

## Appendix D

### Community Infrastructure Levy Exceptional Circumstances Relief Policy

In accordance with the Community Infrastructure Levy Regulations 2010 (as amended),  
Stroud District Council gives notice that it is offering exceptional circumstances relief in its area under Regulations 55-58 of the Community Infrastructure Levy Regulations 2010 (as amended).

Stroud District Council will be offering this relief from 01/04/2017.

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

Exceptional circumstances relief can only be considered where:

- A planning obligation pursuant to S106 of the T&CPA 1990 is in place;
- The Charging Authority considers that applying the CIL would have an unacceptable impact on the economic viability of a development. This will be based on an objective assessment of economic viability;
- The amount of relief granted must not be sufficient to qualify as notifiable state aid under EU law.
- The Claimant owns a material interest in the land

**NB : The chargeable development should not be commenced before the charging authority has notified the claimant of its decision as this will result in the claim lapsing.**

Each case will be considered individually and the decision on whether relief should be granted will be at the discretion of the Council. However use of this policy should avoid rendering sites with specific and exceptional costs burdens unviable. The fact that an application may be unviable is unlikely, in itself, to constitute an exceptional circumstance in terms of the CIL Regulations.

#### Are there disqualifying events for exceptional circumstances relief?

The exceptional circumstances relief will be withdrawn if there is a disqualifying event. These include:

- a) The grant of charitable or social housing relief to the chargeable development  
or
- b) The grant of an exemption for self build housing or residential annexes or extensions or
- c) The sale of the relevant land,  
before the chargeable development commences

or

- d) If the chargeable development does not commence within one year of exceptional relief being granted.

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Failure to notify the Council of a disqualifying event within 14 days could result in a surcharge equal to 20 per cent of the chargeable amount or £2,500, whichever is the lesser.

### How do I apply for 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)

The application must be made prior to the commencement of development.

This is to be accompanied by:

- An assessment of the economic viability of the chargeable development carried out by an independent person (who must be appointed by you in agreement with the Council);
- An explanation of why payment of the CIL would have an unacceptable impact on the economic viability of the development;
- An apportionment assessment where there is more than one owner, and
- A declaration that all interested parties have been provided with a copy of the claim form and advised that the assessment is available if they require a copy.

Please email completed forms to [cil@stroud.gov.uk](mailto:cil@stroud.gov.uk) or post them to:

The CIL Officer

Stroud District Council

Ebley Wharf

Stroud GL5 4UB

Further information on CIL is available on the Council's website at:

[www.stroud.gov.uk/cil](http://www.stroud.gov.uk/cil)