

New Forest District Council Local Development Framework

Community Infrastructure Levy

Payment in Kind policy

New Forest District outside the National Park

April 2015

This statement is made in line with Regulations 73 and 73B of The Community Infrastructure Levy Regulations 2010 (as amended).

New Forest District Council hereby gives notice that it will accept land and infrastructure payments in lieu of part, or all, of a CIL liable development.

This option will be available from the day the New Forest CIL Charging Schedule comes into effect, which is 6 April 2015.

Anyone wishing to make payment in this way must follow the procedure set down in Regulations 73 and 73A of The Community Infrastructure Levy Regulations 2010. A relief claim form is available at on the website of the planning portal at:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

When can land and infrastructure payments be accepted?

Policy CS25 (Developers' Contributions) sets out the Council's approach to a developer's requirements to providing on-site and off-site infrastructure, facilities and mitigation necessary to make the development acceptable in planning terms. Whilst these requirements will now mostly be consumed within the Community Infrastructure Levy (CIL) payment, it may be possible to pay some of the amount in the form of land or infrastructure. This depends on five conditions:

- The charging authority New Forest District Council must agree to the proposal;
- New Forest District Council must have the intention of using the land/infrastructure to help provide infrastructure to support the development of its area;
- The person transferring the land to New Forest District Council as payment must have assumed liability to pay CIL beforehand (using Form 1 available at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>);
- The land/infrastructure to be transferred must have been valued by a suitably qualified and experienced independent person. New Forest District Council must give their approval to the valuation of the land by this person. The valuation must represent the fair market price for the land on the day it is valued;
- Development on the site must not have commenced before a written agreement with New Forest District Council to pay some or the entire CIL amount in land or infrastructure has been made. This agreement must state the value of the land or infrastructure that has been agreed.

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. The agreement may however allow the transfer of land in instalments as long as it is in line with the payment proportions and due dates set out in the demand notice.

Any outstanding CIL amount left after the transfer of land in the form of money should be paid in line with the payment due dates contained in the demand notice.

What types of land and infrastructure will be accepted.

In accordance with policy DM3 of the adopted Local Plan Part 2: Sites and Development Management sites over 50 dwellings are required to provide a suitable area of natural green space on or close to the site. This provision should be made equivalent to 8ha per 1,000 population (of which 2ha can be offset against the policy CS7 requirement for onsite informal open space.

Where such an onsite provision is made, the 6ha per 1,000 population requirement can be offered as a payment in kind towards CIL where the procedure in Regulation 73 of the CIL Regulations is followed.

The Council will consider requests for the provision of infrastructure projects for the provision of Habitat Mitigation, Open Space and Transportation providing that those projects are identified in the latest Council's Infrastructure Delivery Plan.