

Shropshire Council Community Infrastructure Levy (CIL)

Payment in Kind-Infrastructure Policy Statement

- 1.1 In accordance with Regulations 73, 73A, 73B and 7A of the Community Infrastructure Levy Regulations 2010 (as amended), Shropshire Council, as the CIL Charging Authority for the area, will allow the payment of CIL by land payments or infrastructure payments to the Council and/or party(ies) nominated by the Council, in accordance with this policy.**
- 1.2 This policy is effective from 13th June 2016.**
- 1.3 However, this mechanism is offered at Shropshire Council's discretion. This policy statement does not oblige Shropshire Council to accept such an offer or application.**
- 2.1 Payment in kind will be subject to the following conditions:
 - a) an application for payment in kind must be made using the Shropshire Council 'Application for Payment in Kind' form **and must accord with the requirements set out in the CIL Regulations 2010** (as amended) and Shropshire Council's CIL Payment in Kind Guidance Note.
 - b) the person offering the in kind payments must have assumed liability to pay CIL, have completed the relevant CIL forms and these must have been formally acknowledged by the Council.
 - c) An infrastructure payment can only be accepted if the applicant has, or is likely to have, sufficient control over the land on which the infrastructure is to be constructed, and evidence has been provided to the Council that the applicant has obtained, or will be likely to be able to obtain, any relevant statutory authorisations that are necessary to enable the infrastructure to be constructed.
 - d) the chargeable development must not have commenced before a written agreement has been obtained from the Council to accept the in kind payments offered.
 - e) the land and/or infrastructure provided as payment in kind must be relevant infrastructure as defined by Regulation 123 i.e. it must be related to the provision of projects listed in the Council's Regulation 123 list as being suitable for in kind payment.

- f) the land/or infrastructure being offered must not:
 - i be necessary to meet Planning Policy standards- including open space standards identified in Policy MD2 and Appendix 2 of the Developer Contributions Supplementary Planning Document (SPD);
 - ii be necessary to make the development acceptable in planning terms;
 - iii represent an intrinsic element of the design of the scheme;
 - iv be an item which has been promoted as part of the scheme in addition to any CIL contribution to the local community, unless negotiated with the Council in order to meet a community wide infrastructure need;
 - v represent one of the reasons the community supported the scheme during the planning allocation/application process, unless proposed instead of CIL or negotiated with the Council in order to meet an agreed community wide infrastructure need.
- g) The land and/or infrastructure must be fit for the relevant purpose and its provision must represent a time or cost efficiency to Shropshire Council and its partners or otherwise be more practical than such parties delivering the infrastructure themselves.
- h) Any infrastructure payment in-kind proposals must be discussed with the local Town or Parish Council prior to any formal agreement with Shropshire Council. The applicant must provide confirmation from the relevant Town or Parish Council that the Neighbourhood Fund payment, due from the CIL liable development, has been fulfilled through the in-kind contribution. Alternatively, the applicant will need to meet the Neighbourhood Fund requirement through a financial payment.
- i) The value of any land and/or infrastructure offered by way of payment has to be determined by a suitably qualified, independent assessor and the Council will require the costs of any such valuation to be met by the applicant.