of CLA infrastructure delivery strategies;
  - (b) the publication of CLA infrastructure delivery strategies and any related documents;
  - (c) the procedures to be followed in relation to the preparation, revision or replacement of CLA infrastructure delivery strategies;
  - (d) the timing of any steps in connection with the preparation, publication, revision or replacement of CLA infrastructure delivery strategies;
  - (e) the evidence required to inform the preparation of CLA infrastructure delivery strategies;
  - (f) consultation in connection with CLA infrastructure delivery strategies;
  - (g) the preparation of joint CLA infrastructure delivery strategies;
  - (h) the period of time for which CLA infrastructure delivery strategies are valid.

#### Commencement Information

**I4** S. 146 not in force at Royal Assent, see [s. 255\(4\)](#)

**Status:**

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**Changes to legislation:**

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