



Brentwood Borough Council

**Community Infrastructure Levy
(CIL) Guidance for Parish
Councils and Neighbourhoods**

December 2023



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1.0 Introduction

1.1 What is CIL?

1.1.1 The Community Infrastructure Levy (CIL) is a charge that local authorities can set on new developments in their area. Its purpose is to raise funds for infrastructure needs in the area to support growth. The CIL charge is set out in a Charging Schedule. Brentwood Borough Council adopted its [Charging Schedule](#) on 27 September 2023, with an effective date of 15 January 2024. Therefore, from that date onwards, the Council will become a CIL Charging Authority and upon receipt of CIL income, it will be a CIL Collecting Authority.

1.2 CIL Rates in Brentwood

1.2.1 The Brentwood CIL Charging Schedule sets a fixed rate per square metre (sqm) of new floorspace. Developments creating one or more dwellings, or new floorspace of 100sqm or more, could be charged CIL.

1.2.2 CIL Regulations set out indexation arrangements for calculating the CIL. An annual index, which is called the RICS Community Infrastructure Levy Index must be applied to the CIL Levy rates in order to ensure that they keep up with inflation. New index rates are published by 31 December each year, by the Royal Institute of Chartered Surveyors (RICS). For further information, please see the Council's [CIL Rate Summary 2024](#).

1.3 Will CIL income be received immediately after the Charging Schedule comes into effect?

1.3.1 The amount of CIL received by a CIL Charging Authority after bringing a Charging Schedule into effect is relatively low, and can take time to accumulate to a meaningful amount. This is due to the following reasons:

- CIL payment is only due upon commencement of the development. Therefore, CIL liable developments only start to pay the levy once development commences. In some cases, income from CIL may take up to three years to start to be received (due to the average validity of planning permissions).

- CIL payments are also due in instalments, based on the value of the CIL Demand Notice, in accordance with the Council's [Instalments Policy](#) therefore the full amount will not always be received in one payment.
- If all/any part of that development is granted exemption or relief, the CIL Charging Authority will not receive CIL from that development unless the liable party becomes no longer eligible for relief due to a disqualifying event taking place.

1.3.2 Overall therefore, it is important to note that the receipt of CIL can take some time, and will not be received instantly upon bringing the Charging Schedule into effect.

2.0 Allocation of CIL Upon Receipt

2.1.1 Upon receipt of CIL from a CIL liable development, the Charging Authority will allocate the income specifically, in accordance with the CIL Regulations 2010 (as amended), as set out below.

Administrative Expenses

2.1.2 A Charging Authority may apply CIL to administrative expenses incurred by it in connection with CIL. Therefore, 5% of CIL income will be retained by Brentwood Borough Council to pay for systems and salaries of staff that manage CIL collection and spend processes.

Neighbourhood Portion – CIL received in areas with Parish Councils

2.1.3 The CIL Regulations 2010 (as amended) requires that a portion of the CIL income raised from development, within a Parish Council area, is paid to that Parish Council where development has taken place. The amount passed to the Parish Council will depend on whether the Parish Council has a 'made' Neighbourhood Development Plan (NDP) in place or not. The following table provides further detail:

Neighbourhood Plan?	Portion of Levy
Yes	25% uncapped paid to parish council
No	15% capped at £100/council tax dwelling

Neighbourhood Portion – CIL Received in Un-Parished Areas.

2.1.4 The CIL regulations recognise that in some cases, development may take place in an area without a Parish Council. Regulation 59F of the CIL Regulations 2010 (as amended) allows CIL Charging Authorities to use Neighbourhood CIL arising from development in those areas without Parish Councils to be retained by the CIL Charging Authority in order to:

support the development of the relevant area by funding the provision, improvement, replacement, operation or maintenance of infrastructure; or anything else that is concerned with addressing the demands that development places on an area¹.

2.1.5 The *relevant area* is described in the regulations as

...that part of the Charging Authority's area that is not within the area of a Parish Council.

2.1.6 The National CIL Guidance goes further in explaining this by stating:

Communities without a parish or town council can still benefit from the neighbourhood portion. If there is no parish or town council, the charging authority will retain the levy receipts but should engage with the communities where development has taken place and agree with them how best to spend the neighbourhood funding. Charging authorities should set out clearly and transparently their approach to engaging with neighbourhoods using their regular communication tools for example, website, newsletters etc. The use of neighbourhood funds should therefore match priorities expressed by local communities...

Borough CIL

2.1.7 The remainder of CIL receipts (approximately 80%) are retained by the Charging Authority to be allocated to infrastructure projects to support growth in the area, in accordance with Regulation 59 of the CIL Regulations.

¹ See [Regulation 59F of the CIL Regulations \(as amended\)](#)

2.2 A Note on Spending CIL

Borough CIL and CIL collected on behalf of un-parished areas.

2.2.1 As explained in paragraph 1.3.1 above, it takes time for a CIL Charging Authority to receive CIL, once a CIL Charging Schedule comes into effect. Furthermore, it takes time for Charging Authorities to raise a meaningful amount of funds to spend on infrastructure projects to support growth. At the time of writing, Brentwood Borough Council is preparing to bring CIL into effect on 15th January 2024. Therefore CIL governance and spending arrangements will follow later in the year once systems and processes for the collection of CIL have been established.

CIL Received by Parish Councils

2.2.2 With regard to CIL received by Parish Councils, it will be the responsibility of the Parish Council to spend the income in accordance with the CIL Regulations.

2.2.3 CIL receipts are to be spent by local councils within five years of receipt and they must be spent on (see Regulation 59C of the CIL Regulations 2010 as amended):

- providing, replacing, improving, operating or maintaining infrastructure that supports development in the area; or
- anything else concerned with addressing the demands that development places on the area.

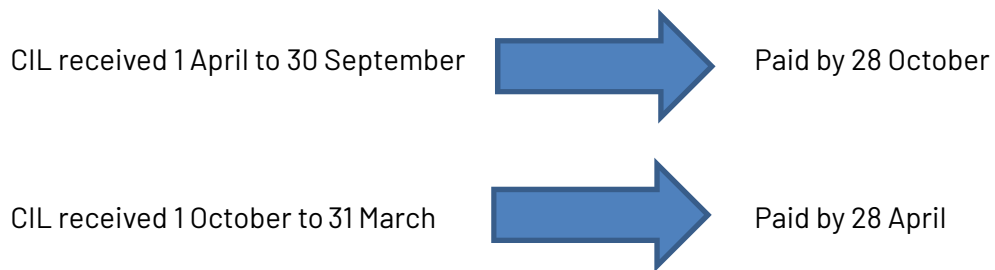
2.2.4 Infrastructure includes:

- Roads and other transport facilities
- Flood defences
- Schools and other education facilities
- Sporting and recreational facilities (for example upgrades to play equipment)
- Open spaces
- Green Infrastructure (may include tree or hedgerow planting)

2.2.5 It is important that all local councils, in considering how CIL is spent, take account of the requirements of the Subsidy Control Act, in order not to disrupt competition in the area. Further information can be found in the National [CIL Guidance](#).

3.0 When Will Parish Councils Receive CIL?

- 3.1.1 The Council's CIL Administration Team will record income from CIL receipts in each Parish Council area and will instruct payment of either 15% (capped) or 25% to each local council, depending on whether they have a 'made' Neighbourhood Plan in place or not. Unless agreed otherwise, the Council will make these payments twice a year based on Regulation 59D of the CIL Regulations 2010 (as amended).



- 3.1.2 As suggested by the text in paragraph 1.3.1 above, it is unlikely that between 15 January 2024 and 31 March 2024, that any Parish Councils will receive CIL by 28 April 2024. However, it may be likely that some areas receive the first CIL receipts by 28 October 2024.

3.2 What do Parish Council's Need to do Upon Receipt of CIL?

- 3.2.1 CIL received by local councils **must** be spent within 5 years. This is a requirement of Regulation 59E of the CIL Regulations 2010 (as amended). Brentwood Borough Council may serve a notice on the local council to repay some or all the neighbourhood CIL receipts that are not spent in accordance with the Regulations.
- 3.2.2 Local councils **must** also record all CIL receipts, expenditure and CIL receipts carried over to the following monitoring year. They **must** prepare an Annual CIL Report for each financial year that they receive CIL.
- 3.2.3 In accordance with Regulation 121B of the CIL Regulations 2010 (as amended), the report must include the following:
- Total CIL receipts for the reported year

- Total CIL expenditure for the reported year.
- Summary details of CIL expenditure during the reported year including –
 - The items to which CIL has been applied
 - The amount of CIL expenditure on each item.
- Details of any notices received in accordance with regulation 59E (Regulation 59E notices may require a local council to repay some or all of the CIL receipt in cases where CIL has not been spent within 5 years or has not been spent in accordance with Regulation 59C), including –
 - Total value of CIL receipts subject to notices served in accordance with regulation 59E during the reported year.
 - 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.
- The total amount of:
 - CIL receipts for the reported year retained at the end of the reported year.
 - CIL receipts from previous years retained at the end of the reported year.

3.2.4 See Appendix 1 for an example of the Parish Council CIL Annual Monitoring Report Template. An editable version will be made available on the Council's website www.brentwood.gov.uk/cil.

3.2.5 Local councils must publish the CIL Annual Monitoring report by 31 December following the reported year. **The reports must be published on their own websites, and on the Brentwood Borough Council's website.**

3.3 How does the General Power of Competence affect CIL Spending by the Parish Council?

3.3.1 Parish Councils should consider how their statutory powers on spending affect their CIL expenditure decisions e.g. whether or not they have the General Power of Competence (GPC). Where a Parish Council does not have a GPC, this will restrict the use of CIL funds to infrastructure or other matters which it has a statutory power to provide, maintain or improve.

3.4 What happens if a Parish Council mis-spends or does not spend their CIL income?

- 3.4.1 Brentwood Borough Council will review the Parish Council CIL Annual CIL Reports and where it believes CIL has been mis-spent and not in accordance with the CIL Regulations, then they will send the Parish Council a CIL Repayment Notice. They must respond as required and make immediate arrangements to return the mis/unspent CIL to Brentwood Borough Council, as directed.
- 3.4.2 If the Local Council is unable to repay the amount specified in the CIL Repayment Notice, Brentwood Borough Council will claw back this amount from future CIL income that the Local Council may receive.

4.0 Any Questions

- 4.1.1 The CIL Team at the Council is responsible for collecting, administering, monitoring and enforcing the CIL income. This includes calculating the amount of CIL payable on individual developments, monitoring commencement of development and payment of CIL and calculating the amount of CIL to be passed on to Local Councils.
- 4.1.2 The CIL Team can be contacted by email: CIL@Brentwood.gov.uk
- 4.1.3 Further information available about CIL on the website: [Community Infrastructure Levy \(CIL\) | Brentwood Council](#)

5.0 Appendix 1

5.1 Template for Parish Council CIL Annual Monitoring Report (an editable version is available at www.brentwood.gov.uk/cil)

- 5.1.1 In accordance with Regulation 121B, a Parish Council must prepare a report for any financial year in which it receives CIL receipts.
- 5.1.2 The following template may be used by Parish Councils as a starting point for the reporting of CIL receipts.
- 5.1.3 Please see Note 6 below for details regarding the publication of a Parish Council's CIL Monitoring Report.

**xxxxxx PARISH COUNCIL [Complete as appropriate]
CIL Monitoring Report (Regulation 121B)
1 April 2024 - 31 March 2025**

Note No*	Details	
1	CIL received for year 1 April 2024 - 31 March 2025	Amount
(refers to CIL received in each 6-month period)	April 2024	£ Click here to enter text.
	October 2024	£ Click here to enter text.
	Total CIL receipts for reported year	£ Click here to enter text.
Note No*	CIL Received but not spent	
2	CIL receipts retained	Amount
(refers to CIL received but not spent in each of the periods)	April 2024 – March 2025	£ Click here to enter text.
	[LEFT BLANK AWAITING FURTHER CIL REPORTING]	£ Click here to enter text.

	[LEFT BLANK AWAITING FURTHER CIL REPORTING]	£ Click here to enter text.
	[LEFT BLANK AWAITING FURTHER CIL REPORTING]	£ Click here to enter text.
	Total Amount of unspent CIL receipts for reported years	£ Click here to enter text.
Note No*	Details of any notices received in accordance with Regulation 59E, including:	
3		Amount
(refers to CIL to be repaid to ADC as requested in the Notice)	The total value of CIL receipts subject to the aforementioned notices during the reported year April 2024 – March 2025	£ Click here to enter text.
	The total value of CIL receipts subject to the aforementioned notices in any year that has not been paid to the relevant charging authority (CA) by the end of the reported year.	£ Click here to enter text.
	Total value of CIL receipts subject to aforementioned notices for reported year	£ Click here to enter text.
Note No*	CIL Spent	
4		Amount
(refers to CIL spent within period)	Total CIL spent during April 2024 – March 2025	£ Click here to enter text.
Note No*	Summary of CIL expenditure during this reported year	
5	Please provide project details (in table below), to include:	
(requests a summary of CIL expenditure)	<ul style="list-style-type: none"> Identify which of the following criteria, (a) or (b), that the project meets. <ul style="list-style-type: none"> <i>a. The provision, improvement, replacement, operation or maintenance of infrastructure: or</i> <i>b. Anything else that is concerned with addressing the demands that development places on an area.</i> 	
	<ul style="list-style-type: none"> Total cost of project 	

		<ul style="list-style-type: none"> CIL contribution to project 			
		<ul style="list-style-type: none"> Details on any additional funding if required to complete the project. 			
Project details and either (a) or (b) criteria		Total project cost	CIL contribution	If other funding required to complete project:	
(a) or (b)	Project Details (summary)	£	£	Type / Source	£
(a)	Click here to enter text.	£ Click here to enter £	£ Click here to enter £.	Click here to enter text.	£ Click here to enter £.
	Click here to enter text.	£ Click here to enter £.	£ Click here to enter £.	Click here to enter text.	£ Click here to enter £.
	Click here to enter text.	£ Click here to enter £.	£ Click here to enter £.	Click here to enter text.	£ Click here to enter £.

NOTES

Note number	Notes
1	Regulation 121B (2)(a) of the Community Infrastructure Levy Regulations 2010 (as amended) requires a local council to report the total CIL receipts for the reported year.
2	Regulation 121B (2)(e) of the Community Infrastructure Levy Regulations 2010 (as amended) requires a local council to report details of the total amount of: <ul style="list-style-type: none"> 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	Regulation 121B (2)(d) of the Community Infrastructure Levy Regulations 2010 (as amended) requires a local council to report details of any notices received in accordance with regulation 59E ² , including: <ul style="list-style-type: none"> 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.
4	Regulation 121B (2)(b) of the Community Infrastructure Levy Regulations 2010 (as amended) requires a local council to report the total CIL expenditure for the reported year.
5	Regulation 121B (2)(c) of the Community Infrastructure Regulations 2010 (as amended) requires a Parish Council to provide a summary of CIL expenditure during the reported year including: <ul style="list-style-type: none"> i. The items to which CIL has been applied; and ii. The amount of CIL expenditure on each item.

² Regulation 59E covers notices served by Brentwood Borough Council (BBC) on the Parish Council requiring it to repay some or all of the CIL receipts where BBC believes some or all of the CIL received by the Parish Council has not been spent in accordance with the regulations as stated in Regulation 59C.

6	<p>Regulation 121B(3) of the Community Infrastructure Regulations 2010 (as amended) requires that the Parish Council must –</p> <p>(a) Publish the report –</p> <ul style="list-style-type: none"> i. on its website ii. on the website of the Charging Authority for the area if the Parish Council does not have a website; or iii. within its area as it considers appropriate if neither the Parish 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 <p>(b) Send a copy of the report to the charging authority from which it receives 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.</p>
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For further guidance on the CIL Regulations please refer to the following sources:

www.brentwood.gov.uk/cil

<https://www.gov.uk/guidance/community-infrastructure-levy>

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