

GUIDANCE NOTE 7a

Community Infrastructure Levy (CIL)

Exceptional Circumstances Relief Policy – Additional Guidance and Fees

On 27th November 2018 Norwich City Council resolved to make relief for exceptional circumstances available, in accordance with Regulations 55 to 57 of the Community Infrastructure Levy Regulations 2010 (as amended).

On 14th November 2018 the City Council's Cabinet had resolved that should this happen that a charging policy be introduced.

This guidance note should be read alongside the formal policy.

Due to the criteria of the policy it is considered that very few schemes are likely to be considered eligible for relief and, consequently, ECR will be rarely granted. This conclusion is in accordance with Government guidance as set out in the National Planning Practice Guidance on ECR (paragraphs 129-134).

Each case will be considered individually by the Council, which retains the discretion to make judgements about whether the exceptional circumstances policy applies to an individual scheme.

Any application for ECR must follow the procedures set out in CIL Regulation 57. An applicant must address all of the requirements set out in the policy, particularly why the individual development is considered exceptional and why the applicant considers the Council should look favourably on an exception.

Potential applicant's should note that any applications for ECR which is recommended for approval will be considered by the Council's Planning Applications Committee. This means details of the ECR application and relevant supporting information (including any viability and apportionment assessments required) will be in the public domain and open to scrutiny.

If, notwithstanding the above, any developer considers that they may have a case for ECR to be granted they are advised to contact the Council at the earliest possible opportunity to discuss this. This should be prior to the determination of any associated planning application.

The Council will expect it's costs to be met in full in providing advice on possible applications for ECR. Initial advice about whether it may be worthwhile pursuing an application will be given for a one off fee of £500 (exc VAT) which will be required to be paid up front in advance of any assessment of the case being made. Any response will include details of likely further charges should the matter be pursued.

Any formal application for ECR relief cannot be made until after planning permission has been issued for the development concerned. Applicants will need to have agreed at least one Section 106 obligation and Section 278 highway contributions that the development will be liable for. The relevant application form can be found at the link below:

[https://www.norwich.gov.uk/downloads/file/1542/cil - claiming exemption or relief](https://www.norwich.gov.uk/downloads/file/1542/cil_-_claiming_exemption_or_relief)