

OPDC CIL In Kind and Infrastructure Payment Policy

1. The Community Infrastructure Levy (CIL) is a charge on development, calculated on a £ per square metre basis according to the intended use of the end development. CIL is intended to help fund essential infrastructure to support the development of an area rather than making an individual planning application acceptable in planning terms, which is the purpose of planning obligations and Section 106 Agreements. CIL does not fully replace Section 106 Agreements. For more information you can visit OPDC's website.
2. In the majority of cases, CIL will be paid to OPDC in the form of cash payments, which will be used by OPDC or a designated partner to fund infrastructure. This policy sets out the circumstances where OPDC will consider alternatives to cash payments by developers, through the provision of land or infrastructure, under Regulations 73 (payment in kind) and 73A (infrastructure payments).
3. The CIL Regulations (2010) (as amended) allow scope for CIL to be paid in kind, by way of the transfer of land or to receive essential infrastructure as payment. The infrastructure to be provided must be related to the provision of projects listed as essential infrastructure in OPDC's most recent Infrastructure Delivery Plan. The land must be used to provide or facilitate the provision of projects listed as essential infrastructure in OPDC's most recent Infrastructure Delivery Plan.
4. Any agreement relating to such a payment in kind, or infrastructure payment, must be made before the chargeable development commences.
5. Where payment is made in kind, either through transfer of land or infrastructure payment, valuation will be undertaken by an independent person, of appropriate qualifications and experience, instructed by OPDC and paid for by the developer and/or applicant.
6. If any social infrastructure facility is proposed as part of a scheme and the facilities meet an identified need which is wider than that of the proposed development, OPDC may in appropriate circumstances give consideration to how this would be secured through the in-kind and infrastructure payment provisions in the CIL Regulations.
7. For the avoidance of doubt, OPDC will not consider infrastructure payments or in-kind payment for works that are normally considered as development costs and which are required to make development acceptable in planning terms.
8. This policy is effective from the day OPDC's Charging Schedule comes into effect on 1 April 2024.