

Community Infrastructure Levy

A Guide for a Request for a Review under Regulation 113

Introduction

East Cambridgeshire District Council introduced the Community Infrastructure Levy ('CIL') on 1 February 2013. CIL is a levy that is charged on most new development in the District. The money raised through this levy will be used to fund strategic infrastructure required to support development in the District. The Community Infrastructure Levy Regulations 2010 (as amended) ('the Regulations') provide a mechanism, under Regulation 113, for a person to request the Council to conduct a formal review of the chargeable amount.

Procedure

Regulation 113 sets out the procedure for applying to the Council for a formal review of the chargeable amount.

A request for a review must be made:

- In writing to the Council;
- Before the end of the period of 28 days, beginning with the date on which the liability notice was issued; and
- Prior to the commencement of development.

If a development has commenced it is not possible to apply for a review.

The request for the review may be accompanied by written representations and supporting evidence (where relevant) which detail the reason for the request for a review being made and details of why a person believes that the chargeable amount has been calculated incorrectly.

The Council has produced a form, which is available on the forms section of the CIL webpage, to assist those applying for a review under Regulation 113. It is not essential that this form is completed, as long as the appeal is made in writing to the Council, this will be accepted, however, it is recommended that a person completes this form as it sets out the requirements to facilitate a valid request for review.

Please note that a request for review cannot be made for a review of a decision reached on an earlier review.

What will the Council do?

As long as the review is made in accordance with the procedure and timescales identified above, the request for a formal review of the chargeable amount will be allocated, as required by the Regulations, to an officer who is more senior to the officer who originally calculated the chargeable amount. This officer will conduct a thorough review taking into consideration all of the representations that have been submitted.

A decision will be made within 14 days of the Council receiving the request for a formal review. The decision will be relayed in writing to the person submitting the review and will contain reasons for the decision reached. If a person is aggrieved by the decision reached, it will then be possible to appeal this decision with the Valuations Office Agency.

The Regulations require the Council to respond to the request for a formal review of the chargeable amount within 14 days of receiving the request. Should the Council not respond within this period, a person can apply for an appeal, under Regulation 114. This appeal will need to be submitted to the Valuations Office Agency.

As identified above, a person may not request a review of a decision made on an earlier review. For this reason care should be taken to ensure that, when applying for a formal review, all of the information intended to be relied upon in support of their claim is submitted at first instance.

Should development commence prior to the Council, or where relevant the Valuations Office Agency, has reached a decision, the review will lapse and the levy will become chargeable regardless of the outcome of the case.

Further details

More Information about CIL and links to the Regulations and guidance documents can be found on the East Cambridgeshire District Council Website:

<http://www.eastcambs.gov.uk/planning/community-infrastructure-levy>

Please contact Emma Grima, Infrastructure Programme Manager, if there are any queries-

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