

## Appendix 3 - Overview detail of S106 and CIL Reporting Requirements

### The Amendment Regs. SCHEDULE 2 Regulation 121A Matters to be included in the annual infrastructure funding statement

#### **CIL Report**

- 1) The matters to be included in the CIL report are—
  - a) The total value of CIL set out in all demand notices issued in the reported year;
  - b) The total amount of CIL receipts for the reported year;
  - c) The total amount of CIL receipts, collected by the authority, or by another person on its behalf, before the reported year but which have not been allocated;
  - d) The total amount of CIL receipts, collected by the authority, or by another person on its behalf, before the reported year and which have been allocated in the reported year;
  - e) The total amount of CIL expenditure for the reported year;
  - f) The total amount of CIL receipts, whenever collected, which were allocated but not spent during the reported year;
  - g) In relation to CIL expenditure for the reported year, summary details of—
    - i) The items of infrastructure on which CIL (including land payments) has been spent, and the amount of CIL spent on each item;
    - ii) The amount of CIL spent on repaying money borrowed, including any interest, with details of the items of infrastructure which that money was used to provide (wholly or in part);
    - iii) The amount of CIL spent on administrative expenses pursuant to regulation 61, and that amount expressed as a percentage of CIL collected in that year in accordance with that regulation;
  - h) In relation to CIL receipts, whenever collected, which were allocated but not spent during the reported year, summary details of the items of infrastructure on which CIL (including land payments) has been allocated, and the amount of CIL allocated to each item;
  - i) The amount of CIL passed to—
    - i) Any parish council under regulation 59A or 59B; and
    - ii) Any person under regulation 59(4);
  - j) 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 of infrastructure to which the CIL receipts to which regulations 59E and 59F applied have been allocated or spent, and the amount of expenditure allocated or spent on each item;
  - k) Summary details of any notices served in accordance with regulation 59E, including—
    - i) the total value of CIL receipts requested from each parish council;
    - ii) any funds not yet recovered from each parish council at the end of the reported year;
  - l) The total amount of—
    - 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;

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- iii) CIL receipts for the reported year to which regulation 59E or 59F applied retained at the end of the reported year;
- iv) CIL receipts from previous years to which regulation 59E or 59F applied retained at the end of the reported year.

**Note:** *This is not dissimilar to the current mandatory CIL reporting Requirement*

- 2) For the purposes of paragraph 1—
  - a) CIL collected by an authority includes land payments made in respect of CIL charged by that authority;
  - b) CIL collected by way of a land payment has not been spent if at the end of the reported year—
    - i) Development (within the meaning in TCPA 1990) consistent with a relevant purpose has not commenced on the acquired land; or
    - ii) The acquired land (in whole or in part) has been used or disposed of for a purpose other than a relevant purpose; and the amount deemed to be CIL by virtue of regulation 73(9) has not been spent;
  - c) CIL collected by an authority includes infrastructure payments made in respect of CIL charged by that authority;
  - d) CIL collected by way of an infrastructure payment has not been spent if at the end of the reported year the infrastructure to be provided has not been provided;
  - e) The value of acquired land is the value stated in the agreement made with the charging authority in respect of that land in accordance with regulation 73(6)(d);
  - f) The value of a part of acquired land must be determined by applying the formula in regulation 73(10) as if references to N in that provision were references to the area of the part of the acquired land whose value is being determined;
  - g) The value of an infrastructure payment is the CIL cash amount stated in the agreement made with the charging authority in respect of the infrastructure in accordance with regulation 73A(7)(e).

### **S106 Report**

- 3) The matters to be included in the section 106 report for each reported year are—
  - a) The total amount of money to be provided under any planning obligations which were entered into during the reported year;
  - b) The total amount of money under any planning obligations which was received during the reported year;
  - c) The total amount of money under any planning obligations which was received before the reported year which has not been allocated by the authority;

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- d) Summary details of any non-monetary contributions to be provided under planning obligations which were entered into during the reported year, including details of—
  - i) In relation to affordable housing, the total number of units which will be provided;
  - ii) In relation to educational facilities, the number of school places for pupils which will be provided, and the category of school at which they will be provided;
- e) The total amount of money (received under any planning obligations) which was allocated but not spent during the reported year for funding infrastructure;
- f) The total amount of money (received under any planning obligations) which was spent by the authority (including transferring it to another person to spend);
- g) In relation to money (received under planning obligations) which was allocated by the authority but not spent during the reported year, summary details of the items of infrastructure on which the money has been allocated, and the amount of money allocated to each item;
- h) In relation to money (received under planning obligations) which was spent by the authority during the reported year (including transferring it to another person to spend), summary details of—
  - i) The items of infrastructure on which that money (received under planning obligations) was spent, and the amount spent on each item;
  - ii) The amount of money (received under planning obligations) spent on repaying money borrowed, including any interest, with details of the items of infrastructure which that money was used to provide (wholly or in part);
  - iii) The amount of money (received under planning obligations) spent in respect of monitoring (including reporting under regulation 121A) in relation to the delivery of planning obligations;
- i) The total amount of money (received under any planning obligations) during any year which was retained at the end of the reported year, and where any of the retained money has been allocated for the purposes of longer term maintenance (“commuted sums”), also identify separately the total amount of commuted sums held.

#### **Section 278 Highways Act 1980**

- 4) The matters which **may** be included in the section 106 report for each reported year are—
  - a) Summary details of any funding or provision of infrastructure which is to be provided through a highway agreement under section 278 of the Highways Act 1980 which was entered into during the reported year,
  - b) Summary details of any funding or provision of infrastructure under a highway agreement which was provided during the reported year.
- 5) For the purposes of paragraph 3—
  - a) Where the amount of money to be provided under any planning obligations is not known, an authority must provide an estimate;

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- b) A non-monetary contribution includes any land or item of infrastructure provided pursuant to a planning obligation;
  - c) Where the amount of money spent in respect of monitoring in relation to delivery of planning obligations is not known, an authority must provide an estimate.
- 6) Additional information on the Government's expectations for the monitoring and reporting of S106 developer contributions and CIL can be found on the UK Government's Planning Practice Guidance webpages. Links to the relevant pages are provided below:

<https://www.gov.uk/guidance/viability>

<https://www.gov.uk/guidance/planning-obligations>

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

<https://www.gov.uk/guidance/publish-your-developer-contributions-data>