



# Community Infrastructure Levy

Payment in Kind Policy

December 2015

# Payment in Kind Policy

1. In accordance with Regulations 73, 73A, 73B and 74 of the Community Infrastructure Levy Regulations 2010 (as amended), Reigate & Banstead Borough Council will allow the payment of all or part of a CIL liability through the provision of land and/or infrastructure to the Council, or a party(ies) nominated by the Council.
2. **This mechanism is offered at the Council's discretion: this policy does not oblige the Council to accept any such offer or application.**
3. Payment in kind will be subject to the following conditions:
  - a. The person offering in kind payments must have assumed liability to pay CIL, have completed the relevant forms and these must have been formally acknowledged by the Council.
  - b. The chargeable development must not have commenced before a written agreement has been obtained from the Council to accept the in kind payments offered.
  - c. Any agreement for payment in kind must clearly state the value of land or infrastructure to be provided, as valued by an independent assessor in accordance with Regulations 73 and 73A. Any agreement must also specify the timescales for delivery.
  - d. The land and/or infrastructure being offered must not:
    - i. Be otherwise necessary to make the application acceptable in planning terms or ensure compliance with local plan policy requirements
    - ii. Represent an intrinsic element of the design of the scheme
    - iii. Have previously been promoted as an additional benefit over and above CIL contributions during the allocation or application process
  - e. Any land provided as 'payment in kind' must be used for the delivery of infrastructure identified within the Council's Regulation 123 list of relevant infrastructure.
  - f. Any infrastructure provided as 'payment in kind' must be in accordance with those projects and types of infrastructure identified within the Council's Regulation 123 list of relevant infrastructure.
  - g. The land must be fit for the relevant purpose<sup>1</sup> and there must be sufficient prospect of achieving the relevant permissions to use the land for the purposes intended.
  - h. The land subject to transfer must be free from any other interest in land and any encumbrance to the land, building or structures.
  - i. The infrastructure provided must be fit for the relevant purpose and its provision as in kind payment must represent a time or cost efficiency to the Council and its partners, or be otherwise more practical than such parties delivering the infrastructure themselves.
4. The decision to accept land and/or infrastructure as payment in kind is at the discretion of the Council. Any parties interested in paying CIL in this manner are therefore strongly encouraged to enter discussions with the Council before any application is submitted in

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<sup>1</sup> In order to satisfy this provision, applicants may be required to provide surveys demonstrating the physical/technical suitability of the site including but not limited to issues such as ground conditions, archaeology, access and services/utilities, ecology and environmental (e.g. noise).

order to establish whether the principle of payment in kind is likely to be suitable in that instance.

5. The value of any land or infrastructure offered by way of payment has to be determined by a suitably qualified, independent assessor. This will determine how much liability the in-kind payment will offset. The Council will require the costs of any such valuation to be met by the applicant.
6. Payments in kind may only be made with the agreement of the liable party, Reigate & Banstead Borough Council and any other relevant authority that will need to assume responsibility for the land or infrastructure.
7. This policy will come into effect on 1 April 2016, the date on which the Reigate & Banstead Community Infrastructure Levy Charging Schedule takes effect.