

COMMUNITY INFRASTRUCTURE LEVY REGULATIONS 2010 (AS AMENDED)(*CIL Regs*)

Wandsworth Borough Council's (*the Council*) Protocol for Withdrawal of a Liability Notice pursuant to Regulation 65(7) of the CIL Regs

The Council as collecting authority for the Mayor of London's and Wandsworth Borough Council's charging schedules will consider the exercise of its power to withdraw a Liability Notice in accordance with CIL Regulation 65(7) if the following criteria are met:

1. A formal request to withdraw the Liability Notice has been received from the liable person/party; and
2. Where the Council issued a Liability Notice for any relevant chargeable amount later than a period of 16 weeks or such period as the Council considers to be as soon as reasonably practicable, retaining absolute discretion, from the date on which the relevant planning permission first permits development (as defined in regulation 8 of the CIL Regs); and
3. The chargeable development has commenced in accordance with the CIL Regs; and
4. The Council is satisfied at its absolute discretion that the issue of a Liability Notice has caused significant hardship to the liable person/party. Written evidence must be submitted to the Council by the liable person/party. In determining where "significant hardship" has arisen sufficient to justify (if the above other criteria are met) the withdrawal of a liability notices, the Council will consider in particular the following matters:
 - a. the period of time between the date on which relevant planning permission first permits development and the issue of a Liability Notice.
 - b. the length of time since "commencement of the chargeable development" in accordance with Regulation 7 of the CIL Regs.
 - c. what (if any) information was provided at the time the planning decision relevant to the Liability Notice was made and what information (if any) relating to the Community Infrastructure Levy was provided on either the planning decision notice, planning committee report or in any other communication with the applicant for planning permission or its agent.
 - d. the identity of the person/party liable at
 - i. the time the relevant planning permission was granted
 - ii. the time the relevant planning permission first permits development in accordance with Regulation 8 or the CIL Regulations and/or
 - iii. the person/party who may have become liable (if any) after these dates and the date and circumstances in which those persons/parties were first informed of the liability for CIL.
 - e. How liability has arisen (e.g. default liability);
 - f. Amount of CIL stated on the Liability Notice and the scale and quantum of the chargeable development.

The Protocol will not apply where an agreement or undertaking pursuant to S106 of the Town and Country Planning Act 1990 has been entered into which relates to the relevant planning permission, binds the liable person and which:

- includes obligation(s) to pay to the Council financial contributions towards Infrastructure; and
- the outstanding amount of the Infrastructure contribution(s) is the same or greater than the chargeable amount relating to the Borough CIL only on the Liability Notice.

The meaning of Infrastructure for these purposes is the infrastructure referred to in the Council's Regulation 123 List published pursuant to the CIL Regs.

In these circumstances the liable person/party should contact the CIL team at the Council.

In considering whether to withdraw a liability notices, the Council will evaluate all relevant evidence and will notify the person who has made the request pursuant to this Protocol of its decision within 14 working days of the receipt of the formal request pursuant to paragraph (1) of this protocol.

The Council retains absolute discretion in applying this Protocol and assessment of whether the issue of a Liability Notice has caused significant hardship to the liable person/party.

All requests must be accompanied by a completed 'Application for Withdrawal of CIL Liability Notice Form' (www.wandsworth.gov.uk/cil).

Submission of a request pursuant of the protocol must be sent to:

cil@wandsworth.gov.uk or

CIL Team, Wandsworth Borough Council, The Town Hall, Wandsworth High Street, London SW18 1PU