

## **COMMUNITY INFRASTRUCTURE LEVY**

## **EXCEPTIONAL CIRCUMSTANCES RELIEF POLICY**

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

Somerset West and Taunton Council hereby gives notice that discretionary exceptional circumstances relief is available in its area.

Anyone wishing to claim this discretionary exceptional circumstances relief must follow the procedure set out in Regulation 57 of The Community Infrastructure Levy Regulations 2010 (as amended).

A relief claim form can be found at:

[www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

In accordance with the Community Infrastructure Levy Regulations 2010 (as amended), Somerset West and Taunton Council gives notice that it is offering discretionary exceptional circumstances relief in its area under Regulation 55 of the Community Infrastructure Levy Regulations 2010 (as amended).

Somerset West and Taunton Council will be offering this relief from 12 April 2016.

#### Who is eligible for discretionary exceptional circumstances relief?

To qualify for relief under Regulation 55:

- The claimant must be an owner of a material interest in the land.
- A S106 Agreement has been entered into in respect of the planning permission which permits the chargeable development.
- It is believed that applying the CIL to the development would have an unacceptable impact on the economic viability of the development.

Discretionary exceptional circumstances relief under Regulation 55 can only be granted where Somerset West and Taunton Council are satisfied that the relief would not constitute state aid.

#### How do I apply for discretionary exceptional circumstances relief?

A relief claim form is available at:

[www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

A claim must be accompanied by:

- An assessment of the economic viability of the chargeable development carried out by an independent person with the appropriate qualifications and experience (who must be appointed by you in agreement with the Council);
- An explanation of why the payment of CIL would have an unacceptable impact on the economic viability of the development;
- An apportionment assessment where there is more than one owner of the development land;
- Proof that the relief, if granted, would not constitute state aid; and
- A declaration that all owners of the relevant land have been provided with a copy of the completed claim form and advised that copies of the accompanying documents are available on request.

Please email completed forms to [planning@somersetwestandtaunton.gov.uk](mailto:planning@somersetwestandtaunton.gov.uk)

Or post them to:

The CIL Officer  
Somerset West and Taunton Council  
PO Box 866  
Taunton  
TA1 9GS

The claim for relief must be made, and the Councils decision on the claim received, prior to the commencement of the development.

This is a discretionary policy and will be considered by the Council on a case by case basis. The circumstances in which such relief can be made available are expected to be genuinely exceptional. Relief can be granted for the whole development or part of a scheme. The amount of relief granted will directly relate to the information contained within the economic viability assessment and explanation document received with the claim.

The Council will provide a decision on the claim as soon as practicable. However, we strongly advise that a discretionary exceptional circumstances claim is submitted as soon as possible to ensure that your project is not delayed.

### Disqualifying Events

A development will cease to be eligible for discretionary exceptional circumstances relief if any of the following Disqualifying Events occur before development commences:

- A claim for any other kind of relief or exemption is granted for the same development.
- An owner of all or part of the development site makes a material disposal of relevant land (meaning transfer of legal estate or grant of a lease for more than 7 years).
- The development does not commence within 12 months of exceptional circumstances relief being granted.

If a Disqualifying Event occurs the landowner must notify the Council within 14 days beginning on the day the Disqualifying Event occurs and send a copy of this notification to all other owners of the relevant land. Failure to notify the Council of a Disqualifying Event will result in a surcharge being levied.

### Further Information

Further information on CIL is available on the Councils website at:  
<https://www.somersetwestandtaunton.gov.uk/planning-policy/cil/>

If you have any questions relating to CIL at Somerset West and Taunton Council please contact:

Email: [planning@somersetwestandtaunton.gov.uk](mailto:planning@somersetwestandtaunton.gov.uk)  
Tel: 01823 219548