

Christchurch and East Dorset Community Infrastructure Levies - CIL Payments in Kind Policy

Appendix C, Adopted Version

September 2016

In accordance with Regulation 73 and 73A of the CIL Regulations 2010 (as amended), Christchurch and East Dorset Councils may accept one or more infrastructure / and or land payments in satisfaction of the whole or part of the CIL due in respect of a chargeable development. This will be subject to the following conditions:

1. The Councils must be satisfied that the transfer of land and / or provision of infrastructure is appropriate to support the delivery of the Local Plan and development in the District and Borough. It is at the Councils' discretion whether to accept the transfer of land or infrastructure in lieu of CIL.
2. The land is acquired by the Christchurch and East Dorset Councils as the charging authority or a person nominated by the Councils.
3. The Councils' Regulation 123 list sets out the range of infrastructure to be funded in whole or in part by CIL. The Councils may consider accepting infrastructure projects and / or types of infrastructure from this list to discharge part or all of a levy liability.
4. Christchurch and East Dorset Councils may consider accepting an infrastructure payment relating to infrastructure to be provided outside the District and Borough if it will be used to support the development of the plan area.
5. The chargeable development must not have commenced before a written agreement with the Councils to pay part or all of the CIL amount as land / and or infrastructure has been made. This written agreement must be prepared in accordance with the criteria set out in Regulation 73 and 73A of the CIL Regulations (as amended).
6. The person transferring the land and / or providing infrastructure to the charging authority as payment must have assumed liability to pay CIL and completed the relevant CIL forms.
7. Where CIL is paid by way of a land payment and / or infrastructure the amount of CIL paid is the amount equal to the value of the acquired land and / or infrastructure.
8. The land and / or infrastructure to be acquired must be valued by a suitably qualified and experienced independent person to be agreed with the Councils. The valuation of land must represent the price that the land might reasonably be expected to obtain if sold on the open market on the day the valuation takes place and reflect the relevant purposes for which the land will be utilised. The valuation of infrastructure provided must reflect the cost of providing the infrastructure on the day the valuation takes place.
9. The land, subject to transfer, must be free from any interest in land and any encumbrance to the land, buildings or structures. (This may require the owner to demonstrate that the land is suitable through the submission of further information to the Council, including but not limited to topographical information, reports on contamination and archaeology and details of any underground services.)
10. The land, and or infrastructure subject to transfer must be fit for a relevant purpose being the land and or infrastructure appropriate to support the delivery of the Local Plan and development in the District and Borough.
11. The Council may transfer the land, at nil cost to a third party for the provision of infrastructure (This will be limited to other infrastructure providers).

If you are interested in paying CIL in this way and have not commenced development of the site in question you should discuss this possibility with Christchurch and East Dorset Councils.

It should be noted that the agreement to pay in land and or infrastructure may not form part of a planning obligation entered into under Section 106 of the Town and Country Planning Act 1990.

Any outstanding CIL liable to the chargeable development after the transfer of land and / or delivery of infrastructure should be paid in line with the payment dates set out in your demand notice.