



rhondda cynon taf
community infrastructure levy

ardoll seilwaith cymunedol

Rhondda Cynon Taf Community Infrastructure Levy (CIL): Charging Schedule
Payment in Kind – Land and Infrastructure Payment Policy

This statement is made in line with Regulations 73, 73A, 73B and 74 of the Community Infrastructure Regulations 2010 (as amended).

Rhondda Cynon Taf County Borough Council ('the Council') as the charging authority for the area hereby gives notice that it will allow land and infrastructure payments in lieu of part, or all, of a CIL liable development.

This policy will be effective from 16th September 2016.

Anyone wishing to make payment in this way must follow the procedure set down in Regulations 73 and 73A of the Community Infrastructure Levy Regulations 2010 (as amended).

The 'payment in kind' mechanism is offered at the Council's discretion and the Council reserve the right to refuse any application.

Paying CIL in the form of land

In certain circumstances you may be able to pay a part of or the entire CIL chargeable amount in respect of a chargeable development in the form of land. This is subject to all the following conditions being met:

- The Council agree to the transfer;
- The land is to provide or facilitate the provision of infrastructure to support the development of the area;
- The person transferring the land to the Council has assumed liability to pay CIL beforehand;

- The land proposed to be transferred has been valued by a suitably qualified and experienced independent person. The Council has given their approval to the valuation of the land by this person. The valuation represents the fair market price for the land on the day it was valued;
- Development on the site has not commenced. A written agreement with the Council to pay some or the entire CIL amount in the form of the land must be entered into before the development is commenced. This agreement must state the value of the land being transferred.

Any outstanding CIL amount left after the transfer of land must be paid in the form of money in line with the payment due dates contained in the relevant demand notice.

Paying CIL in the form of infrastructure

In certain circumstances you may be able to pay a part of or the entire CIL chargeable amount in respect of a chargeable development in the form of one or more items of infrastructure. This is subject to all the following conditions being met:

- The Council agree to the infrastructure payment;
- The infrastructure provided will be used to support the development of the area; and must be identified on the Council's Regulation 123 List;
- The person providing the infrastructure to the Council must have, or is likely to have, sufficient control over the land on which the infrastructure is to be constructed to enable them to provide the infrastructure;
- The person providing the infrastructure to the Council has assumed liability to pay CIL beforehand;
- The person providing the infrastructure must have provided the Council with evidence that he/she 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;
- Development on the site has not commenced. A written agreement with the Council to pay some or the entire CIL amount in the form of infrastructure must be entered into before the development is commenced. This agreement must state the value of the infrastructure being transferred.

Any outstanding CIL amount left after the transfer of infrastructure must be paid in the form of money in line with the payment due dates contained in the relevant demand notice.

Both forms of payment in kind have to be the subject of a legally binding agreement before the development starts. It is this agreement that would provide the opportunity to address any issues of specification in delivery of the intended payment in kind. For example, this could encompass the build specification of any road or building to be provided or the assurance that any land provided would be suitable or could be made suitable for its intended end use.

Next steps

If you are interested in paying CIL in either or both of these ways, and have not commenced development on the site in question, you should discuss this possibility with the Council as soon as possible.

Note

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