

COMMUNITY INFRASTRUCTURE LEVY

1. INTRODUCTION

- 1.1 The purpose of this report is to seek approval of the initial list of projects on which Community Infrastructure Levy (CIL) monies will be spent, known as the Regulation 123 list. The report also seeks approval on various CIL policy documents which need to be in place prior to the Council introducing the levy on development proposals from 6 April 2015.

2. BACKGROUND

- 2.1 CIL is the new approach to securing developer contributions through the planning process, largely replacing the current S106 regime for offsite planning requirements.
- 2.2 The Council adopted the CIL charging schedule on 14 April 2014 with an implementation date of 6 April 2015. Since that date the Government have not made any amendments to the CIL Regulations, and further ones that would lead the Council to reconsider its decision are not expected. The Council will therefore implement a CIL charging schedule from 6 April 2015, for all new residential development, at a rate of £80 per sqm.
- 2.3 Prior to the implementation date the Council must prepare a 'Regulation 123' list, which sets the Council's priorities for spending CIL, and have agreed processes to ensure appropriate governance is in place to monitor and review the list of projects as required.
- 2.4 As a charging authority the Council can also choose to adopt an instalment policy for the payment of CIL and set the specific circumstances where it will consider giving discretionary relief. Furthermore, if the Council wishes to accept land/infrastructure in lieu of payment, a statement to this effect must be published.

3. CIL SPENDING (REGULATION 123) LIST

- 3.1 On 1 October 2014 the Cabinet considered a report on the future allocation of CIL money. Prior to allocating any CIL funds, Regulation 123 of the CIL Regulations 2010 (as amended) requires the Council to set out a list of those projects or types of infrastructure that it intends to fund, or may fund, through the levy. This list can be amended regularly without the need for revising the charging schedule, but it must be subject to appropriate consultation.
- 3.2 To comply with the Conservation of Habitats and Species Regulations 2010 the first call on any CIL funds will be projects to mitigate the recreational impacts of new residential development on the New Forest and Southampton Water/Solent European designations. The Council, as Competent Authority, has a duty to ensure that development proposals will not have an adverse impact on the integrity of a

designated or candidate Special Area of Conservation (SAC), classified or potential Special Protection Area (SPA), or listed Ramsar site (collectively referred to as 'European sites'). Policy DM3 of the adopted Local Plan Part 2: Sites and Development Management, sets out the agreed approach to mitigation of the recreational impacts arising from new residential development in the Plan Area. Further detail of the agreed approach to the mitigation of recreational impacts outlined in policy DM3 is set out in the Mitigation for European Sites Supplementary Planning Document (SPD). The approach includes enhanced natural green spaces and recreational walking routes.

- 3.3 As CIL only becomes payable 60 days after commencement of a development (and depending on the amount payable, can be spread over a longer payment period), there will be a delay between introducing CIL and payment of the levy. It is unlikely that significant funds will be generated through CIL in its first operational year (2015/16) and therefore there will be very little CIL money to allocate/spend during the year. In order to comply with the Conservation of Habitats and Species Regulations, the proposed Regulation 123 list (at Appendix A) recognises that any CIL funds received in the first year will need to be spent on Habitat Mitigation projects/measures. This CIL project list will be reviewed each autumn, in accordance with the Cabinet's decision in October.

4. RELIEF FROM CIL

- 4.1 The CIL Regulations set out statutory exemptions from CIL as being:
- Social Housing provided by local housing authority, registered social landlord or registered provider of social housing and shared ownership housing;
 - Charities where the development will be used for charitable purposes;
 - Any development where the gross internal area of new build is less 100 square metres;
 - Self-build housing.
- 4.2 In addition to the statutory exemptions, the District Council may make discretionary relief available in exceptional circumstances and offer a discretionary charitable relief.

Exceptional Circumstances

- 4.3 Regulation 55 of the CIL Regulations allows the Council to grant discretionary relief in exceptional, specified circumstances. A reduction in CIL can be agreed for developments accompanied by a S106 agreement where the developer can demonstrate that development of the site is not viable (taking into account the CIL charge and Section 106 contribution). If a developer wishes to apply for 'exceptional circumstances relief' then no other form of relief can be granted (such as affordable housing relief).
- 4.4 Discretionary relief could promote regeneration or the development of an allocated site regarded as critical to the delivery of the strategy for the area. For some of these sites there could be significant infrastructure requirements needed to enable their development and deliver the associated regeneration and environmental improvements. In practice, however, the scope of relief which could be offered is likely to be very limited by European state aid regulations.

- 4.5 In both the Preliminary and Draft charging schedules consulted on by the Council it was proposed to allow claims for relief for exceptional circumstances. In order to allow applications for such relief the Council must publish a statement to this effect. This is attached in Appendix B.

Discretionary Charitable Relief

- 4.6 Regulations 44-46 of the CIL Regulations also allow the Council to grant two types of discretionary charitable relief in the following circumstances:

Discretionary Charitable relief

- a charitable institution will claim the relief, and the whole or greater part of that institution's share of the chargeable development will be held as a charitable investment, or
- a charitable institution has been refused a mandatory charitable exemption on state aid grounds, but granting relief for the institution's share of the chargeable development would not constitute a notifiable state aid

Discretionary Charitable Investment relief

- the whole or 'greater part' of the chargeable development will be held by the claimant, or by the claimant and other charitable institutions, as an investment from which the profits will be applied for charitable purposes and
 - that portion of the chargeable development to be held as an investment will not be occupied by the claimant for ineligible trading activities and
 - relief does not constitute a notifiable state aid
- 4.7 As this Council is only making a CIL charge on residential development it is unlikely that such a claim could be made (outside of the mandatory relief), as this type of relief would mostly apply to accompanying retail or office space (for which there is a zero charge). Although officers cannot think of an example where this would arise, it is advisable to adopt a policy should such an occurrence arise. If granted, the amount of relief granted will be in direct proportion to the proposed development's benefit to the community, as assessed by the Council in consultation with the Parish or Town Council.
- 4.8 In both the Preliminary and Draft Charging Schedules the Council proposed offering discretionary relief. In order to allow applications for such relief the Council must publish a statement to this effect. This is attached at Appendix C.

Discretionary Social Housing Relief

- 4.9 Regulation 49A of the CIL Regulations allows the Council to offer Discretionary social housing relief. This relief is available, above the mandatory social housing relief, on the following conditions:
- the dwelling is sold for no more than 80% of its market value (where the market value at any time is the price which the dwelling might reasonably be expected to fetch if sold at that time on the open market);
 - the dwelling is sold in accordance with any policy published by the charging authority under regulation 49B(1)(a)(iii); and

- the liability to pay CIL in relation to the dwelling remains with the person granted discretionary social housing relief.

4.10 In order to offer this type of relief the Council must publish a policy document which includes details to the extent at which the Council will be responsible for allocating the housing to be granted this relief and how the housing will be allocated in the area.

4.11 This is a new form of relief introduced in the 2014 amendments to the CIL Regulations. It is proposed that this form of relief is made available by the Council and that Officers should work with the Portfolio Holder for Planning and Transportation to agree the required policy document.

5. INSTALMENT POLICY

5.1 The CIL Regulations allow Councils to adopt an instalment policy to allow for the payment of the CIL for larger developments in instalments over fixed time periods. During the Examination process the Council proposed offering an instalment policy.

The full policy is set out in Appendix D, and is summarised below.

Development incurring CIL Liability up to £80,000 (approximately up to 10 dwellings)

- Two payments of equal amounts:
- First at 60 days after commencement of the development. (50%);
- Second 365 days after commencement or on occupation of the first dwelling, whichever is the sooner (50%).

Development incurring CIL liability over £80,000

- Three instalments.
 1. 60 days after commencement (30%);
 2. 270 days after commencement (30%);
 3. 540 days after commencement or on occupation of the first dwelling, whichever is the sooner (40%).

6. PAYMENT IN KIND

6.1 Regulation 73 provides the potential for transfer of land and the provision of infrastructure as a payment in kind towards CIL. The Regulations only allow offers for payment in kind for developments where the CIL liability is greater than £50,000. In order to be able to accept offers of payment in kind the Council must publish a policy

statement. This is attached at Appendix E.

6.2 Any agreement to pay CIL in the form of land will not form part of a planning obligation entered into under Section 106 of the Town and Country Planning Act 1990. The agreement may however allow the transfer of land in instalments as long as it is in line with the payment proportions set out in an instalment policy.

7. DELEGATIONS

7.1 Appendix F sets out a series of delegations in relation to CIL, many of which relate to the granting of relief and taking enforcement action if CIL is not paid. The majority of these are clear cut and there is a clear procedure to follow in the CIL Regulations, it is therefore proposed that these are dealt with at Officer level.

- 7.2 Where there is some discretion available on whether relief is granted, notably for discretionary charitable and exceptional circumstances relief it is proposed that this is carried out in consultation with the chairman of the Planning and Development Control Committee. If no agreement can be reached as a result of this consultation a recommendation will be taken to the full Planning and Development Control Committee.

8. FINANCIAL IMPLICATIONS

- 8.1 A suitable Regulation 123 project list must be in place prior to the implementation of CIL on 6 April 2015 to be in compliance with the CIL Regulations. The amount of money available through CIL each year will be determined by the implementation rate of new development within the District.
- 8.2 By adopting an instalment policy for larger CIL liable developments the Council is assisting developers spread their CIL liability. By providing this facility it is intended to remove a barrier to development which may exist if developers of larger sites had to pay the full CIL liability at the start of development.
- 8.3 By adopting both the discretionary charitable and exceptional circumstances relief policies it will give the Council maximum flexibility when negotiating with developers to make sites deliverable and ensure they are implemented to appropriate timescales which will result in the payment of the CIL.

9. ENVIRONMENTAL IMPLICATIONS

- 9.1 Developer contributions are collected to make new developments acceptable in planning terms and minimise the impacts on the local community and infrastructure. The projects can bring direct environmental benefits through the provision of new public open space, improving and enabling greater use of existing open space and encouraging walking, cycling and the use of public transport.
- 9.2 Under the provisions of the Conservation of Habitats and Species Regulations 2010, this Council, as Competent Authority, has a duty to ensure that development proposals will not have an adverse impact on the integrity of a designated or candidate Special Area of Conservation (SAC), classified or potential Special Protection Area (SPA), or listed Ramsar site (collectively referred to as 'European sites').
- 9.3 The Habitats Regulations Assessment (HRA) of the now adopted Local Plan concluded that significant effects on both the New Forest and Solent/Southampton Water European sites, associated with recreational impacts from new residential development, could not be ruled out. The HRA concluded that mitigation is therefore required for all additional housing developments within the Plan Area. It is therefore a legal requirement that the mitigation measures set out in the Council's adopted Mitigation Strategy SPD are implemented, the funding for which will come from CIL receipts.

10. CRIME AND DISORDER IMPLICATIONS

- 10.1 There are no crime and disorder implications arising from this report.

11. PORTFOLIO HOLDER COMMENTS

11.1 The Council is now fully committed to the introduction of CIL in April this year. This paper sets out various key elements that describe how the scheme will work. It is our expectation that this will bring simplicity and clarity to the planning process which will benefit developers and residents.

12. RECOMMENDATIONS

12.1 It is recommended:

a) That, insofar as they are empowered to do so by law, the Cabinet approves the policy documents attached as appendices A-E for:

- Regulation 123 list
- Exceptional Circumstances Relief
- Discretionary Charitable Relief
- Instalment Policy
- Payment in Kind Policy

and approves the delegations as set out in Appendix F

b) That the Cabinet recommends to the Council that, insofar as they are empowered to do so by law, the Council approves the policy documents attached as appendices A-E for:

- Regulation 123 list
- Exceptional Circumstances Relief
- Discretionary Charitable Relief
- Instalment Policy
- Payment in Kind Policy

and approves the delegations as set out in Appendix F

c) The Head of Planning in conjunction with the Planning and Transportation Portfolio Holder be authorised to make editing and clarification changes to the documents attached as Appendices A-D in preparing them for publication.

d) That, insofar as they are empowered to do so by law, the Cabinet and Council each authorise the Head of Planning and Transportation in consultation with the Portfolio Holder for Planning and Transportation to approve a policy document enabling the Council to grant discretionary social housing relief.

For further information contact:

Dean Brunton
Planning Policy Officer
Tel: 023 8028 5588
E mail: dean.brunton@nfdc.gov.uk

Background Papers: Community
Infrastructure Levy - Cabinet 1 October 2014



New Forest District Council Local Development Framework

Community Infrastructure Levy

Regulation 123 List:

**Infrastructure to be delivered
partly or wholly by CIL**

New Forest District outside the National Park

April 2015

This statement is made in accordance with Regulation 123 of the CIL Regulations 2010 (as amended and in accordance with the Planning Act (2008) as amended by the Localism Act (2011).

The list set out below identifies the types of infrastructure and/or specific infrastructure projects to which CIL receipts raised by New Forest District Council as the Charging Authority could be applied:

When does the Regulation 123 list take effect?

This Regulation 123 List will take effect from 6 April 2015. It will be reviewed annually.

What Infrastructure is included in the Regulation 123 list

Habitation Mitigation

Including but not limited to:

- New areas of natural green space (Suitable Accessible Natural Green Space (SANGS))
- Improvements to existing open space to bring them to the required 'SANGS' standards as set out in the Council's adopted Mitigation Strategy SPD
- Improvements to recreational walking routes.

This excludes the specific on-site habitat mitigation requirements that are required in accordance with policy DM3 of the Local Plan Part 2: Sites and Development Management DPD for developments over 50 dwellings.



New Forest District Council Local Development Framework

Community Infrastructure Levy
Exceptional Circumstances Relief Policy

New Forest District outside the National Park

April 2015

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

New Forest District 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 New Forest CIL Charging Schedule comes into effect, which is 6 April 2015.

Anyone wishing to claim relief for exceptional circumstances must follow the procedure set down in Regulation 57 of The Community Infrastructure Levy Regulations 2010.

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

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

When can exceptional circumstances relief be offered?

The powers to offer relief can be activated and deactivated at any point after the CIL Charging Schedule is approved. New Forest District Council will be offering this relief from 6 April 2015.

Who is eligible for exceptional circumstances relief?

Exceptional circumstances relief can only be considered where:

- A S106 agreement is in place;
- It is found 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.

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.

How to apply for exceptional circumstances relief?

A claim must be submitted using Form 2: Claiming Exemption or Relief. 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.

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

Are there disqualifying events for exceptional circumstances relief?

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

- Granting of charitable or social housing relief on the chargeable development,
- the sale of the relevant land, or
- If the chargeable development does not commence within one year of exceptional relief being granted.

Failure to notify the Council of a disqualifying event within 14 days could result in a surcharge of up to £2,500.



New Forest District Council Local Development Framework

Community Infrastructure Levy
Discretionary Charitable Relief Policy

New Forest District outside the National Park

April 2015

This statement is made in line with Regulation 46 of The Community Infrastructure Levy Regulations 2010 (as amended).

New Forest District Council hereby gives notice that discretionary charitable and charitable investment relief is available in its area.

Anyone wishing to claim relief for exceptional circumstances must follow the procedure set down in Regulation 47 of The Community Infrastructure Levy Regulations 2010.

A relief claim form is available at on the website of the planning portal at:
<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

When can discretionary charitable relief be offered?

In accordance with the CIL Regulations, New Forest District Council gives notice that it is offering discretionary charitable relief in its area under Regulations 44 and 45 of the Community Infrastructure Levy (as amended).

The powers to offer discretionary charitable relief can be activated and deactivated at any point after the CIL Charging Schedule is approved. New Forest District Council will be offering this relief from 6 April 2015.

Who is eligible for discretionary charitable relief?

In addition to the mandatory relief for charitable institutions under Regulation 43, New Forest District Council are also offering discretionary relief to a charity landowner where the greater part of the chargeable development will be held as an investment, from which the profits are applied for charitable purposes and they meet the requirements of Regulation 44 and 45 of the CIL Regulations.

How do I apply for exceptional circumstances relief?

You must submit the claim using Form 2: Claiming Exemption or Relief which is available at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>
The application must be made prior to the commencement of development.

The Council will advise you of its decision as soon as practicable following receipt of the relevant form and documents.

Are there disqualifying events for exceptional circumstances relief?

For seven years after the commencement of development (the 'clawback period'), you must inform New Forest District when a disqualifying event happens. This must be done within 14 days of the disqualifying event. Where this is not done, a surcharge equal to 20 per cent of the chargeable amount or £2,500, whichever is the lesser, may be applied.

A disqualifying event is one or more of the following:

- change of purpose: the owner of the interest in the land in which relief was given ceases to be eligible for charitable relief (i.e. the owner ceases to be a charitable institution or uses the building for an ineligible use),
- change of ownership: the whole of the interest in the land in which relief was given is transferred to a person who is not eligible for charitable relief, or
- change of leasehold: the lease under which the interest in the land is held is terminated, and the owner of the reversion is not eligible for charitable relief



New Forest District Council Local Development Framework

Community Infrastructure Levy

Instalment Policy

New Forest District outside the National Park

April 2015

CIL Instalment Policy

This statement is made in accordance with Regulation 69b of the Community Infrastructure Levy Regulations 2010 (as amended).

New Forest District Council hereby gives notice that it will offer an instalment policy for payment of CIL monies owed to the Council.

The Instalment Policy will apply to all development on which CIL is liable. .

Policy for staging payments of Community Infrastructure Levy

New Forest District Council (the Charging Authority) will apply the following instalment policy to all development which is CIL liable.

This policy will come into effect on 6 April 2015

In all cases, the calculation of the total amount payable will include the value of any payment in kind as assessed by an independent person.

Number, Proportion and Timing of Instalments

Development incurring CIL Liability up to £80,000

- Two instalments:
 1. First instalment at 60 days after commencement of the development. (50%);
 2. Final instalment 365 days after commencement or on occupation of the first dwelling, whichever is the sooner (50%).

Development incurring CIL liability over £80,000

- Three instalments.
 1. First instalment 60 days after commencement (30%);
 2. Second instalment 270 days after commencement (30%);
 3. Final instalment 540 days after commencement or on occupation of the first dwelling, whichever is the sooner (40%).

Conditions of Instalment Policy

The instalments permitted will be linked to the amount payable (the chargeable amount) as recorded on the Demand Notice.

As permitted under Regulation 9 (4) of the Community Infrastructure Regulations 2010 (as amended), where outline planning permission which permits development to be implemented in phases, has been granted, each phase of the development as agreed by New Forest District Council is a separate chargeable development and the instalment policy will, therefore, apply to each separate chargeable development and associated separate liable amount chargeable.

This policy will not apply where:

- a) A commencement notice has not been submitted prior to commencement of the chargeable development, as required by Regulation 67 of the Community Infrastructure Regulations 2010 (as amended);
and/or
- b) On the intended date of commencement
 - i. Nobody has assumed liability to pay CIL in respect of the chargeable development;
 - ii. A commencement notice has been received by New Forest District Council in respect of the chargeable development; and
 - iii. New Forest District Council has not determined a deemed commencement date for the chargeable development and, therefore, payment is required in full, as required by Regulation 71 of the Community Infrastructure Regulations 2010 (as amended);
and/or
- c) A person has failed to notify New Forest District Council of a disqualifying event before the end of 14 days beginning with the day on which the disqualifying event occurs, as per the Community Infrastructure Regulations 2010 (as amended);
and/or
- d) An instalment payment has not been made in full after the end of the period of 30 days beginning with the day on which the instalment payment was due, as per the Community Infrastructure Regulations 2010 (as amended).

New Forest District Council Local Development Framework

Community Infrastructure Levy

Payment in Kind policy

New Forest District outside the National Park

April 2015

This statement is made in line with Regulations 73 and 73B of The Community Infrastructure Levy Regulations 2010 (as amended).

New Forest District Council hereby gives notice that it will accept land and infrastructure payments in lieu of part, or all, of a CIL liable development.

This option will be available from the day the New Forest CIL Charging Schedule comes into effect, which is 6 April 2015.

Anyone wishing to make payment in this way must follow the procedure set down in Regulations 73 and 73A of The Community Infrastructure Levy Regulations 2010. A relief claim form is available at on the website of the planning portal at:

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

When can land and infrastructure payments be accepted?

Policy CS25 (Developers' Contributions) sets out the Council's approach to a developer's requirements to providing on-site and off-site infrastructure, facilities and mitigation necessary to make the development acceptable in planning terms. Many of these requirements will be addressed through payment of the Community Infrastructure Levy (CIL), however in some circumstances CIL liabilities may be met (in full or in part) by the provision of land or infrastructure, rather than by a financial payment. This depends on five conditions being met:

- The charging authority New Forest District Council must agree to the proposal;
- New Forest District Council must have the intention of using the land/infrastructure to help provide infrastructure to support the development;
- The person transferring the land to New Forest District Council as payment must have assumed liability to pay CIL beforehand (using Form 1 available at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>);
- The land/infrastructure to be transferred must have been valued by a suitably qualified and experienced independent person. New Forest District Council must give their approval to the valuation of the land by this person. The valuation must represent the fair market price for the land on the day it is valued;
- Development on the site must not have commenced in advance of completing a written agreement with New Forest District Council to accept 'payment' of some or all CIL liabilities by the provision of appropriate land or infrastructure. This agreement must state the value of the land or infrastructure that has been agreed.

The agreement to pay in land may not form part of a planning obligation entered into under section 106 of the Town and Country Planning Act 1990. The agreement may however allow the transfer of land in instalments as long as it is in line with the payment proportions and due dates set out in the demand notice.

Any outstanding CIL amount left after the transfer of land in the form of money should be paid in line with the payment due dates contained in the demand notice.

What types of land and infrastructure will be accepted.

In accordance with policy DM3 of the adopted Local Plan Part 2: Sites and Development Management sites over 50 dwellings are required to provide a suitable area of natural green space on or close to the site. This provision should be made equivalent to 8ha per 1,000 population (of which 2ha can be offset against the policy CS7 requirement for on-site informal open space.)

Where such an on-site provision is required, the 6ha per 1,000 population requirement can be offered as a payment in kind towards CIL where the procedure in Regulation 73 of the CIL Regulations is followed.

The Council will consider requests to provide infrastructure projects in lieu of CIL payments for the provision of Habitat Mitigation, Open Space and Transportation projects, providing that those projects are identified in the latest Council's Infrastructure Delivery Plan.

Community Infrastructure Levy Regulations 2010 - Delegations

Regulation	Power Delegated	To whom
35(1)	To serve an information notice on an owner of the relevant land.	Head of Planning & Transportation, or Planning Policy Manager, or Senior Planning Officer (CIL)
36(2)	To determine that liability to pay CIL has transferred to the owners of the relevant land.	“
42B	To grant exemptions for residential annexes or extensions in accordance with Reg 42B	“
44	To determine whether to grant discretionary rate relief in accordance with Regs 44 & 45	“ In consultation with the Chairman of the Planning and Development Control Committee
47(4)	To determine a claim for charitable relief	Head of Planning & Transportation, or Planning Policy Manager, or Senior Planning Officer (CIL)
51(5) & 53(8)	To determine a claim for social housing relief and notify any withdrawal	“
54(1)	To serve an information notice	“
54B	To determine if a claim for an exemption for self-build housing is valid	“
55	To grant relief for exceptional circumstances from liability to pay CIL.	“ In consultation with the Chairman of the Planning and Development Control Committee
57(7)	To determine a claim for relief for exceptional circumstances.	“
59E(2)	To serve notice on a local council requiring it to repay CIL receipts in accordance with the provisions of Reg 59E	Head of Planning & Transportation, or Planning Policy Manager, or Senior Planning Officer (CIL)
59E(7)	To withdraw a notice requiring a parish council to repay CIL receipts	“
59E(8)	To vary the terms of a notice requiring a parish council to repay CIL receipts	“
59E(2)	To serve notice requiring a parish council to repay CIL receipts.	“

60 & 61	To apply CIL to reimburse expenditure already incurred on infrastructure and administrative expenses incurred in respect of CIL	“
64(8)	To request further information, documents or materials.	“
65	To issue liability notices and revised liability notices and withdraw such notices	“
68	To determine the day on which a chargeable development was commenced	“
69	To serve a demand notice and any revised demand notice	“
69A	To make a declaration that a person is not required to pay the amount of CIL stated on a demand notice until works have commenced on land in which they have a material interest and take all steps/actions under Reg 69A	“
70	To take action relating to payment periods under Reg 70	“
71	To determine a deemed commencement date and take any necessary action under Reg 71	“
73	To accept land payments as payments in kind	“
73A	To accept infrastructure payments	“
74B	To make decisions on valid requests regarding implementation of a different planning permission	“
75	To make decisions relating to overpayments in accordance with Reg 75	“
78 (1)	To serve an information notice	“
79(1)	To use information obtained under any other enactment for the purposes of CIL	“
80, 81, 82, 83, 84, 85 & 86	To impose a surcharge	“
89	To issue a warning notice	“
90	To serve a CIL stop notice	“
91	To withdraw a CIL stop notice	“

Appendix F

All Regs	To take all other action under the above Regulations not specifically referred to above	“
94	To apply to the court for an injunction	Head of Legal & Democratic Services, or Solicitors or employed Barrister
97(1)	To apply to a magistrates’ court for a liability order	“
98(1)	To levy the amount owed in respect of a liability order by distress or sale of goods	“
100(1)	To apply to a magistrates’ court for the issue of a warrant committing a debtor to prison	“
103(1)	To apply for a charging order	“
107(4)	To apply for consent to enforce a local land charge	“
108A	To require further information, documents or materials	“
109(1)	Power of entry including applying for a warrant	“ and Planning Policy Manager and Senior Planning Officer (CIL)
111	To prosecute an offence under the CIL Regulations	“
113(7)	To decide an application for review	“ or Planning Policy Officer or Head of Planning & Transportation