

## Appendix 1

### Community Infrastructure Levy:

#### Regulation 123 List

<b>REGULATION 123 INFRASTRUCTURE LIST</b>
<b>Infrastructure Type or Project</b>
<b>Strategic Green Infrastructure</b>
<ul style="list-style-type: none"><li>• Public Open Space and/or play provision and/or improvements*</li><li>• Sports and Playing Pitches*</li><li>• Restoration of Chesterfield Canal</li><li>• Access improvement to Green Wedges and Strategic Gaps</li><li>• Biodiversity and habitat enhancement including tree planting*</li></ul>
<b>Transport Infrastructure</b>
<ul style="list-style-type: none"><li>• Improvements to A61 Chesterfield Inner Relief Road Junctions*</li><li>• Chesterfield Staveley Regeneration Route</li><li>• Hollis Lane Link Road</li><li>• Implementation of Chesterfield Strategic Cycling Network*</li><li>• Measures to improve walking, cycling and public transport provision within*:<ul style="list-style-type: none"><li>i. The A61 Corridor</li><li>ii. The A619 Chatsworth Road</li><li>iii. The A619 corridor through Brimington and Staveley</li><li>iv. Access to Chesterfield Railway Station</li><li>v. The proposed Strategic Cycle Network</li></ul></li></ul>

<b>Other Infrastructure</b>
<ul style="list-style-type: none"> <li>• Strategic Flood Defences and alleviation measures*</li> </ul>
<b>Education Provision</b>
<ul style="list-style-type: none"> <li>• Provision of additional pupil capacity in existing schools and contributions to a new school or schools to address shortfalls in capacity arising from new housing growth</li> </ul>

**\*Excluding Site Specific measures arising as a result of specific development proposals, subject to statutory tests set out under Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), which stipulates the following:**

***A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –***  
***a) necessary to make the development acceptable in planning terms***  
***b) directly related to the development; and***  
***c) fairly and reasonably related in scale and kind to the development.***

### ***CIL & Neighbourhood Funding***

On 25th April 2013 the CIL regulations were amended to include provisions for 'neighbourhood funding'. From that date, a proportion of CIL collected by a charging authority must be passed on to Town or Parish Councils.

The government's aim for neighbourhood funding is to help communities accommodate the impact of new development. Consequently 15 percent of CIL received by the charging authority should be passed directly to a Parish and Town Council if CIL liable development has taken place within the Parish/Town Council area.

## **Appendix 2: Proposed Payment in Kind Policy**

### **Community Infrastructure Levy -**

#### **Payment in Kind Policy**

In accordance with Regulations 73, 73A, 73B, and 74 of the community Infrastructure Levy Regulations 2010 (as amended), Chesterfield Borough Council, as the Charging Authority for Chesterfield Borough, will allow the payment of CIL by land payments or infrastructure payments.

#### **Paying CIL in the form of Land**

In certain circumstances it will be possible to pay some or the entire CIL amount in the form of land. This will be dependent on certain conditions:

1. The Council must have agreed to the transfer of land as part or whole payment of the CIL
2. The land can be used to provide infrastructure to support the development of the area
3. The applicant must have assumed liability to pay CIL
4. The open market value of any land or the cost (including the related design cost) of infrastructure offered by way of payment must be determined by a suitably qualified, independent person, with any costs associated with this assessment met by the liable party. This will determine how much liability the 'in-kind' payment will offset.
5. The liable party will be required, at its expense, to undertake such searches as the council requires on any land that is proposed to be transferred in to the ownership of the council and share the resultant information with the Council before the Council agree to accept any payment in kind. The liable party must also notify the Council of any restrictions on the use or disposal of the land that is proposed to be transferred in to the ownership of the Council before the council agrees to accept any payment in kind.
6. Where payment of CIL by land provision is considered acceptable, the Council will enter into an agreement with the liable party(ies)

prior to the development commencing, The Council must be satisfied that the criteria in Regulation 73 have been met

7. The agreement cannot form part of a planning obligation within a S106 Agreement.

An application for payment in kind will only be considered acceptable where it demonstrates compliance with the national criteria within the CIL Regulations (2010) as amended, local criteria, and subject to all necessary searches on the land being to the satisfaction of the Council.

### **Paying CIL in the form of infrastructure**

In certain circumstances it will be possible to pay some or the entire CIL amount in the form of infrastructure. This will be dependent on certain conditions:

1. 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. The infrastructure or land offered may not be necessary to make the proposed development acceptable in planning terms.
2. The applicant must have assumed liability to pay CIL.
3. The value of the infrastructure to be transferred must have been determined by a suitably qualified, independent person, with any costs associated with this assessment met by the liable party. This will determine how much liability the 'in-kind' payment will offset.
4. Where payment of CIL by infrastructure provision is considered acceptable, the Council will enter into an agreement with the liable party(ies) prior to the development commencing, The Council must be satisfied that the criteria in Regulation 73 have been met.
5. The agreement cannot form part of a planning obligation within a S106 Agreement.

In addition to these conditions, the Policy has the following terms:

- a. Where land or infrastructure passes into the ownership of the Council, it will be added to the Council's Asset Register.

- b. The Council is not obliged to accept any offer of payment in kind by land or infrastructure.
  
- c. In the event of a liable party commencing development having failed to submit a Commencement Notice to the Council, any agreement regarding payment in kind for that liable development will be void and the land / infrastructure will not be accepted as payment in kind. Instead, the full value of CIL liability will be due immediately in money.

**Neighbourhood Element:**

Where the Council accepts land and/or infrastructure, as 'payment in kind' the equivalent neighbourhood contributions must still be paid to the local community as a financial payment. This will amount to 25% where there is a formal Neighbourhood Plan, or within a Neighbourhood Development Order, or 15% where there is no Neighbourhood Plan, capped at a maximum of £100 per council tax dwelling.



### Appendix 3: Chesterfield Community Infrastructure Levy

#### CIL-Liable schemes at 31<sup>st</sup> December 2016:

Planning Reference	Location	Development	CIL Charge (£)	Awaiting decision	Liability notice served	Demand notice served / Commenced	CIL received	Notes/ Exemptions etc.
CHE/16/00121/ FUL	Land To The West Of Keswick Drive, Newbold	Residential development of 9 bungalows,	54,200	N	Y	N/ N	N	
CHE/15/00701/ FUL	Land To The Northern End Of Rushen Mount,	Construction of 2 No., 5 Bed detached dwellings	30,300	N	Y	N/ N	N	
CHE/16/00053/ FUL	Apple Trees, Lancaster Road, Newbold,	Residential development of 6 dwellings	44,200	N	Y	N/ N	N	
CHE/14/00896/ FUL	Littlemoor Shopping Centre, Chesterfield	Demolition to form 11 apartments & 2 retail units including new detached dwelling	36,900	N	Y	N/ N	N	
CHE/16/00086/ FUL	Land Off, William Street North, Old Whittington	Erection of 3 dwellings	11,400	N	Y	Y/ Y	N	
CHE/16/	Land to the	Erection of 5	27,920*	N	Y	N/	N*	*Self-build

00210 /FUL	rear of 572 Chatsworth Road, Chesterfield S40 3JS	bedroom house				N		exemption issued
CHE/15/ 00314/ FUL	7 Walton Walk, S40 2QQ	Demolition of garage and erection of new two bed dwelling	5,350	N	Y	N/ N	N	
CHE/16/ 00042/ FUL	Lodge Farm, Westwood Lane, Brimington,	Demolition of existing house & outbuildings& construction of 4 new houses	49,000*	N	Y	N*/ Y	N*	*Self-build exemption issued
CHE/16/ 00195/ FUL	Site Of Former Troughlee Club Troughbrook Road Hollingwood	Erection of two residential dwellings	12,900	N	Y	N/ N	N	
CHE/16/ 00245/ FUL	6 The Dell Ashgate Chesterfield Derbyshire S40 4DL	Demolition of garage & erection of detached bungalow	10,320	N	Y	N/ N	N	
CHE/16/ 00272/ FUL	5 Westwood Lane, Brimington,	New two storey dwelling	6,272	N	Y	N/ N	N	
CHE/16/ 00428/ FUL	Land To Rear Of 19 Bentham Road Chesterfield	Detached house to Plot 4	11,950	N	Y	N/ N	N	
CHE/16/ 00023/ FUL	Handleywood Farm,	Demolition of buildings and	39,700	N	Y	N/ N	N	



FUL	Whittington Road, Barrow Hill,	erection of 5 dwellings						
CHE/16/00282/ FUL	Land Adjacent 95 - 97 Rectory Road Duckmanton	Two new dwellings	22,300	N	Y	N/ N	N	
CHE/16/00518/ FUL	Site Of Former Newbold Community School, Newbold Road, Newbold	Residential development comprising 56 dwellings	395,520*	N	Y	N/ N	N	*Net figure allowing for permitted exemption of affordable housing element
CHE/16/00425/ FUL	15 - 17 West Bars Chesterfield S40 1AQ	Demolition of & erection of replacement building with retail outlet on ground floor + 2 apartments on 1st and 2nd floors	7,980	N	Y	N/ N	N	
CHE/15/00445/ FUL	59 Rufford Close, Chesterfield, S40 2PB	Erection of four 2 bedroom dwellings	18,700	N	Y	N/ N	N	
CHE/15/00083/ FUL	Land adjacent to 105 Kendal Road, Chesterfield	New Bungalow	4,100	N	Y	N/ N	N	

CHE/16/ 00306/ FUL	Rear of 246 Ashgate Road	Construction of one new dwelling	16,960	N	Y	N/ N	N	
CHE/16/ 00477/ FUL	Lidl Sheffield Road Whittington Moor Derbyshire S41 8LX	Demolition of four properties to accommodate car park & extended foodstore	12,160	N	Y	N/ N	N	
CHE/16/ 00525/ FUL	31 Netherfield Road Somersall, Chesterfield,	Two bedroom detached dwelling	7,760	N	Y	N/ N	N	
CHE/16/ 00429/ RET	Land to Rear of Former Hotel De Pod High Street Staveley, S43 3UX	Retrospective consent for 8 units (instead of originally approved 6), retention of 2 separate flats over pub & retention of extension (converted to a single flat)	1,560	N	Y	Y/ Y	N	
CHE/16/ 00216/ FUL	Jacksons Bakery, New Hall Road, Chesterfield, S40 1HE	Residential development of 8 units	24,100	N	Y	N/ N	N	
CHE/16/ 00620/ FUL	Unit 3 Spire Walk Business Park Spire Walk Chesterfield, S40 2WG	Installation of a mezzanine floor and building alterations to remove the original B&Q canopy	99,760	N	Y	N/ N	N	

