



East Devon District Council

**Community Infrastructure Levy
Payment in Kind Policy**

July 2017

1. This Community Infrastructure Levy (CIL) Payment in Kind Policy is effective from 27 July 2017.
2. In accordance with Regulations 59B, 73, 73A, 73B and 74 of the CIL Regulations 2010 (as amended), East Devon District Council (“the Council”) may accept the provision of infrastructure and/or land transfers to discharge part or all of the CIL liability due in respect of a chargeable development. For the purposes of this policy, payments by land transfer and/or infrastructure provision are both referred to as “payments in kind”.
3. The Council is not obliged to accept any offer of payments in kind – it is offered entirely at the Council’s discretion on a case by case basis. Payments in kind will be subject to the requirements of the aforementioned regulations and the following conditions:
 - a) To be eligible for payments in kind by land transfer, the land must be acquired by the Council or a person nominated by the Council (with their agreement). The land must be required to provide or facilitate the delivery of infrastructure identified on the Regulation 123 List and support the development of the district.
 - b) To be eligible for infrastructure provision, the infrastructure must be provided to the Council or a person nominated by the Council (with their agreement), and be identified on the Regulation 123 List and support the development of the district.
 - c) The value of the land to be transferred and/or infrastructure to be provided must be determined by a suitably qualified and experienced independent person to be agreed between the Council and liable party. The amount of CIL paid via this mechanism is equal to the value of the land to be transferred and/or infrastructure provided.
 - d) The person transferring the land or providing the infrastructure to the Council must have assumed liability to pay CIL and completed the relevant CIL forms at the appropriate times.
 - e) The chargeable development must not have commenced before a written agreement with the Council to pay part or all of the CIL amount as payments in kind has been made. The written agreement must be prepared in accordance with the requirements set out in Regulations 73 and 73A of the CIL Regulations 2010 (as amended).
 - f) Land subject to transfer must be free from any interest in land and any encumbrance to the land, buildings or structures and evidence to demonstrate this may be required.
 - g) The land and/or infrastructure must be fit for the relevant purpose and its provision must represent a time or cost efficiency to the Council and its partners or otherwise be more practical than such parties delivering the infrastructure themselves.
 - h) Any payments to a town/parish council (“neighbourhood proportion”) relating to a land or infrastructure payment must be paid to the local council in money. Alternatively, the Council will consider, in consultation with the relevant town/parish council, whether the neighbourhood proportion can be fulfilled through the payment in kind.
 - i) Any residual CIL liability following the payments in kind must be paid in line with the payment dates as set out in the relevant demand notice.
 - j) Failure to submit a commencement notice before development has commenced will result in any agreed payments in kind not being accepted and the full liability being due immediately through financial payment and subject to relevant surcharges.
4. If you are interested in paying CIL in this way (whether in part or in whole) and the chargeable development has not yet commenced, then you should discuss the possibility with the relevant planning team at the Council. Such discussions should preferably take place as part of pre-application discussions and advice so as to not delay the consideration or determination of live planning applications.