

Preston City Council

Community Infrastructure Levy Regulations 2010 (as amended)

Infrastructure Payment

July 2015

Preston City Council will allow the payment of CIL by infrastructure payments in accordance with Regulations 73A, 73B and 74 of the Community Infrastructure Levy Regulations 2010 (as amended).

This policy is effective from 2 July 2015.

The Council has resolved on 2 July 2015 to make infrastructure payments available and may enter into agreements to receive infrastructure as payment in kind in satisfaction of the whole or part of the CIL due in respect of a chargeable development. The infrastructure to be provided must be related to the provision of those infrastructure types and projects listed in the Council's Regulation 123 list.

An agreement relating to such a payment must be made before the chargeable development commences and must state:

- The value of the infrastructure
- The date by which the infrastructure is to be provided and provide for payment to the Council of the CIL cash amount and interest in money if the infrastructure is not provided by that date, or in accordance with an agreed extension to that date.

The agreement must also ensure that the requirements set out in Regulation 73A(9) of the Community Infrastructure Levy Regulations 2010 (as amended) are met.

The value of any infrastructure offered by way of payment has to be determined by a suitably qualified independent person, with any costs associated with this assessment paid for by the liable party.

Persons wishing to pay CIL by way of infrastructure are required to demonstrate that they have, or are likely to have, sufficient control over the land on which the infrastructure is to be constructed to enable them to provide it, and that they have obtained, or are likely to obtain, any relevant statutory authorisations that are necessary to enable the infrastructure to be constructed.

The Council is not obliged to accept any offer of payment by way of an infrastructure payment.

In the event a liable party commences development having failed to submit a Commencement Notice to the Council, any agreement regarding an infrastructure payment for that liable development will be void and the infrastructure will not be accepted as payment. Instead the full value of the CIL liability will be due immediately in money.

Before submission of an application the liable party is encouraged to discuss proposals with the Council to establish if the principle of an infrastructure payment would be appropriate in that instance.