

Community Infrastructure Levy (CIL) Payment in Kind Statement



The Community Infrastructure Levy Regulations 2010 (as amended) allow for charging authorities to accept payment of CIL in the form of land or infrastructure in satisfaction of the whole or part of the CIL due in respect of a chargeable development.

Paying CIL in the form of land

In certain circumstances you may be able to pay a part of or the entire CIL amount in the form of land. This depends on the following conditions:

- Your charging authority Epsom & Ewell Borough Council (the Council) must agree to the transfer;
- The Council must have the intention of using the land to help provide infrastructure to support the development of its area;
- The person transferring the land to the Council as payment must have assumed liability to pay CIL beforehand;
- The land to be transferred must have been valued by a suitably qualified and experienced independent person. The Council must give their approval to the valuation of the land by this person. The valuation must represent the fair market price for the land on the day it is valued;
- Development on the site must not have commenced before a written agreement with the 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.

Paying CIL in the form of infrastructure

In certain circumstances you may be able to pay a part of or the entire CIL amount in the form of one or more items of infrastructure. This depends on the following conditions:

- Your charging authority Epsom & Ewell Borough Council (the Council) must agree to the infrastructure payment;
- The infrastructure provided to the Council through an infrastructure payment will be used to support the development of its area, and must be in accordance with the Council's Regulation 123 List;
- The person providing the infrastructure to the Council as payment must have assumed liability to pay CIL beforehand;
- The person providing the infrastructure to the Council must have, or is likely to have, sufficient control over the land on which the infrastructure is to be constructed to enable them to provide the infrastructure;
- The person providing the infrastructure must have provided the Council with evidence that he/she has obtained, or will be likely to be able to obtain, any relevant statutory authorisations that are necessary to enable the infrastructure to be constructed;
- Development on the site must not have commenced before a written agreement with the Council to pay some or the entire CIL amount in

the form of infrastructure has been made. This agreement must state the value of the infrastructure being transferred.

Next Steps

If you are interested in paying CIL in either of these ways, and have not commenced development on the site in question, you should discuss this possibility with the Council as soon as possible.

It should be noted that the agreement to pay in land or infrastructure may not form part of a planning obligation entered into under Section 106 of the Town and Country Planning Act 1990. The agreement may however allow the transfer of land in instalments as long as it is in line with the payment proportions and due dates set out in your demand notice.

You should pay any outstanding CIL amount left after the transfer of land or infrastructure in the form of money in line with the payment due dates contained in your demand notice.