

New Forest District Council Local Development Framework

Community Infrastructure Levy

Exceptional Circumstances Relief Policy

New Forest District outside the National Park

April 2015

This statement is made in line with Regulation 56 of The Community Infrastructure Levy Regulations 2010 (as amended).

New Forest District Council hereby gives notice that relief for exceptional circumstances is available in its area.

Relief for exceptional circumstances will be available from the day the New Forest CIL Charging Schedule comes into effect, which is 6 April 2015.

Anyone wishing to claim relief for exceptional circumstances must follow the procedure set down in Regulation 57 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 exceptional circumstances relief be offered?

The powers to offer relief can be activated and deactivated at any point after the CIL Charging Schedule is approved. New Forest District Council will be offering this relief from 6 April 2015.

Who is eligible for exceptional circumstances relief?

Exceptional circumstances relief can only be considered where:

- A S106 agreement is in place;
- It is found that applying the CIL would have an unacceptable impact on the economic viability of a development. This will be based on an objective assessment of economic viability;
- The amount of relief granted must not be sufficient to qualify as notifiable state aid under EU law.

Each case will be considered individually and the decision on whether relief should be granted will be at the discretion of the Council. However use of this policy should avoid rendering sites with specific and exceptional costs burdens unviable. The fact that an application may be unviable is unlikely, in itself, to constitute an exceptional circumstance in terms of the CIL Regulations.

How to apply for exceptional circumstances relief?

A claim must be submitted using Form 2: Claiming Exemption or Relief. This is to be accompanied by:

- An assessment of the economic viability of the chargeable development carried out by an independent person (who must be appointed by you in agreement with the Council);
- An explanation of why payment of the CIL would have an unacceptable impact on the economic viability of the development;
- An apportionment assessment where there is more than one owner, and
- A declaration that all interested parties have been provided with a copy of the claim form and advised that the assessment is available if they require a copy.

The application must be made prior to the commencement of development.

Are there disqualifying events for exceptional circumstances relief?

The exceptional circumstances relief will be withdrawn if there is a disqualifying event. These include:

- Granting of charitable or social housing relief on the chargeable development,
- the sale of the relevant land, or
- If the chargeable development does not commence within one year of exceptional relief being granted.

Failure to notify the Council of a disqualifying event within 14 days could result in a surcharge of up to £2,500.