

APPENDIX 4 – DRAFT EXCEPTIONAL CIRCUMSTANCES POLICY



Community Infrastructure Levy Exceptional Circumstances Relief Policy

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

Dacorum Borough 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 Dacorum CIL Charging Schedule comes into effect, which is the 1st January 2015.

The Council will consider applications for Exceptional Circumstances relief on chargeable developments from landowners on a case by case basis.

To qualify for relief the Council must be satisfied that:

- a) A valid S106 agreement is in place for the chargeable development,
- b) the value of complying with a section 106 agreement for the site would exceed the CIL charge for the development,
- c) that paying the CIL charge in respect of the chargeable development would have an unacceptable impact on economic viability and,
- d) that relief would not constitute State Aid.

The onus is on the applicant to demonstrate that they qualify for relief and in order to do so they must submit appropriate supporting evidence to the Council.

The value of complying with a Section 106 agreement will need to be independently assessed and applicants will also be expected to provide an independent assessment of economic viability.

Exceptional Circumstances Relief will rarely be granted and will only be available where

- a) it can be demonstrated that the requirements of the S.106 provide items of infrastructure which have been identified as essential infrastructure within the Council's annual Infrastructure Business Plan, or
- b) the infrastructure items secured via the S.106 are identified as being necessary to support development in a Development Plan Document or Supplementary Planning Document, or
- c) the chargeable development would constitute a large scale major development¹.

Anyone wishing to claim relief for Exceptional Circumstances must follow the procedure set out in Regulation 57 of the Community Infrastructure Levy Regulations 2010 (as amended) and supply the documents listed therein.

A relief claim form is available at the website of the planning portal at:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

In all cases, Exceptional Circumstances Relief will only be available on up to 25% of the total CIL Liability and will fail to be applicable in the event of a deed of variation to the S.106.

4th October 2013

DRAFT

¹ For dwellings a large scale major development is one where the number of residential units to be constructed is 200 or more. For all other uses a large scale major development is one where the floor space to be built is 10,000 square metres or more or where the site area is 2 hectares or more.