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Our ref: 18359/A3

5 March 2011

Dear Sirs

COMMUNITY INFRASTRUCTURE LEVY – DRAFT CHARGING SCHEDULE

We act on behalf of Welbeck Strategic Land Ltd and have been prepared a response to the recent CIL consultation. Welbeck control land in Aylsham and Mulbarton.

In accordance with Section 212 of the Planning Act 2008 and Regulations 16 and 17 of The Community Infrastructure Levy Regulations 2010 (as amended), the Greater Norwich Development Partnership (GNDP) published the Community Infrastructure Levy (CIL) Draft Charging Schedules for Broadland, Norwich and South Norfolk and invited representations to be made over a four-week period.

The draft charging schedule is supported by an evidence base prepared by GVA Grimly. This submission is made in respect of the proposals of the GNDP regarding residential development. In short, the GNDP propose a zoning charge. Those sites falling in Zone A would be subject to a CiL charge within a range of £135 - £165 per sqm and those in Zone B will be charged £75 per sqm.

The CiL Regs 2010 (No' 948) came into force on 6 April 2010. Paragraph 55 makes provision for discretionary relief for exceptional circumstances. The exact policy wording is as follows:

Discretionary relief for exceptional circumstances

55.—(1) A charging authority may grant relief ("relief for exceptional circumstances") from liability to pay CIL in respect of a chargeable development (D) if—

(a) it appears to the charging authority that there are exceptional circumstances which justify doing so; and

(b) the charging authority considers it expedient to do so.

(2) Paragraph (1) is subject to the following provisions of this regulation.

(3) A charging authority may only grant relief for exceptional circumstances if—

(a) it has made relief for exceptional circumstances available in its area;

(b) a planning obligation under section 106 of TCPA 1990(b) has been entered into in respect of the planning permission which permits D; and

(c) the charging authority—

(i) considers that the cost of complying with the planning obligation is greater than the chargeable amount payable in respect of D,

(ii) considers that to require payment of the CIL charged by it in respect of D would have an unacceptable impact on the economic viability of D, and

(iii) is satisfied that to grant relief would not constitute a State aid which is required to be notified to and approved by the European Commission.

(4) The Mayor may not grant relief for exceptional circumstances in respect of a chargeable development unless a claim for that relief is referred to the Mayor by a London borough council in accordance with regulation 58(3).

18359/A3/120305 CiL Reps



It is Welbeck's submission that the GNDP must confirm in the charging schedule that they will consider applications for exceptional relief. At present there is no such provision in the South Norfolk, Broadland or Norwich City draft schedules.

Yours faithfully



ED HANSON
Associate

cc: Mr Erik Pagano