
DRAFT STATUTORY INSTRUMENTS

2010 No.

The Community Infrastructure Levy Regulations 2010

PART 6

EXEMPTIONS AND RELIEF

Exceptional circumstances: procedure in London

58.—(1) Regulation 57 applies to a claim for relief for exceptional circumstances in respect of a chargeable development situated in the area of a London borough council (“the borough”) subject to the following modifications.

(2) A claim for relief for exceptional circumstances must be submitted to the borough.

(3) As soon as practicable after receiving a claim for relief, the borough must refer the claim to the Mayor if the Mayor has made relief for exceptional circumstances available in the Mayor’s area, and the borough either—

- (a) has not made relief for exceptional circumstances available in its area, or
- (b) considers that, despite the amount of relief that it proposes to grant in respect of the chargeable development, to require payment of any remaining CIL charged by it or any CIL charged by the Mayor (or both) would still have an unacceptable impact on the economic viability of the chargeable development.

(4) A borough refers a claim to the Mayor by—

- (a) sending to the Mayor a copy of the claim form and the particulars mentioned in regulation 57(4)(d); and
- (b) where the borough proposes to grant relief, informing the Mayor in writing of the amount of that relief.

(5) If a claim is referred to the Mayor in accordance with paragraph (3) the Mayor must, as soon as practicable after receiving the referral—

- (a) decide whether to grant relief on the amount of CIL chargeable by the Mayor in respect of the chargeable development; and
- (b) notify the borough in writing of the Mayor’s decision and the amount of relief (if any) granted.

(6) As soon as practicable after receiving the Mayor’s decision, the borough must notify the claimant in writing of the decision on the claim and the amount of any relief granted (including, where relevant, any separate decisions and amounts in respect of relief granted by the borough and the Mayor).

(7) Where relief is granted the borough must send a copy of the decision to—

- (a) the Mayor;
- (b) the collecting authority (if it is not the borough);
- (c) 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).

(8) Notification of a disqualifying event must be submitted to the borough, and the borough must send a copy of that notification to—

- (a) the collecting authority (if it is not the borough); 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).