



WOKINGHAM
BOROUGH COUNCIL

Wokingham Borough Council Community Infrastructure Levy

Discretionary Payment in Kind of Land or Infrastructure in Lieu of CIL Policy

January 2016

Draft Community Infrastructure Levy Payment in Kind of Land or Infrastructure in lieu of CIL Policy

In accordance with Regulations 73, 73A, 73B and 74 of the Community Infrastructure Levy Regulations 2010 (as amended), Wokingham Borough Council, as the charging authority for the area, will allow the consideration of payment of CIL by land payments or infrastructure payments. This will be effective from 01/01/2016.

Paying CIL in the form of land

In certain circumstances it will be possible to pay some or the entire CIL amount in the form of land. This will be dependent on certain conditions:

1. The Council agree to the transfer of land as part or whole payment of the CIL.
2. The land can be used to provide infrastructure to support the development of the area.
3. The applicant must have assumed liability to pay CIL.
4. The value of the land to be transferred must have been determined by a suitably qualified independent person agreed by the Council. The valuation must represent a fair market value for the land on the day it was valued. The valuation will be funded by the developer but shall be considered as part of the capital cost of the land for the purposes of the in lieu payment.
5. Where the payment of CIL by land provision is considered acceptable the Council will enter into an agreement with the liable party(ies) prior to the development commencing. The Council must be satisfied that the criteria in Regulation 73 have been met.
6. The agreement cannot form part of a planning obligation within a S106 Agreement.

Paying CIL in the form of infrastructure

In certain circumstances it will be possible to pay some or the entire CIL amount in the form of infrastructure. This will be dependent on certain conditions:

1. The infrastructure to be provided must be related to the provision of those projects listed in the Council's Regulation 123 list.
2. The applicant must have assumed liability to pay CIL.
3. The value of the infrastructure to be transferred must have been determined by a suitably qualified independent person agreed by the Council who will ascertain the cost to the provider including any design related costs. The valuation must represent a fair market value for the infrastructure on the day it was valued. The valuation will be funded by the developer but shall be considered as part of the capital cost of the infrastructure for the purposes of the in lieu payment.
4. Where the payment of CIL by infrastructure provision is considered acceptable the Council will enter into an agreement with the liable party(ies) prior to the development commencing. This agreement must include the information specified in Regulation 73A.
5. The agreement cannot form part of a planning obligation within a S106 Agreement.

The Council is not obliged to accept any offer of payment in kind by land or infrastructure. Please see the Community Infrastructure Levy Regulations 2010 (as amended), for the full details relating to payment in kind.

Before submission of an application liable parties are encouraged to discuss proposals with the Council to establish if the principle of 'payment in kind' is suitable. Please contact - developer.contributions@wokingham.gov.uk.

Where the Council accepts land and/or infrastructure as 'payment in kind', the equivalent Neighbourhood Fund: -

- 25% where there is a formal Neighbourhood Plan or within a Neighbourhood Development Order; or,
- 15% where there is no Neighbourhood Plan, capped at a maximum of £100 per council tax dwelling,

must still be paid to the local community as a financial payment.

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