

Harrow Community Infrastructure Levy (CIL) – Policy on In Kind Land and Infrastructure Payments

[DRAFT FOR ADOPTION]

Notice

The London Borough of Harrow ('the Council') is a charging authority under the Community Infrastructure Levy Regulations 2010 (as amended) (the 'CIL Regulations'). The Council brought its charging schedule into effect on 1 October 2013.

In accordance with Regulations 73(A) and 73(B) of the CIL Regulations, the Council has decided to make infrastructure payment available in its area. An infrastructure payment is the provision of one or more items of infrastructure by a person who would be liable to pay CIL in respect of a chargeable development on commencement of that development.

Additionally, under Regulation 73, the Council may accept one or more land payments in satisfaction of the whole or part of the CIL due in respect of a chargeable development. A land payment is an acquisition of land from a person who would be liable to pay CIL in respect of a chargeable development on commencement of that chargeable development.

Policy

The acceptance of land or infrastructure payments in satisfaction of the whole or part of the CIL due in respect of a chargeable development is at the discretion of the Council. Each request will be considered on a case-by-case basis, having regard to the following:

1. The Council must be satisfied that the transfer of land and / or provision of infrastructure is appropriate to support the delivery of the Local Plan and development in the borough and the proposed arrangement is expedient in the provision of this infrastructure. It is at the Council's discretion whether to accept the transfer of land or infrastructure in lieu of monetary payment of CIL.
2. The land or infrastructure is acquired by the Council as the charging authority or a person nominated by the Council.
3. The Council's Regulation 123 list sets out the range of infrastructure to be funded in whole or in part by CIL. The Council may consider accepting

infrastructure projects and / or types of infrastructure from this list to discharge part or all of a levy liability.

4. The infrastructure or land offered may not be necessary to make the proposed development acceptable in planning terms.
5. The chargeable development must not have commenced before a written agreement with the Council to pay part or all of the CIL amount as land / and or infrastructure has been made. This written agreement must be prepared in accordance with the criteria set out in Regulation 73 and 73A of the CIL Regulations (as amended).
6. The person transferring the land and / or providing infrastructure to the charging authority as payment must have assumed liability to pay CIL and completed the relevant CIL forms.
7. Where CIL is paid by way of a land and / or infrastructure payment the amount of CIL considered to have been paid in this form is the amount equal to the value of the acquired land and / or infrastructure.
8. The land and / or infrastructure to be acquired must be valued by a suitably qualified and experienced independent person to be agreed with the Council. The valuation of land must represent the price that the land might reasonably be expected to obtain if sold on the open market on the day the valuation takes place and reflect the relevant purposes for which the land will be utilised. The valuation of infrastructure provided must reflect the cost of providing the infrastructure on the day the valuation takes place.
9. The Council will require the costs related to the independent valuation to be paid for at the applicant's expense.
10. The reasonable costs of the Council in entering into any agreement are paid for at the applicant's expense.
11. The land, subject to transfer, must be free from any interest in land and any encumbrance to the land, buildings or structures. (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).
12. The land, and or infrastructure subject to transfer must be fit for a relevant purpose being the land and / or infrastructure appropriate to support the delivery of the Local Plan and development in the Borough.
13. The Council may transfer the land, at nil cost to a third party for the provision of infrastructure (This will be limited to other infrastructure providers).

14. If agreed, payments in kind must be provided to the same timescales as cash payments, or otherwise on an agreed basis, subject to the provisions in the regulations and any other State Aid considerations.
15. All other relevant requirements under the CIL Regulations (including any amendments after the date of this notice / policy) are met.

Persons interested in paying CIL in this way and who have not commenced development of the site in question should discuss the possibility with the Council well before they intend to commence development.

Any outstanding CIL liable to the chargeable development after the transfer of land and /or delivery of infrastructure should be paid in money in line with the Regulations and the Council's Charging Schedule.

Notwithstanding the above, this notice and policy does not oblige the Council to accept any offer for payment by way of land or infrastructure, and the Council therefore reserves the right to collect a CIL liability by way of monetary payment/s.

This policy is effective from 18 March 2016 until cancelled or replaced and the Council is willing to accept land and / or infrastructure payments from this date. It has been issued in accordance with Regulation 73(B)(1).

This policy does not relate to the Mayor of London's CIL.

This notice was issued by LB Harrow Planning Services. For further information please contact ldf@harrow.gov.uk, or phone 020 8736 6082 or visit [our website](#)