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STATUTORY INSTRUMENTS

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**2010 No. 948**

**The Community Infrastructure Levy Regulations 2010**

**PART 6**

**EXEMPTIONS AND RELIEF**

**Exceptional circumstances: procedure**

- 57.**—(1) Relief for exceptional circumstances must be claimed in accordance with this regulation.
- (2) This regulation is subject to regulation 58 in the case of a chargeable development situated in the area of a London borough council.
- (3) The person claiming relief (“the claimant”) must be an owner of a material interest in the relevant land.
- (4) A claim for relief must—
- (a) be submitted to the charging authority in writing on a form published by the Secretary of State (or a form to substantially the same effect);
  - (b) be received by the charging authority before commencement of the chargeable development;
  - (c) include the particulars specified or referred to in the form; and
  - (d) be accompanied by—
    - (i) an assessment carried out by an independent person of the cost of complying with the planning obligation mentioned in regulation 55(3)(b),
    - (ii) an assessment carried out by an independent person of the economic viability of the chargeable development,
    - (iii) an explanation of why, in the opinion of the claimant, payment of the chargeable amount would have an unacceptable impact on the economic viability of that development,
    - (iv) where there is more than one material interest in the relevant land, an apportionment assessment, and
    - (v) a declaration that the claimant has complied with paragraph (6).
- (5) For the purposes of paragraph (4)(d) an independent person is a person who—
- (a) is appointed by the claimant with the agreement of the charging authority; and
  - (b) has appropriate qualifications and experience.
- (6) The claimant must send a copy of the completed claim form and the particulars referred to in paragraph (4)(d) to the owners of the other material interests in the relevant land (if any).
- (7) As soon as practicable after receiving a claim for relief, the charging authority must notify the claimant in writing of its decision on the claim and (where relief is granted) the amount of relief granted.
- (8) Where relief is granted the charging authority must send a copy of the decision to—

- (a) the collecting authority (if it is not the charging authority); and
  - (b) the person by whom the planning obligation mentioned in regulation 55(3)(b) is enforceable (if that person is not the collecting authority or the charging authority).
- (9) A claim for relief for exceptional circumstances will lapse where the chargeable development to which it relates is commenced before the charging authority has notified the claimant of its decision on the claim.
- (10) A chargeable development ceases to be eligible for relief for exceptional circumstances if there is a disqualifying event.
- (11) A disqualifying event occurs if—
- (a) before the chargeable development is commenced—
    - (i) charitable or social housing relief is granted in respect of the chargeable development, or
    - (ii) an owner of a material interest in the relevant land makes a material disposal of that interest; or
  - (b) at the end of the period of 12 months beginning with the day on which the charging authority issues its decision on the claim, the chargeable development has not been commenced.
- (12) Where a disqualifying event occurs an owner of a material interest in the relevant land must—
- (a) notify the charging authority in writing of the disqualifying event before the end of the period of 14 days beginning with the day on which it occurs; and
  - (b) send a copy of the notification to the owners of the other material interests in the relevant land (if any).
- (13) On receipt of the notification the charging authority must send a copy to—
- (a) the collecting authority (if it is not the charging authority); and
  - (b) the person by whom the planning obligation mentioned in regulation 55(3)(b) is enforceable (if that person is not the collecting authority or the charging authority).
- (14) Paragraph (15) applies where a charging authority issues a statement (in accordance with regulation 56(2)(a)) giving notice that relief for exceptional circumstances will no longer be available in its area.
- (15) Any claim for relief for exceptional circumstances received by the charging authority on or before the day mentioned in regulation 56(2)(a) must be considered by the charging authority.