



**Lichfield District Council**  
**Community Infrastructure Levy**  
**Exemptions, Relief and Exceptional**  
**Circumstances Policy**

Effective from 13 June 2016

## **What is the Community Infrastructure Levy?**

The Community Infrastructure Levy (CIL) is a charge on development, calculated on a £ per square metre (sq.m) basis of development. CIL is intended to be used to help fund infrastructure to support the development of an area rather than making an individual planning application acceptable in planning terms, which is the purpose of Section 106 Agreements. CIL does not fully replace Section 106 Agreements. For more information you can also:

- Visit the Council's CIL web pages: [www.lichfielddc.gov.uk/CIL](http://www.lichfielddc.gov.uk/CIL)
- Read the CIL Planning Policy Guidance (PPG): <http://planningguidance.communities.gov.uk/blog/guidance/community-infrastructure-levy/>
- Email: [CIL@lichfielddc.gov.uk](mailto:CIL@lichfielddc.gov.uk)
- Call Lichfield's Planning enquiry line: 01543 308174
- Visit the [Planning Portal](#).
- Lichfield District Council Planning Obligations Supplementary Planning Document

## **What is this document?**

The amount of CIL calculated for a given development is non-negotiable, however the Community Infrastructure Levy Regulations 2010 (as amended) contains provisions that allow for certain types of exemptions or relief from paying the full CIL amount. Depending on the nature of the development, the following forms of relief or exemption may be available:

- minor development exemption
- mandatory charitable relief
- discretionary charitable relief
- mandatory social housing relief
- discretionary social housing relief
- self build exemption (for a dwelling)
- self build exemption (for a residential annexe or a residential extension)
- exceptional circumstances relief

Please see the Planning Practice Guidance on CIL for more information on each of these types of relief or exemption:

<http://planningguidance.communities.gov.uk/blog/guidance/community-infrastructure-levy/relief/>

## **Social Housing Relief**

Relief from the Levy is available for those dwellings and communal areas that are either let in specified tenancies by a private registered provider of social housing, or a registered social landlord, or a local housing authority, or are occupied under specified shared ownership arrangements. The details of qualifying dwellings are specified in Regulation 49 of the Community Infrastructure Regulations 2010 (as amended). Anyone wishing to claim relief must follow the procedures set down in the CIL Regulations 2010 (as amended), and

the claim must be made using the standard CIL 'Form 2: Claiming Exemption of Relief' which is available on the Planning Portal website:

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

### **Charitable Relief**

Under Regulation 43 of the Community Infrastructure Levy Regulations 2010 (as amended) a charitable institution which owns a material interest in the land (a charity landowner) will get full relief from their share of the liability where the chargeable development will be used 'wholly, or mainly, for charitable purposes' and they meet the requirements of Regulation 43

The CIL regulations also allow discretionary charitable relief to a charity landowner where the greater part of the chargeable development will be held as an investment, from which the profits will be applied for charitable purposes. The CIL regulations<sup>1</sup> indicate that these activities should be the sale of donated goods, where the proceeds of sale of the goods (after any deduction of expenses) are applied to the charitable purposes. A claim can be made using the standard CIL 'Form 2: Claiming Exemption of Relief' which is available on the Planning Portal website:

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

### **DISCRETIONARY CHARITABLE RELIEF POLICY**

Discretionary relief for investment activities by charities may be made in accordance with Regulations 44, 45 and 46 of the CIL Regulations 2010 (as amended). Lichfield District Council allows such discretionary relief where the chargeable development delivers facilities, services or infrastructure that have been identified as a requirement in the Local Plan.

The amount of relief granted will be in proportion to the proposed development's benefit to the community, as assessed by Lichfield District Council in consultation with the Parish or Town Council.

This policy is effective from the day the Lichfield CIL Charging Schedule comes into effect on 13 June 2016.

Anyone wishing to claim relief must follow the procedures set down in the CIL Regulations 2010 (as amended).

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<sup>1</sup> See Regulation 44 for more details

### **Exceptional circumstances relief**

Regulation 55 of the Community Infrastructure Levy Regulations 2010 (as amended) allows a charging authority to grant relief where: a section 106 agreement exists on the planning permission permitting the chargeable development; and where the charging authority considers that payment of the full Levy would have an unacceptable impact on the economic viability of the development. The granting of this relief must not constitute a notifiable state aid. A claim can be made using the standard CIL 'Form 2: Claiming Exemption of Relief' which is available on the Planning Portal website:

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

### **EXCEPTIONAL CIRCUMSTANCES RELIEF POLICY**

In accordance with Regulations 55, 56 and 57 of the Community Infrastructure Levy Regulations 2010 (as amended), Lichfield District Council as the charging authority for the area, gives notice that relief for exceptional circumstances is available within the district.

This policy is effective from the day the Lichfield CIL Charging Schedule comes into effect on 13 June 2016.

Anyone wishing to claim relief for exceptional circumstances must follow the procedures set down in the CIL Regulations 2010 (as amended).

## **Domestic Extensions**

In accordance with Regulation 42 of the Community Infrastructure Levy Regulations 2010 (as amended) residential extensions under 100 square metres are exempt from CIL under the minor development exemption.

In accordance with Regulation 42A of the Community Infrastructure Levy Regulations 2010 (as amended) people who extend their own homes are exempt providing the applicant owns a material interest in the house, occupies the main house as their main residence and the extension is an enlargement of the main house and is not going to comprise a new dwelling.

Regulation 42B sets out the procedure for exemptions for residential extensions. Lichfield District Council's Cabinet approved on 9 October 2018 that the Council ceases applying CIL to domestic extensions.

### **DOMESTIC EXTENSIONS POLICY**

Lichfield District Council will not apply the Community Infrastructure Levy charge to domestic extensions.

This policy is effective from 1 January 2019 and applies to any domestic extension application validated on / after 1 January 2019.