

*Draft Regulations laid before the House of Commons under section 222(2)(b) of the Planning Act 2008, for approval by resolution of the House of Commons.*

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DRAFT STATUTORY INSTRUMENTS

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**2013 No.**

**COMMUNITY INFRASTRUCTURE  
LEVY, ENGLAND AND WALES**

**The Community Infrastructure Levy  
(Amendment) Regulations 2013**

*Made* - - - - **\*\*\***

*Coming into force in accordance with regulation 1*

A draft of these Regulations has been laid before the House of Commons in accordance with section 222(2)(b) of the Planning Act 2008(1).

Accordingly, the Secretary of State, in exercise of the powers conferred by sections 206(6)(2), 209(5), 216A, 216B(3), 217(5), 220(1) and 222(1) of the Planning Act 2008, and with the consent of the Treasury, makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Community Infrastructure Levy (Amendment) Regulations 2013 and shall come into force on the day after the day on which they are made.

**Amendments to the Community Infrastructure Levy Regulations 2010**

2. The Community Infrastructure Levy Regulations 2010(4) are amended in accordance with the following regulations.

**Amendment to Part 1 – introductory**

3. In regulation 2(1) (interpretation)—  
(a) in the definition of “dwelling” insert at the end “(other than for the purposes of Part 7)”; and

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(1) 2008 c. 29. Section 205(2) was amended by section 115(2)(a) of the Localism Act 2011 (2011 c. 20) and section 216(1) and (4)(a) was amended by section 115(5)(a)(ii) and (c) of the Localism Act 2011.  
(2) Section 206(6) was inserted by paragraph 61(3) of Schedule 22 to the Localism Act 2011.  
(3) Sections 216A and 216B were inserted by section 115(6) of the Localism Act 2011.  
(4) S.I. 2010/948 as amended by S.I. 2011/987 and 2012/2975.

(b) after the definition of “Mayor” insert—

““MDC” means a Mayoral development corporation which is a local planning authority for the purposes of section 206(5)(a) of PA 2008(5).”

#### **Amendment to Part 2 – definition of key terms**

4. In regulation 5(3)(a)(ia) (meaning of planning permission)(6) after “section 61E” insert “ or 61Q(7) (community right to build orders)”.

5. In regulation 10 (meaning of “collecting authority”)—

(a) for paragraph (3) substitute—

“(3) In relation to CIL charged by the Mayor—

(a) where the development subject to the levy, or any part of it, is situated in the area of a MDC, the MDC must collect that CIL and accordingly is the collecting authority for that CIL;

(b) where the development subject to the levy is in the area of more than one MDC, the MDC with the greatest proportion of the gross internal area of the development in its area must collect the that CIL and accordingly is the collecting authority for that CIL;

(c) in all other cases, the London borough council in whose area the development subject to the levy is situated must collect that CIL and accordingly is the collecting authority for that CIL.”; and

(b) in paragraph (6)—

(i) after sub-paragraph (b) omit “or”;

(ii) in sub-paragraph (c) for “Local Government, Planning and Land Act 1980.” substitute “Local Government, Planning and Land Act 1980; or”; and

(iii) after sub-paragraph (c) insert—

“(d) a Mayoral development corporation that is not a local planning authority for the purposes of section 206(5)(a) of PA 2008.”.

#### **Amendment to Part 3 – charging schedules**

6.—(1) After regulation 11 (interpretation and application of Part 3) insert—

##### **“Exercise of Part 3 functions in anticipation that an MDC will be established**

11A. Where—

(a) the Mayor has complied with the requirements of section 197(3)(a) to (e) of the Localism Act 2011 in relation to any proposed Mayoral development corporation;

(b) the time period described in section 197(3)(f) of that Act has expired without the London Assembly having rejected the proposal; and

(c) the Mayor intends that the proposed Mayoral development corporation will become the charging authority for its area under section 206(2) and (5)(a) of PA 2008,

the Mayor may, until that proposed Mayoral development corporation becomes the charging authority for its area, carry out the functions of a charging authority under

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(5) Section 206(5)(a) was inserted by paragraph 61(2) of Schedule 22 to the Localism Act 2011.

(6) Regulation 5(3)(a)(ia) was inserted by regulation 3(1) of S.I. 2012/2975.

(7) Sections 61E and 61Q were inserted by paragraph 2 of Schedule 9 to the Localism Act 2011 (c. 20).

regulations 12 (format and content of charging schedules) to 23 (publication of the examiner’s recommendations) on behalf of the proposed Mayoral development corporation.”

(2) In regulation 14(3) and (4) (setting rates) after “London borough council” insert “or MDC” in both places it appears.

(3) In regulation 22(4) after “London borough” insert “council or MDC”.

#### **Amendment to Part 6 – exemptions and relief**

7.—(1) In regulation 55(4) (discretionary relief for exceptional circumstances) after “London borough council” insert “or MDC”.

(2) In regulation 57(2) (exceptional circumstances: procedure) after “London borough council” insert “or MDC”.

(3) In regulation 58 (exceptional circumstances: procedure in London)—

(a) in paragraph (1) (exceptional circumstances: procedure in London) for “(“the borough”)” substitute “or MDC (“the local charging authority”)”; and

(b) in paragraphs (2) to (8) for “borough” substitute “local charging authority” wherever it appears.

#### **Amendment to Part 7 – application of CIL**

8.—(1) Before regulation 59 (application to infrastructure), insert—

##### **“Interpretation of Part 7**

**58A.** In this Part—

“acquired land” and “relevant purpose” have the same meaning as in regulation 73 (payment in kind);

“CIL expenditure” includes—

(a) the value of any acquired land on which development (within the meaning in TCPA 1990) consistent with a relevant purpose has been commenced or completed, and

(b) CIL receipts transferred by a charging authority to another person to spend on infrastructure (including money transferred to such a person which it has not yet spent);

“CIL receipts” means—

(a) for a charging authority—

(i) CIL collected by that authority (including the value of any acquired land), but does not include CIL collected on behalf of the charging authority by another public authority but which that authority has not yet paid to the charging authority; and

(ii) CIL recovered by that authority in accordance with regulation 59D, but does not include CIL not yet paid to the charging authority by the local council;

(b) for a local council, CIL passed to it under regulations 59(4), 59A(2) or 59B, but does not include funds not yet paid to the local council by the charging authority in accordance with regulation 59D.

“dwelling” has the meaning given in section 3 of the Local Government Finance Act 1992(8);

“ $I_A$ ” means the index figure for the year in which CIL is passed to the local council;

“index figure” has the same meaning as in regulation 40(7) and (8) (calculation of chargeable amount);

“local council” means—

- (a) in England, a parish council;
- (b) in Wales, a community council; and

“neighbourhood development plan” has the same meaning as in section 38A of the Planning and Compulsory Purchase Act 2004(9).”.

(2) In regulation 59(5) before “60 and 61” insert “59A, 59E, 59F,”.

(3) After regulation 59 insert—

**“Duty to pass CIL to local councils**

**59A.**—(1) This regulation applies to that part of a chargeable development within the area of a local council.

(2) Subject to paragraph (12) and regulation 59E(5) a charging authority, other than the Mayor, must pass to every local council within its area a proportion of CIL receipts calculated in accordance with this regulation and regulation 59B.

(3) In England, where all or part of a chargeable development is within an area that has a neighbourhood development plan in place the charging authority must pass 25 per cent of the relevant CIL receipts to the parish council for that area.

(4) In England, where all or part of a chargeable development—

- (a) is not in an area that has a neighbourhood development plan in place; and
- (b) was granted permission by a neighbourhood development order made under section 61E or 61Q(10) (community right to build orders) of TCPA 1990,

the charging authority must pass 25 per cent of the relevant CIL receipts to the parish council for that area.

(5) In England, where all or part of a chargeable development—

- (a) is not in an area that has a neighbourhood development plan in place; and
- (b) was not granted planning permission by a neighbourhood development order made under section 61E or 61Q (including a community right to build orders) of TCPA 1990,

then, subject to paragraph (7), the charging authority must pass 15 per cent of the relevant CIL receipts to the parish council for that area.

(6) In Wales, where all or part of a chargeable development is within the area of a community council then, subject to paragraph (7), the charging authority must pass 15 per cent of the relevant CIL receipts to that community council.

(7) The total amount of CIL receipts passed to a local council in accordance with paragraph (5) or (6) shall not exceed an amount equal to £100 per dwelling in the area of the

local council multiplied by  $I_A$  in each financial year.

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(9) 2004 c. 5. Section 38A was inserted by paragraph 7 of Schedule 9 to the Localism Act 2011 (c. 20).

(10) Sections 61E and 61Q were inserted by paragraph 2 of Schedule 9 to the Localism Act 2011 (c. 20).

(8) In paragraphs (3) to (6) the relevant CIL receipts are the proportion of CIL received in relation to a development equal to the proportion of the gross internal area of the development that is relevant development in the relevant area of the local council.

(9) In paragraph (8), the relevant area is—

- (a) in relation to paragraph (3), that part of the parish council's area that has a neighbourhood development plan in place;
- (b) in relation to paragraphs (4)(a) and (5)(a), that part of the parish council's area that does not have a neighbourhood development plan in place; and
- (c) in relation to paragraph (6), the whole of the community council's area.

(10) In paragraph (8), the relevant development is—

- (a) in relation to paragraphs (3) or (6), the whole of the development;
- (b) in relation to paragraph (4)(b) that part of the development for which permission was granted by a neighbourhood development order made under section 61E or 61Q (community right to build orders) of TCPA 1990; and
- (c) in relation to paragraph (5)(b) that part of the development for which permission was not granted by a neighbourhood development order made under section 61E or 61Q (community right to build orders) of TCPA 1990.

(11) In this regulation an area has a neighbourhood development plan in place in relation to a development, or part of a development, if—

- (a) a neighbourhood development plan was made by a local planning authority in accordance with section 38A(4) of the Planning and Compulsory Purchase Act 2004 prior to the time at which planning permission first permits that development; and
- (b) that neighbourhood development plan is extant in relation to the relevant area on the day when planning permission first permits that development.

(12) Where a local council notifies the charging authority in writing that it does not want to receive some or all of the CIL receipts that this regulation applies to before that CIL is paid to it, the charging authority must retain those CIL receipts.

#### **Application of regulation 59A to land payments**

**59B.**—(1) Regulation 59A applies to land payments accepted by a charging authority in accordance with regulation 73(1) (payment in kind) as follows.

(2) For the purposes of regulation 59A(8), the CIL received in relation to a development includes the value of CIL that any land payments were accepted in satisfaction of.

(3) Any payments to a local council relating to a land payment must be paid to the local council in money.

#### **Application of CIL by local councils**

**59C.** A local council must use CIL receipts passed to it in accordance with regulation 59A or 59B to support the development of the local council's area, or 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 the demands that development places on an area.

### **Payment periods**

**59D.**—(1) This regulation applies where a charging authority is required to make a payment to a local council under regulation 59A or 59B.

(2) If the charging authority and the local council agree on a timetable for payment, the charging authority must pay the local council in accordance with that timetable.

(3) In all other cases, the charging authority must pay the local council in accordance with the following paragraphs.

(4) The charging authority must make payment in respect of the CIL it receives from 1st April to 30th September in any financial year to the local council by 28th October of that financial year.

(5) The charging authority must make payment in respect of the CIL it receives from 1st October to 31st March in any financial year to the local council by 28th April of the following financial year.

### **Recovery of CIL passed in accordance with regulation 59A or 59B**

**59E.**—(1) This regulation applies to CIL receipts received by a local council in accordance with regulation 59A or 59B that the local council—

- (a) has not applied to support the development of its area within 5 years of receipt; or
- (b) has applied otherwise than in accordance with regulation 59C.

(2) The charging authority may serve a notice on the local council requiring it to repay some or all of the CIL receipts that this regulation applies to.

(3) A notice under paragraph (2) will be valid if it contains the following information—

- (a) the amount of CIL receipts to be repaid;
- (b) the reasons for requiring those receipts to be repaid; and
- (c) the date by which repayment is to be made which must be no earlier than 28 days from the day the notice is served.

(4) On receipt of a valid notice the local council must send to the charging authority any CIL receipts it has not spent up to the value set out under sub-paragraph (3)(a) within the time set out under sub-paragraph (3)(c).

(5) If the local council is unable to repay the full amount set out under sub-paragraph (3) out of unspent CIL receipts, the charging authority must recover the rest of that amount out of future CIL receipts that it would otherwise have to pass to the local council in accordance with regulation 59A or 59B.

(6) If the charging authority recovers CIL receipts in accordance with paragraph (5) it must serve a notice on the local council when those receipts would otherwise be passed to the local council stating—

- (a) the amount of CIL receipts recovered; and
- (b) the amount of CIL receipts still to be recovered by the charging authority from the local council.

(7) A charging authority may withdraw a notice served under paragraph (2) at any time and if it does so any unspent CIL receipts recovered under paragraph (4) or (5) in accordance with the withdrawn notice must be returned to the local council.

(8) A charging authority and a local council may at any time vary the terms of a notice served under paragraph (2) by agreement.

(9) Part 9 (enforcement) does not apply in relation to this regulation.

- (10) CIL receipts recovered under this regulation must be used by the charging authority to support the development of the area of the local council they are recovered from by funding—
- (a) the provision, improvement, replacement, operation or maintenance of infrastructure; or
  - (b) anything else that is concerned with addressing the demands that development places on an area.

**Use of CIL in an area to which regulations 59A and 59B do not apply**

**59F.**—(1) This regulation applies where all or part of a chargeable development is in an area in relation to which regulations 59A and 59B do not apply.

(2) This regulation applies to those CIL receipts that would have been passed to a local council under regulations 59A and 59B had that part of the chargeable development been within the area of a local council.

(3) The charging authority may use the CIL to which this regulation applies, or cause it to be used, to support the development of the relevant area by funding—

- (a) the provision, improvement, replacement, operation or maintenance of infrastructure; or
- (b) anything else that is concerned with addressing the demands that development places on an area.

(4) In paragraph (3), “relevant area” means that part of the charging authority’s area that is not with the area of a local council.”

(4) In regulation 62 (reporting)—

- (a) in paragraph (3)(a) after “development” insert “(within the meaning in TCPA 1990)”;
- (b) in paragraph (4)(c) after “during the reported year” insert “(other than in relation to CIL to which regulation 59E or 59F applied)”;
- (c) after paragraph (4)(c) omit “and” and insert—
  - “(ca) the amount of CIL passed to—
    - (i) any local council under regulation 59A or 59B; and
    - (ii) any person under regulation 59(4);
  - (cb) summary details of the receipt and expenditure of CIL to which regulation 59E or 59F applied during the reported year including—
    - (i) the total CIL receipts that regulations 59E and 59F applied to;
    - (ii) the items to which the CIL receipts to which regulations 59E and 59F applied have been applied; and
    - (iii) the amount of expenditure on each item;
  - (cc) summary details of any notices served in accordance with regulation 59E, including—
    - (i) the total value of CIL receipts requested from each local council; and
    - (ii) any funds not yet recovered from each local council at the end of the reported year.”;
- (d) in paragraph (4)(d) for the words from “CIL receipts” to the end substitute—
  - “—
    - (i) CIL receipts for the reported year retained at the end of the reported year other than those to which regulation 59E or 59F applied;

- (ii) CIL receipts from previous years retained at the end of the reported year other than those to which regulation 59E or 59F applied;
  - (iii) CIL receipts for the reported year to which regulation 59E or 59F applied retained at the end of the reported year; and
  - (iv) CIL receipts from previous years to which regulation 59E or 59F applied retained at the end of the reported year ”; and
  - (e) omit paragraph (7).
- (5) After regulation 62 insert—

**“Reporting by local councils**

**62A.**—(1) A local council must prepare a report for any financial year (“the reported year”) in which it receives CIL receipts.

(2) The report must include—

- (a) the total CIL receipts for the reported year;
- (b) the total CIL expenditure for the reported year;
- (c) summary of CIL expenditure during the reported year including—
  - (i) the items to which CIL has been applied; and
  - (ii) the amount of CIL expenditure on each item; and
- (d) details of any notices received in accordance with regulation 59E, including—
  - (i) the total value of CIL receipts subject to notices served in accordance with regulation 59E during the reported year;
  - (ii) the total value of CIL receipts subject to a notice served in accordance with regulation 59E in any year that has not been paid to the relevant charging authority by the end of the reported year.
- (e) the total amount of—
  - (i) CIL receipts for the reported year retained at the end of the reported year; and
  - (ii) CIL receipts from previous years retained at the end of the reported year.

(3) The local council must—

- (a) publish the report—
  - (i) on its website;
  - (ii) on the website of the charging authority for the area if the local council does not have a website; or
  - (iii) within its area as it considers appropriate if neither the local council nor the charging authority have a website, or the charging authority refuses to put the report on its website in accordance with paragraph (ii); and
- (b) send a copy of the report to the charging authority from which it received CIL receipts, no later than 31st December following the reported year, unless the report is, or is to be, published on the charging authority’s website.”

**Amendment to Part 8 – administration**

**9.**—(1) Before regulation 64 (notice of chargeable development) insert—



**“Transitional provision: when a MDC becomes the charging authority for an area**

**63A.**—(1) This regulation has effect when a MDC becomes the charging authority for an area.

(2) If, before the MDC becomes the charging authority for an area, a London borough council—

- (a) had in place a charging schedule approved under section 213 of PA 2008; and
- (b) granted planning permission for a development, or received or issued a notice of chargeable development in relation to a development under regulation 64 or 64A,

that London borough council shall be entitled to receive the CIL for the development to which the planning permission or notice of chargeable development relates.

(3) The London borough council—

- (a) shall remain the collecting authority for the CIL it is entitled to receive; and
- (b) shall remain the charging authority for the CIL it is entitled to receive.

**Transitional provision: when a MDC ceases being the charging authority for an area**

**63B.**—(1) This regulation has effect when a MDC ceases to be the charging authority for an area.

(2) If, before the MDC ceases to be the charging authority for an area, it—

- (a) had in place a charging schedule approved under section 213 of PA 2008; and
- (b) granted planning permission for a development, or received or issued a notice of chargeable development in relation to a development under regulation 64 or 64A,

it shall be entitled to receive the CIL for the development to which the planning permission or notice of chargeable development relates.

(3) Subject to paragraphs (4) to (6), the MDC—

- (a) shall remain the collecting authority for the CIL it is entitled to receive; and
- (b) shall remain the charging authority for the CIL it is entitled to receive.

(4) Where—

- (a) the Mayor has made a transfer scheme under section 216(1) of the Localism Act 2011;
- (b) the property transferred under the transfer scheme includes CIL which the MDC is entitled to receive; and
- (c) the permitted recipient is a London borough council,

the permitted recipient shall act as the collecting authority for the CIL it is entitled to receive, and all references in Parts 7 (application of CIL) to 10 (appeals) of these Regulations to “collecting authority” and “charging authority” shall be read as a reference to it.

(5) Where—

- (a) the Mayor has made a transfer scheme under section 216(1) of the Localism Act 2011;
- (b) the property transferred under the transfer scheme includes CIL which the MDC is entitled to receive; and
- (c) the permitted recipient is not a London borough council,

the permitted recipient may agree with a charging authority (C) that C shall be the collecting authority for the CIL which the permitted recipient is entitled to receive, and all references in

Parts 8 (administration) to 10 (appeals) of these Regulations to “collecting authority” shall be read as a reference to C.

(6) Where paragraph (5) applies the permitted recipient is a charging authority that (C) is collecting CIL on behalf of for the purposes of regulations 61 (administrative expenses) and 76 (payments to charging authorities).

(7) In this regulation, “permitted recipient” has the meaning given in section 216(4) of the Localism Act 2011.”

(2) In regulation 70(3) to (6) (payment periods) after “London borough council” insert “or MDC” wherever it appears.

#### **Amendment to Part 9 – enforcement**

**10.** In regulation 88 (surcharges and interest: general)—

- (a) in paragraph (2) omit the words “A surcharge or ”; and
- (b) after paragraph (2) insert—

“(3) A surcharge paid to a collecting authority under this Chapter must be treated—

- (a) for the purposes of regulations 59A (payment of CIL to local councils) and 59E (use of CIL in an area to which regulation 59A does not apply), as if it were not CIL; and
- (b) for all other purposes of Part 7 as if it were CIL.”

#### **Amendment to Part 11 – planning obligations**

**11.** In regulation 123(4) (further limitations on use of planning obligations) in paragraph (a) of the definition of “relevant infrastructure” after “wholly or partly funded by CIL” insert “(other than CIL to which regulation 59E or 59F applies)”.

#### **Transitional provision: neighbourhood funding**

**12.** Regulation 8(3) to (5) does not apply in relation to a development if, before the date these Regulations come into force, a liability notice was issued in relation to that development in accordance with regulation 65.

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

Date

*Name*  
Parliamentary Under Secretary of State  
Department for Communities and Local  
Government

We consent

Date

*Name 1*  
*Name 2*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Part 11 of the Planning Act 2008 provides for the imposition of a charge known as the Community Infrastructure Levy. These Regulations amend the Community Infrastructure Levy Regulations 2010<sup>(11)</sup> which implement the detail of the Community Infrastructure Levy.

The Community Infrastructure Levy Regulations 2010 and these Regulations apply in relation to England and Wales only.

These Regulations make provision in relation to Mayoral Development Corporations, as introduced by Chapter 2 of Part 8 of the Localism Act 2011. Regulation 6(1) inserts regulation 11A into the Community Infrastructure Levy Regulations 2010, which allows preparatory work to be done by the Mayor of London to prepare a charging schedule in anticipation of such a Corporation becoming the charging authority for an area in Greater London.

Regulation 9(1) inserts regulations 63A and 63B into the Community Infrastructure Levy Regulations 2010, which make transitional provision for when a Mayoral Development Corporation becomes, or ceases to be, a charging authority. Where a charging authority has granted planning permission for a development, they will be entitled to receive the Levy funds in relation to that development, even if a new authority becomes the charging authority for that area. Regulation 63B also makes provision for when the Mayor of London makes a transfer scheme under section 216 of the Localism Act 2011 in relation to a Mayoral Development Corporation.

Regulation 4 makes it clear that development granted permission by a community right to build order, a type of neighbourhood development order, could be liable to the Community Infrastructure Levy. Regulation 8(3) inserts new regulations 59A to 59F. New regulation 59A places a duty on charging authorities to pass some Levy funds to local councils where some or all of a chargeable development takes place in an area for which there is a parish or community council. Regulation 59A(8) sets out the proportion of the Community Infrastructure Levy raised in relation to a development that regulation 59A applies to. Regulation 59A applies to the proportion of Community Infrastructure Levy raised equal to the proportion of the gross internal area of the development in the area of the relevant local council.

In England, where there is a neighbourhood development plan in place, or permission was granted by a neighbourhood development order (including by a community right to build order), the charging authority must pass 25% of Community Infrastructure Levy funds to the parish councils in whose area the chargeable development takes place. Where there is no neighbourhood development plan this amount is 15%, subject to a cap of £100 per household in the parish council area per year. In Wales, the charging authority must pass 15% of the Levy funds to the community councils in whose area the chargeable development takes place. This is again subject to the cap of £100 per household per year. Parish or community councils have the discretion to decide that some or all of these funds should remain with the charging authority. Regulation 59A(8) provides for where development crosses local council boundaries, so that the funds are split proportionally between the local councils. Regulation 59A(9) and (10) makes similar provision for when some of a development is granted permission by a neighbourhood development order, or is in an area for which there is a neighbourhood plan, and some is not.

Regulation 59B sets out how the duty in regulation 59A applies where the charging authority accepts a land payment. On receipt of the funds, parish and community councils have wider spending powers

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(11) [S.I. 2010/948](#) as amended by [S.I. 2011/987](#) and [2012/2975](#).

than charging authorities, under new regulation 59C. Regulation 59D sets out a default provision for when payments are to be made to local council in the absence of an agreement with the charging authority.

Under new regulation 59E the charging authority is able to recover funds from the local council in certain circumstances. That is if the local council have misapplied the Community Infrastructure Levy by not using it to support the development of their area or by using it for another purpose. When Levy receipts are recovered from a local council, the charging authority must use those funds to support development in the area of that local council.

New regulation 59F makes provision for where the duty in regulation 59A does not apply, namely where a chargeable development (or part of a development) takes place in an area for which there is not a parish or community council. In that case, the charging authority has wider spending powers in relation to those parts of its area for which there is not a parish or community council. Those powers are the same as those given to parish or community councils, and apply to those funds that would have been passed on had the development taken place in an area for which there is a parish or community council.

Regulation 11 ensures that the neighbourhood funding element of the Community Infrastructure Levy will not impact on the relationship between the Levy and agreements reached under section 106 of the Town and Country Planning Act 1990.

Regulation 8(4) and (5) inserts new reporting provisions into the Community Infrastructure Levy Regulations 2010 for both the charging authority and the recipient local council. Both charging authorities and local councils will have to make clear the level of neighbourhood funds received, spent and retained from the most recent year, and the level retained from previous years.

Regulation 10 makes provision to amend the operation of surcharges so that they are not treated as Community Infrastructure Levy for the purposes of the requirement to pass funds to parish or community councils. Regulation 12 provides for the neighbourhood funding provisions in regulation 8(3) to (5) not to apply to development granted planning permission before these Regulations come into force. These regulations also make a number of technical and consequential amendments in relation to Mayoral Development Corporations and neighbourhood funding.

The Department is not required to produce an impact assessment in relation to the community infrastructure levy, as it is a financial instrument.