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STATUTORY INSTRUMENTS

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**2010 No. 948**

**The Community Infrastructure Levy Regulations 2010**

**PART 6**

**EXEMPTIONS AND RELIEF**

**Discretionary relief for exceptional circumstances**

**55.**—(1) A charging authority may grant relief (“relief for exceptional circumstances”) from liability to pay CIL in respect of a chargeable development (D) if—

- (a) it appears to the charging authority that there are exceptional circumstances which justify doing so; and
  - (b) the charging authority considers it expedient to do so.
- (2) Paragraph (1) is subject to the following provisions of this regulation.
- (3) A charging authority may only grant relief for exceptional circumstances if—
- (a) it has made relief for exceptional circumstances available in its area;
  - (b) a planning obligation under section 106 of TCPA 1990<sup>(1)</sup> has been entered into in respect of the planning permission which permits D; and
  - (c) the charging authority—
    - (i) considers that the cost of complying with the planning obligation is greater than the chargeable amount payable in respect of D,
    - (ii) considers that to require payment of the CIL charged by it in respect of D would have an unacceptable impact on the economic viability of D, and
    - (iii) is satisfied that to grant relief would not constitute a State aid which is required to be notified to and approved by the European Commission.

(4) The Mayor may not grant relief for exceptional circumstances in respect of a chargeable development unless a claim for that relief is referred to the Mayor by a London borough council in accordance with regulation 58(3).

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(1) Section 106 was substituted by section 12 of the Planning and Compensation Act 1991 and amended by section 33 of the [Greater London Authority Act 2007 \(c. 24\)](#) and section 174 of the Planning Act 2008.