

Appendix 3: Rushcliffe Community Infrastructure Levy Payment in Kind Policy



Rushcliffe Community Infrastructure Levy

Payment in Kind Policy

September 2019

1. Introduction

- 1.1. In accordance with Regulations 73, 73A, 73B and 74 of the Community Infrastructure Levy Regulations 2010 (as amended), Rushcliffe Borough Council as the charging authority for the area will allow the payment of CIL by land payments or infrastructure payments.
- 1.2. This payment in kind policy will come into effect at the same time as the implementation of CIL.
- 1.3. The CIL Regulations 2010 (as amended), allow the Council to accept full or part payment of a CIL liability by way of the transfer of land to the Council. The Council may also enter into agreements to receive infrastructure as payment. Such an approach has a number of benefits. For example, where the Council has already planned to invest levy receipts in a project there may be time, cost and efficiency benefits in accepting completed infrastructure from the party liable for payment of the levy. Payment in kind can also enable developers, users and authorities to have more certainty about the timescale over which certain infrastructure items will be delivered.

2. Payment of CIL by Infrastructure Provision

- 2.1. Rushcliffe Borough Council may enter into agreements to receive infrastructure as payment in kind. The infrastructure provided must be related to the provision of infrastructure types or projects that the Borough Council expects to be funded through CIL in lieu of part or all of a CIL payment which may be due. The types of infrastructure that the Borough Council expects to be funded through CIL are contained within the Regulation 123 list as submitted for examination. From December 2020 onwards, the type of infrastructure that the Borough Council expects will be paid for by CIL will be set out in its annual infrastructure statement.
- 2.2. Where the payment of CIL by infrastructure provision is considered acceptable the Council will enter into an infrastructure agreement prior to the development commencing. This agreement will include the information specified in Regulation 73A.
- 2.3. Before entering into an infrastructure agreement to allow such provision, the Council will need to be satisfied that the criteria in Regulation 73A (inserted by the 2014 Regulations) are met. It should be noted that the value of any infrastructure offered in this way will have to be determined by a suitably qualified independent person, with any costs associated with this assessment paid for by the liable party.
- 2.4. An application for payment in kind will only be considered acceptable where it demonstrates compliance with the national criteria within the CIL Regulations (2010) as amended, any local criteria and subject to all necessary searches on the land being to the satisfaction of the Council.

- 2.5. The Council is not obliged to accept any offer of payment in kind by land or infrastructure. Development on the site must not have commenced before a written agreement with the Council has been made. The agreement must state the value of the land and /or infrastructure to be transferred.
- 2.6. In the event a liable party commences development having failed to submit a Commencement Notice to the Council, any agreement regarding payment in kind for that liable development will be void and the land and / or infrastructure will not be accepted as payment in kind. Instead the full value of the CIL liability will be due immediately in money.
- 2.7. Where a land payment is not received in full on or before the day on which it is due, the unpaid balance of the CIL payment becomes payable in full immediately in money.
- 2.8. Any outstanding CIL amounts left in the form of money after the transfer of land will be paid in line with the payment due dates laid out in the Demand Notice. In accordance with Regulation 75(2)(b) the Council is not required to repay overpayment where it is a result of a land payment.
- 2.9. Before submission of an application the liable party is encouraged to discuss proposals with the Borough Council as early as possible to establish if the principle of payment in kind would be appropriate in that instance.
- 2.10. Please see the Community Infrastructure Levy Regulations 2010 (as amended), for further details relating to payments in kind.

3. Further Information

- 3.1. For further information about the Rushcliffe Community Infrastructure Levy please visit <http://www.rushcliffe.gov.uk/planningpolicy/cil/>.
- 3.2. The Planning Contributions Officer can be contacted at:
msawyer@rushcliffe.gov.uk or by telephone **0115 981 9911**.