

# Community Infrastructure Levy

## Paying CIL in the form of land

### Regulation 73

In certain circumstances you may be able to pay some or your entire CIL amount in the form of land. This will depend on the following conditions.

1. Preston City Council as charging authority must agree either to acquire the land or to nominate another person (with their agreement) to acquire the land as part or whole payment of the CIL.
2. The Council accepts there is a need and commits to use the land for a relevant purpose i.e. to provide or facilitate infrastructure to support the development of the area.
3. A developer or individual who wishes the Council or a nominated person to acquire the land must have assumed liability to pay CIL.
4. The land to be acquired must have been independently valued by a suitably qualified person agreed by the Council. The valuation must be a fair market value representing the price the land might reasonably be expected to obtain on the day it is valued. The price is not to be assumed to be reduced on the ground that the whole of the acquired land is to be placed on the open market at the same time.
5. Development must **not** have commenced before written agreement with the Council. Any agreement must clearly state the value of the land to be transferred.

The agreement to pay land may not form part of any planning obligation entered into as part of a S106 agreement.

Where the land is to be acquired by another person, the Council must be satisfied that the person acquiring the land intends to use it for a relevant purpose as set out in condition 2 above.

By agreement with the Council land can be transferred by instalments as long as it is in line with the payment proportions and due dates laid out in the **Demand Notice**.

Any outstanding CIL amounts left after the transfer of land in the form of money will be paid in line with the payment due dates laid out in the **Demand Notice**.

It is recommended that if you wish to include the transfer of land in any CIL agreement that you discuss this with the Council as early as possible.