

Parish Council – Guidance on Ascertaining CIL Expenditure

It is important to note that Chorley Council (as the CIL Collecting and Enforcement Authority) cannot say advise which projects selected by a Parish Council would be acceptable, as the legislation is subjective rather than prescriptive.

Therefore, it is entirely possible that one Officer doing the analysis of spends may not agree upon another Officer's interpretation.

As such, each Parish Council just needs to ensure that they can confirm / evidence as best they can that the project / items / infrastructure proposed can meet the loose definitions in the main.

It is the case that the parameters under **CIL Regulation 59c** for Parish spend should be proven for any project.

So it would be prudent for a Parish to ask themselves the following questions, and if they can be answered satisfactorily then the project will probably fall under the requirements for spend by local parishes:

- 1) Does it constitute infrastructure as defined by [Section 216\(2\) of the Planning Act 2008](#), and amended by [Regulation 63 of The Community Infrastructure Levy 2010](#)? (see next page for the definitions under each section/regulation)
- 2) If the answer to 1) is yes, will the proposed spend;
 - a) **Provide** said infrastructure;
 - b) **Replace** said infrastructure;
 - c) **Improve** said infrastructure;
 - d) **Maintain** said infrastructure; or
 - e) **Enable** the operation of said infrastructure.
- 3) If the answer to 1) is yes, HOW does the proposes spend:
 - a) **Provide** said infrastructure;
 - b) **Replace** said infrastructure;
 - c) **Improve** said infrastructure;
 - d) **Maintain** said infrastructure; or
 - e) **Enable** the operation of said infrastructure.
- 4) If the answer to 1) is no, does the proposed spend address the demands that any new development has placed on the Parish?
- 5) If the answer to 4) is yes: What are the demands?
- 6) Can the demands be evidenced as to be related to the new development?
- 7) How does the proposed spend address the said demands?

If the answers to 1) and 4) are both 'No', then it is unlikely the proposed spend will meet the requirements of the CIL regulations, and a different project will need to be considered.

S216 of the Planning Act 2008

(1) Subject to section 219(5), CIL regulations must require the authority that charges CIL to apply it, or cause it to be applied, to funding infrastructure.

(2) In subsection (1) “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, *and*

(f) open spaces., ~~and~~

(g) ~~affordable housing (being social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008 (c. 17) and such other housing as CIL regulations may specify).~~

Community Infrastructure Levy Regulations 2010

Infrastructure: amendment to section 216 of the Planning Act 2008

63.—(1) Section 216(2) of PA 2008 (application) is amended as follows.

(2) At the end of paragraph (e) insert “ and”.

(3) At the end of paragraph (f) for “, and” substitute “.”.

(4) Omit paragraph (g).