

Neighbourhood Community Infrastructure Levy (NCIL) Legal Eligibility Proforma.

The overall purpose of CIL is to ensure that costs incurred in supporting the development of an area can be funded (wholly or partly) by owners or developers of land in a way that does not make development of the area economically unviable

Section 216 concerns the application of CIL. It provides that:

“216 Application”

- (1) Subject to 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 supporting development by funding the provision, improvement, replacement, operation or maintenance of infrastructure.
- (2) In 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, and
 - (f) open spaces.”

Section 216A provides that:

“216A Duty to pass receipts to other persons.

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.

Unlike the rest of CIL receipts, neighbourhood CIL is not restricted to funding infrastructure, as defined in section 216(2) of the 2008 Act. Per regulation 59F(3)(b), it can also be spent on anything else that is concerned with addressing the demands that development places on an area. This latter category is broadly expressed and is capable of including non-capital items and projects providing that it can be demonstrated that they support the development of the area by addressing demands that development has placed on the area.

<p>Provide a brief overview of your project and outline the specific outcomes it aims to achieve using NCIL.</p>	
<p>How does the proposed use of NCIL support the development of the area to which the duty relates, or of any part of that area, by funding—</p> <p>(a) the provision, improvement, replacement, operation or maintenance of infrastructure, or</p> <p>(b) anything else that is concerned with addressing demands that development places on an area.</p>	
<p>How does the use of neighbourhood funds match priorities expressed by local communities, including priorities set out formally in neighbourhood plans.</p>	
<p>Please demonstrate how the project or initiative seeking funding will address additional demands that development has placed on the area.</p>	