

COMMUNITY INFRASTRUCTURE LEVY PAYMENTS

Cabinet Member: Councillor David Johncock

Wards Affected: All

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PROPOSED DECISION

That:

- (i) the Council agrees to adopt CIL Regulation 73A of the Community Infrastructure Regulations 2010 (as amended) to accept direct infrastructure provision as a payment in kind against Community Infrastructure Levy liabilities; and
- (ii) delegated authority be granted to the Corporate Director in consultation with the Cabinet Member for Finance and Cabinet Member for Planning to accept direct infrastructure provision as a payment in kind against Community Infrastructure Levy liabilities in specific cases.

Reason for Decision

To enable Council in specified circumstances to accept the direct provision of infrastructure as a payment in kind against CIL for infrastructure that it would be likely to otherwise fund through CIL.

Corporate Implications

1. Regulation 73A of the Community Infrastructure Regulations 2010 (as amended) allows Charging Authorities to accept the direct provision of infrastructure as a payment in kind against CIL liabilities of a chargeable development. It makes detailed provisions as to the circumstances in which this can be done.
2. Allowing payments in kind against CIL will mean for certain developments the Council receiving less financial contributions. However the reduced value of the contributions will be received 'in-kind' by developers delivering infrastructure which the Council would otherwise have provided through CIL, possibly at greater cost.

Executive Summary

3. It is proposed that the Council accept in principle the direct provision of infrastructure by developers as a payment in kind against CIL liabilities where it is preferential to the Council in terms of timing and/or cost. This will not be an automatic option but will only apply in cases which the Council specifically identifies, as there may be other infrastructure priorities for CIL funding which make collection of CIL preferable.

Sustainable Community Strategy/Council Priorities - Implications

4. The “People Priority” of the Council’s 2015-19 Corporate Plan includes an ambition to work on projects and schemes that benefit local communities. The “Place Priority” identifies a key workstream as using CIL to invest in the area and improve infrastructure to reflect growing needs locally, and refers explicitly to continuing to implement the High Wycombe Town Centre Master Plan (HWTCMP) including the alternative route, public realm improvements and exploring ways to make the return of the River Wye through the town a reality.

Background and Issues

5. Regulation 73A of the Community Infrastructure Regulations 2010 allows a CIL Charging Authority to accept infrastructure payments as a payment in kind against CIL liabilities. This means that a developer may deliver infrastructure directly, that may otherwise be funded through CIL and delivered through public sector agencies, with the value of the infrastructure being offset against the developers CIL liability.
6. An agreement to provide the infrastructure must be entered into between the Council and the relevant party. This agreement must be completed before the development commences and must state the value of the infrastructure, and the date the infrastructure must be provided. The value of the infrastructure provided must be determined by an independent person. This would include related design costs as well as the construction costs.
7. The Council must also state which infrastructure projects it may consider accepting as a payment in kind and publish this notification on its website (see Appendix A). The projects should be listed on the Council’s Regulation R123 List and the infrastructure should not be needed to make the development acceptable in planning terms.
8. It is proposed that initially the Council should accept the construction of the proposed Gas Works link road, a key element of the High Wycombe Town Centre Masterplan in lieu of CIL under Regulation 73A. This would mean the developers of the former Gas Works site, depending on their securing planning permission, constructing the road in lieu of making CIL payments.

Consultation

9. Consultation has taken place with legal and finance colleagues. The planning application for the proposed development of the former Gas Works Site, High Wycombe, where this mechanism is proposed to be used, has been subject to public consultation.

Options

10. Cabinet has the option of not allowing the provision of infrastructure as a payment in kind against CIL payments. In the short term this would mean that the Gas Works Link Road element of the HWTCMP alternative route would need to be commissioned and delivered directly by Bucks County Council in conjunction with Wycombe District Council but this could delay delivery.
11. If the Council rejects the adoption of Regulation 73A in principle the Council will not benefit from future opportunities where it may be more cost effective and timely for developers to provide infrastructure which would otherwise be funded through CIL.

Conclusions

12. It is recommended that the Council adopt Regulation 73A of the CIL Regulations to allow direct infrastructure provision as a payment in kind against CIL in approved cases.

Next Steps

13. If agreed the Council should follow the procedures prescribed to allow infrastructure provision as a payment in kind against CIL liabilities and the projects or types of project where it may be accepted, which will inter alia be placed on the Council's website.

Background Papers

None