

Community Infrastructure Levy – Payments in Kind Policy

Effective date: 1 September 2017

In accordance with Regulations 73, 73A, 73B and 74 of the Community Infrastructure Levy Regulations 2010 (as amended), Cheshire West and Chester Council, as charging authority for the Borough of Cheshire West and Chester, will allow the payment of the Community Infrastructure Levy (CIL) by land payment or infrastructure payments.

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. Any land provided as payment in kind must be used for the delivery of infrastructure identified within the CIL Regulation 123 list.

The Council may also enter into agreements to receive infrastructure as payment in kind. The infrastructure to be provided must be related to the provision of those infrastructure types or projects listed in the Council's Regulation 123 list.

Any agreement relating to such a payment must be made before the chargeable development commences and will set out when the land or infrastructure should be transferred into the ownership of the Council (or other party which the Council designates to take ownership).

A charging authority may not accept a land payment unless the chargeable amount payable is greater than £50,000.

The value of any land or infrastructure offered by way of payment has to be determined by a suitably qualified independent person, with any costs associated with this assessment paid for by the liable party.

The liable party will be required, at its expense, to undertake such searches as the Council requires on any land that is proposed to be transferred into the ownership of the Council and share the resultant information with the Council before the Council agree to accept any payment in kind. The liable party must also notify the Council of any restrictions on the use or disposal of the land that is proposed to be transferred into the ownership of the Council before the Council agree to accept any payment in kind.

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.



Cheshire West & Chester Council

Where land or infrastructure passes into the ownership of the Council, it will be added to the Council's Asset Register.

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.

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. 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.

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.

Before submission of an application the liable party is encouraged to discuss proposals with the Council's CIL Officer as early as possible to establish if the principle of payment in kind would be appropriate in that instance.

Please see the Community Infrastructure Levy Regulations 2010 (as amended), for further details relating to payments in kind.

