

Peterborough City Council

Community Infrastructure Levy Supporting Policies:

- CIL Instalment Policy
- Payment in Kind Policy – Land and Infrastructure
- Exceptional Circumstances Statement

July 2018

1. Introduction

- 1.1. This document provides the Community Infrastructure Levy (CIL) policies relating to the operation of the CIL which have been left to the discretion of the Charging Authority, Peterborough City Council.
- 1.2. Peterborough City Council is the CIL collecting authority in respect of the area in which it grants planning permission.
- 1.3. Detailed queries about the operation of policies contained in this document should be directed to the Council's Planning Obligations Officer – planningobligations@peterborough.gov.uk.

2. Peterborough Community Infrastructure Levy Instalment Policy

- 2.1. Peterborough City Council as Charging Authority for its area will permit the payment of CIL liability by instalment in accordance with Regulation 69B of the Community Infrastructure Levy Regulations 2010 (as amended).
- 2.2. This Instalment Policy took effect on 24 April 2015 and was reconfirmed in July 2018.
- 2.3. As permitted under Regulation 9(4) of the Community Infrastructure Levy Regulations 2010 (as amended), where outline permission has been granted which permits development to be implemented in phases, the Instalment Policy will apply to each separate phase of development and the associated separate chargeable amount.

Chargeable amount	Number of Instalments	Amount or proportion of CIL payable in any instalment/time at which payments are due
£75,000 or less	1	Total amount payable within 180 days of commencement of development
£75,001 - £500,000	3	Instalment 1: 25% of full payment within 60 days of commencement date Instalment 2: 50% of full payment within 360 days of commencement date Instalment 3: 25% of full payment within 540 days of commencement date
£500,001 or more	4	Instalment 1: 25% of full payment within 60 days of commencement Instalment 2: 25% of full payment within 360 days of commencement Instalment 3: 25% of full payment within 540 days of commencement Instalment 4: 25% of full payment within 720 days of commencement

CIL Instalment Policy Advice

- 2.4. The requirements set out in Regulation 70 of the CIL Regulations must be complied with if the persons liable for paying CIL wish to do so by instalment, in accordance with this published Instalment Policy
- 2.5. This Instalment Policy only applies where:
- The Council has received a CIL Assumption of Liability form prior to the commencement of the chargeable development (Regulation 70(1)(a)); and,
 - The Council has received a CIL Commencement Notice prior to commencement of the chargeable development (Regulation 70(1)(b)) and the Council does not challenge the date of commencement specified.
- 2.6. If the above requirements are not met, the CIL liability is payable in full at the end of the period of 60 days beginning with the intended commencement date of the chargeable development.

- 2.7. Where the above requirements have been met, instalment payments must be made in accordance with this Instalment Policy. Where an instalment is not received in full on or before the day on which it is due, the unpaid balance of the CIL liability becomes payable in full immediately (Regulation 70(8)(a)).
- 2.8. To summarise, in order to be eligible to pay a CIL liability by instalment, all the relevant forms must be submitted to the Council prior to the commencement of the chargeable development, and all the payments must be made in accordance with this CIL Instalment Policy and Regulatory requirements.

3. Peterborough Community Infrastructure Levy Payment in Kind Policy – Land and Infrastructure

- 3.1. In accordance with Regulations 73, 73A, 73B and 74 of the Community Infrastructure Levy Regulations 2010 (as amended), Peterborough City Council, as the charging authority for the area, will allow the payment of CIL by land payments or infrastructure payments.
- 3.2. This policy is effective from the day the Peterborough CIL Charging Schedule came into effect, 24 April 2015 (and reconfirmed in July 2018).

Paying CIL in the form of land

- 3.3. 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.
 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

- 3.4. 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.
 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.
- 3.5. The Council is not obliged to accept any offer of payment in kind by land or infrastructure.
- 3.6. Whilst not ruled out, the 'entire amount' is unlikely to be accepted by the Council, due to the implications as summarised in paragraph 3.9 below.
- 3.7. Please see the Community Infrastructure Levy Regulations 2010 (as amended), for the full details relating to payment in kind.
- 3.8. Before submission of an application, liable parties are encouraged to discuss proposals with the Council's S106 Officer to establish if the principle of 'payment in kind' is suitable – planningobligations@peterborough.gov.uk.

- 3.9. Where the Council accepts land and/or infrastructure as 'payment in kind' the equivalent Neighbourhood Fund (25% where there is a Neighbourhood Plan in place or where permission was granted through 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.

4. Peterborough City Council Community Infrastructure Levy Exceptional Circumstances Relief Statement

- 4.1. In accordance with Regulation 55 of the Community Infrastructure Levy Regulations 2010 (as amended), Peterborough City Council, as the charging authority for the area, gives notice that exceptional circumstances relief is available in the Council's administrative area.
- 4.2. This is effective from the day the Peterborough CIL Charging Schedule came into effect on 24 April 2015 (and reconfirmed in July 2018).
- 4.3. Anyone wishing to claim relief for exceptional circumstances must follow the procedures set down in Regulations 55 – 58 of the Community Infrastructure Levy Regulations 2010 (as amended), and any relief given must be in accordance with the procedures in the Regulations and must not constitute state aid.
- 4.4. Relief claims must take place after planning permission is granted but before development has commenced. Any claim will include funding the appointment of an independent person with appropriate qualifications and experience to undertake a viability study who, before appointment, must be agreed as an appropriate person by the Council.
- 4.5. In summary, in order to qualify for exceptional circumstances relief, the Regulations require:
 - that a planning obligation has been entered into in respect of the planning permission which permits the chargeable development;
 - the claim to be submitted in writing on the appropriate form, this must also be sent to any other owners or holders of a material interest in the land;
 - an assessment to be carried out by an independent person of the economic viability of the chargeable development. An independent person is one who has appropriate qualifications and experience and who is appointed by the claimant with the agreement of the Council;
 - an explanation of why, in the opinion of the claimant, payment of the chargeable amount would have an unacceptable impact on the economic viability of that development;
 - proof that the relief would not constitute state aid; and,
 - other required information about apportionment assessment if appropriate and declarations as required by the regulations.
- 4.6. Please note that this note is not intended to be a definitive interpretation of the legislation or CIL Regulations and applicants are advised to seek professional advice where appropriate.
- 4.7. This is a discretionary policy and will be considered by the Council on a case by case basis. Before applying for exceptional circumstances relief liable parties are encouraged to discuss proposals with the Council's S106 Officer to establish if this is a possibility - planningobligations@peterborough.gov.uk.

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