

GUIDANCE NOTE 6 – Paying CIL in Kind

The Council resolved to adopt and implement the Community Infrastructure Levy Charging Schedule on 13th November 2017. The report and associated supporting documents can be seen at [Agenda for Council on Monday, 13th November, 2017, 7.00 pm | West Lindsey District Council](#).

From 22nd January 2018, West Lindsey Council implemented the Community Infrastructure Levy (CIL). CIL will apply to any planning decision that qualify from and including that date.

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In certain circumstances **West Lindsey District Council** may support the payment of some or all of a CIL requirement in the form of land. This will depend upon six conditions:

1. The CIL liability is greater than required under the relevant regulations (currently £50,000);
2. **West Lindsey District Council** must agree to the transfer and has the right to withhold such agreement;
3. Either:
 - a) **West Lindsey District Council** must have the intention of using the land to help provide infrastructure to support the development of its area; or,
 - b) **West Lindsey District Council** must be satisfied that any third party that will receive a land transfer will use land for a specific purpose that will help provide infrastructure to support the development of its area.
4. The person transferring the land to **West Lindsey District Council** as payment must have assumed liability to pay CIL beforehand;
5. The land to be transferred must have been valued by a suitably qualified and experienced independent person to be agreed with **West Lindsey District Council**. The valuation must represent the fair market price for the land on the day it is valued;
6. Development on the site must not have commenced before a written agreement with **West Lindsey District Council** to pay some or the entire CIL amount in land has been made. This agreement must state the value of the land being transferred.

West Lindsey District Council will accept a land transfer at its discretion. The authority will consider agreements within the context of relevant development plan documents, supplementary planning documents and corporate strategies.

Prior to commencement of development on the site in question, a CIL liable party should discuss possible land transfer with **West Lindsey District Council**.

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.

The land transfer agreement may allow the transfer of land in instalments, subject to the payment proportions and due dates set out in the relevant demand notice.

Any outstanding CIL amount (after a transfer of land) should be paid in line with the payment due dates contained in the relevant demand notice. .