

Fact Sheet: Community Infrastructure Levy

Guidance for Museums and Archives in London

This factsheet aims to provide people working in museums and archives in London with a guide to the Community Infrastructure Levy. Specifically, what the Levy is, how it relates to Section 106 planning obligations, it's implementation across London and in each London Borough. It forms part of the Strong and Safe programme, led by London Museum Development in partnership with The National Archives.

Community Infrastructure Levy

What is the Community Infrastructure Levy?

The Community Infrastructure Levy (CIL) 'is a tool for local authorities in England and Wales to help deliver infrastructure to support the development of the area.'¹ It is a levy placed on all new developments which rely on local infrastructure. Unlike Section 106 the Community Infrastructure Levy can be used by a local authority to support the development of infrastructure away from the specific site of a development. This approach to funding infrastructure is considered by the government to be fairer, faster and more transparent than Section 106 (which is still in place).

In England, the levy is collected by 'district and metropolitan district councils, London borough councils, unitary authorities, national park authorities, The Broads Authority, Mayoral Development Corporations and the Mayor of London.'² It is up to each authority to decide how to best implement the levy in their area and to identify the priority areas of infrastructure to allocate the funds to.

What is infrastructure?

'The basic physical and organisational structures and facilities (e.g. buildings, roads, power supplies) needed for the operation of a society or enterprise.'³

CIL regulations do not specify the types of infrastructure which can be funded. It is up to each authority to decide. However, the broad categories outlined by South Somerset District Council can be applied to any area:

1. Physical: e.g. highways, transport links, cycle-ways, energy supply, water, flood alleviation, waste management
2. Social: e.g. education, health, social care, emergency services, art and culture, sports halls, community halls, faith, crematoria
3. Green: e.g. parks, woodlands, play areas, public open space⁴

¹ [Planning Practice Guidance, Community Infrastructure Levy](#), 9/11/2016

² [Planning Practice Guidance, Community Infrastructure Levy](#), 9/11/2016

³ [English Oxford Dictionary](#), 10/11/16

Section 106

Section 106 planning obligations (s106) allows for the provision of local infrastructure on the site of a proposed development. They are aimed at reducing the impact of the development within the site identified. They are often referred to as 'developer contributions'. S106 obligations remain in use alongside CIL and they are commonly used to support affordable housing. However, they can also be used to:

- a. 'restrict the development or use of the land in any specified way
- b. require specified operations or activities to be carried out in, on, under or over the land
- c. require the land to be used in any specified way; or
- d. require a sum or sums to be paid to the authority (or, to the Greater London Authority) on a specified date or dates or periodically.⁵

These are outlined within a planning obligation. 'The planning obligation is a formal document, a deed, which states that it is an obligation for planning purposes, identifies the relevant land, the person entering the obligation and their interest and the relevant local authority that would enforce the obligation. The obligation can be a unitary obligation or multi party agreement. The obligation becomes a land charge.'⁶

Developments cannot be charged for the same items of infrastructure through both planning obligations under S106 and CIL. Each charging authority can implement their own approach to how they use S106 and CIL and it will also depend on the type of development being undertaken and the needs of the area in which the development is proposed.

What can the levy be used to fund?

CIL can be used to fund a broad range of infrastructure including museums, archives and libraries. The decision on what to fund lies with each individual authority. The levy cannot be used to fund affordable housing as this is made possible through Section 106 agreements.⁷

This flexibility gives local areas the opportunity to use the levy to support the delivery of their development plans. The levy is intended to support the provision of new infrastructure, not for repair or maintenance. It can be only used to increase the capacity of existing infrastructure or repair failing existing infrastructure, if it is deemed necessary to support development.⁸

Authorities are required to identify the categories of infrastructure which it intends on developing through CIL funds and Section 106. This list of projects or categories is referred to as the 'regulation 123 list'.

⁴ [South Somerset District Council guidance on community infrastructure levy](#), 10/11/16

⁵ [Planning Advisory Services, Section 106 obligations](#), 19/11/16

⁶ [Planning Advisory Services, Section 106 obligations](#), 19/11/16

⁷ [Planning practice guidance](#), Community Infrastructure Levy 10/11/16

⁸ [Planning practice guidance](#), Community Infrastructure Levy 10/11/16

Museums, Archives, Libraries and CIL

To date there has been limited engagement with museums and archives in CIL in London and beyond. There is greater involvement of libraries but it is still early days for the levy and associated projects. Some authorities are currently consulting communities on how they should use the funding and others have broad remits outlined where museums and archive developments could be supported. There are also authorities who are choosing to use CIL to support infrastructure projects which lie entirely outside of museum and archive remit, such as transport, school building and waste management. Recently LB Camden announced its first beneficiary of its local funding allocation of CIL (they have two strands of CIL, strategic and local), Keats Community Library in Hampstead.⁹ The library has been allocated a fund of £12,850 to replace children's books & materials, purchase large print and audio books and replace/(purchase)new equipment e.g. library trolleys, reading chairs, kitchen dishwasher.

The funds to support this were collected from the developer of a large private supported housing development. An [assessment report](#) of the project is available online. Improvements to the library are scheduled to begin November 2016.

CIL in London

There are two types of CIL in London, The Mayoral Community Infrastructure Levy and individual boroughs CIL. The Mayoral Community Infrastructure Levy is restricted to funding roads and other transport facilities, including Crossrail.

Borough CIL

Each Borough has a different approach to its implementation of CIL. The accompanying excel table highlights the:

- link to each boroughs CIL page
- what they say about CIL
- list of relevant identified priority areas for funding, outlined in a local plan and/or reg. 123 list
- CIL and/or planning contact detail

⁹ LB, Camden, [announcement of CIL local funding allocation](#), Keats Community Library, 10/11/16

Exemption of CIL

There are two forms of relief which may be available for charities, full and discretionary. A charity landowner can apply for full relief if the development will be used 'wholly, or mainly, for charitable purposes' and they meet the requirements of [Regulation 43](#).

An authority can also choose to offer [discretionary relief](#) to a charity landowner where the greater part of the chargeable development will be held as an investment, from which the profits are applied for charitable purposes (see [Regulation 44](#) for details). The charging authority must publish its policy for giving relief in such circumstances.

If you are planning a development you will need to apply for an exemption or relief on CIL, you should do this as early as possible in the planning cycle and complete the relevant [forms required](#).

Further information and guidance

[Community Infrastructure Levy, an overview](#), Department of Communities and Local Government

[The Planning Portal](#) website provides guidance and a range of forms which can be useful when applying for exemption or relief from CIL.

[Mayor of London, Community Infrastructure Levy](#) provides details on the charges and use of the levy

The Planning Advisory Service, provide advice on planning obligations including [Section 106 obligations](#)

Town and Country Planning Act, 1990, [Section 106](#)

The Town and Country Planning Association (TCPA) have developed [resources and publications](#) for culture and the arts organisations to support their role in planning and development.