

Community Infrastructure Levy (CIL) Payment in Kind Policy

In accordance with Regulation 73, 73A, 73B and 74 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended), Oxford City Council (the Council) may accept one or more land transfers and/or in-kind infrastructure payments in satisfaction of the whole, or part of, the CIL due in respect of a chargeable development. Unless otherwise agreed with the relevant parties as set out in this policy, the administration fee and neighbourhood portion of any CIL liable is to be paid as a financial contribution.

This policy will be introduced from 21 December 2020 until further notice. Any decisions made under this policy will be at the discretion of the Cabinet and all decisions will require Cabinet approval.

This will be subject to the following conditions:

- 1) The Council must be satisfied that the land and/or infrastructure to be paid in lieu of CIL would be appropriate for the provision of necessary infrastructure to support the growth of the City of Oxford. It is entirely at the Council's discretion as to whether to accept a land/infrastructure payment in lieu of CIL.
- 2) The chargeable development must not have commenced before a written agreement with the Council to pay all or part of the CIL amount as land and/or infrastructure has been made. This agreement must state the value of the land/infrastructure to be transferred.
- 3) Where CIL is paid by way of a land payment and/or infrastructure the amount of CIL paid is the amount equal to the value of the acquired land and/or infrastructure.
- 4) The value of any land offered by way of payment must be determined by a suitably qualified independent person and is the price that the land might reasonably be expected to obtain if sold on the open market on the day the valuation takes place. The Council will require the costs related to the independent valuation to be paid for at the applicant's expense. The value of any in-kind infrastructure must be determined by an independent person, and will be the cost of providing that infrastructure (including related design costs) on the day the valuation takes place.
- 5) The person making the land and/or infrastructure payment to the charging authority must have assumed liability to pay CIL and completed the relevant CIL forms.
- 6) 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 City of Oxford.
- 7) The land, subject to the transfer, must be transferred as freehold land and be free from any other interests in or charges on the land including being free from any other 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.)
- 8) The Council may transfer the land and/or infrastructure, at nil cost, to a third party for the provision of infrastructure.
- 9) Any outstanding CIL liable to the chargeable development after the transfer of land and/or delivery of infrastructure should be paid in line with the payment dates set out in the demand notice.
- 10) Any infrastructure payment in-kind proposals for within a Parish or neighbourhood plan area must be discussed with relevant representatives prior to any formal agreement being reached with Oxford City Council. Unless the applicant is able to provide confirmation from

the relevant Parish Council and/or Neighbourhood Forum that the CIL payable to them, 15%/25% of the total due from the CIL liable development, can be fulfilled through the in-kind contribution, the applicant will need to meet the Neighbourhood Fund requirement through a financial payment in addition to the land transfer and/or in-kind infrastructure. Where there is agreement this will need to be documented in a formal agreement with Oxford City Council.

- 11) The 5% administration fee due from the CIL for any application will need to be paid as a financial contribution.

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).

For further information on the payment of CIL in this way, please contact the CIL Team by email at: cilteam@oxford.gov.uk.