

Stevenage Borough Council Community Infrastructure Levy (CIL) Payment in Kind Policy

This policy takes effect on the 01 April 2020.

In accordance with Regulation 73, 73A, 73B and 74 of the Community Infrastructure Levy Regulations 2010 (as amended), Stevenage Borough Council may accept one or more land and/or infrastructure payments in satisfaction of the whole, or part of, the CIL due in respect of a chargeable development.

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 Borough. 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 and/or infrastructure 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.
- 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 Borough.
- 7) The land, subject to transfer, must be free from any interest in land and any 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.

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 Planning Policy Team on 01438 242823 or by email at: planningpolicy@stevenage.gov.uk.