



5 Allocation of CIL Expenditure: Regulatory Requirements




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The  [CIL regulations](#) (59, [1]) require that a charging authority (Hertsmere BC) must apply CIL to fund “the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area”. The council is not specifically required under the regulations to justify its expenditure but it must publish once a year how CIL has, and may be allocated.

In order to mitigate against the potential for ‘double dipping’, the council will be required to notify developers which infrastructure it plans to deliver via CIL – through the publication of its ‘Regulation 123 list’. This list does not have to be exhaustive, and can be replaced at any time; however statutory guidance does state that the council must consult on any changes.

Once CIL is adopted, the council will not be able to enter into a section 106 for any item it has stipulated will, or may, be provided by CIL. Where a request for infrastructure under s106 is required, the council can only enter into five s106 agreements towards that piece of infrastructure.

In addition, 15% (or 25% in respect of areas with a neighbourhood plan) of the council’s CIL receipts will be directly handed over to the Parish or Town Council (where one exists) where receipts have been generated.

Read  [guidelines on the distribution of CIL funds](#) that have been passed on to Parish and Town Councils.

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