

APPENDIX 6 – DRAFT PAYMENT IN KIND POLICY



Community Infrastructure Levy (CIL)

Payment in Kind Policy

This policy takes effect on the 1st January 2015

In accordance with Regulation 73 of the Community Infrastructure Levy Regulations 2010 (as amended), Dacorum Borough Council may support the payment of part of your CIL requirement in the form of one or more land payments. This will be subject to the following conditions:

- 1) The Council must be satisfied that the land to be transferred would be appropriate for the provision of necessary infrastructure to support the growth of the Borough. It is entirely at the Council's discretion as to whether to accept a land transfer in lieu of CIL.
- 2) The chargeable development must not have commenced before a written agreement with the Council to pay part of the CIL amount in land has been made. This agreement must state the value of the land to be transferred
- 3) The person transferring the land to the charging authority as payment must have assumed liability to pay CIL and completed the relevant CIL forms.
- 4) The land to be transferred must be valued by a suitably qualified and experienced independent person as agreed with the Council. The valuation must represent a fair market price for the land on the day that it is valued and reflect the relevant purposes for which the land will be utilised.
- 5) The value of the land to be transferred shall not exceed 50% of the total CIL liability for the chargeable development.
- 6) The land, subject to the transfer, must be free from any interest in land and any encumbrance to the land, buildings or structures
- 7) The land, subject to the transfer, must be fit for a relevant purpose being the provision of necessary infrastructure to support the growth of the Borough¹.

- 8) The Council may transfer the land, at nil cost, to a third party² for the provision of infrastructure.
- 9) The Council would encourage the transfer of land allocated or safeguarded in a Site Allocations DPD or Supplementary Planning Documents for infrastructure.

If you are interested in paying CIL in this way and have not commenced development of the site in question you should discuss this with the Strategic Planning and Regeneration (Infrastructure) Officer

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

¹ 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.

² This would be limited to other infrastructure provider's e.g Hertfordshire County Council, Network Rail and the Dacorum Sports Trust/Sportspace.