



CIL Guidance Note

Social Housing Relief

Social Housing relief is a mandatory discount that will benefit most social rented, affordable rented and intermediate rented dwellings provided by a local authority or Private Registered Provider, and shared ownership dwellings. Regulation 49 of The Community Infrastructure Levy Regulations 2010, as amended, defines where social housing relief applies. It does not apply to private landlords if they are not registered as private registered providers with the Homes and Communities Agency who are responsible for registering and regulating providers of social housing.

To qualify for social housing relief, the claimant must,

- Own a material interest (defined in Regulation 4(2)) in the relevant land (the area granted planning permission) and
- Have assumed liability to pay the levy for the whole chargeable development - so a Form 1 - Assumption of Liability Form must be submitted by the claimant before or at the same time as the form for relief is submitted.
- Have submitted the Form 2 Claiming Exemption and Relief prior to commencement of the chargeable development

When applying for relief, a claimant must provide evidence that the chargeable development meets the relevant criteria: This should comprise both:-

1) A relief assessment that

- Identifies the location of the dwellings to which social housing relief relates by reference to a site map.
- Contains information on the gross internal area of each of the dwellings that can be related back to the site map
- Includes a calculation of the floorspace for the social relief claimed.

and

2) Evidence that the chargeable development qualifies for social housing relief:

Registered Providers carrying out a scheme that is solely affordable housing on land in their ownership will be expected to submit a signed letter identifying the tenure type of affordable housing to be provided, broken down by dwelling location if more than one type of affordable housing is to be provided.

Other applicants will be expected to enter into either

- a S106 agreement for the affordable housing provision identifying location and tenure types of affordable housing, or
- a binding agreement with a Registered Provider to deliver the Affordable Housing supplemented by a signed letter if necessary identifying location and tenure types of affordable housing if this is not clear in the agreement.

More information on Social Housing Relief is available in section 2.7.3 of the Department of Communities and Local Government document Community Infrastructure Levy Guidance 2014. The form for applying for relief is available at http://www.planningportal.gov.uk/uploads/1app/forms/form_2_claiming_exemption_and_or_relief.pdf

When it determines a claim for relief, the council will write to the claimant setting out its decision, the reasons for it, and the amount of relief granted.

Form 2 Exemption and Relief requires claimants to state that the dwellings are “qualifying dwellings” (see Reg 49) and requires the claimant to notify the council if there is a change in circumstances.

The chargeable amount (i.e. the levy that would have been payable if the exemption had not been granted) will be registered against the property as a “local land charge” in the Council’s local land charges register for seven years from completion of development.

Social housing relief can be withdrawn and CIL becomes payable if a disqualifying event occurs up to seven years from the commencement of development (known as the “clawback period”) such as it no longer being qualifying social housing or shared ownership housing. The relief for that dwelling must be repaid by the beneficiary. (The occupant of the dwelling will never pay clawback – liability falls on the owner of the land immediately prior to the dwelling being made available for occupation).

A party claiming relief must submit a Commencement Notice to the council setting out the date on which the development will commence and this fixes the date for the commencement of development and the commencement of the clawback period. If the Commencement Notice is not submitted to the council the claimant is no longer eligible for relief and the full amount becomes payable plus any surcharge.

There are provisions in the regulations to provide for the transfer of the relief attached to each qualifying dwelling to another beneficiary if the land to which the exemption applies is transferred to a new owner prior to occupation of the dwellings.

Discretionary Social Housing Relief

The Council has not published a statement making Discretionary Social Housing Relief available in the borough.

NOTE: This Guidance Note does not set out the Community Infrastructure Levy regulations in detail and is simply a summary of the relevant provisions. You should seek your own advice if you are in any doubt as regards how the Community Infrastructure Levy operates or affects your own position.

Further information can be found in Paragraph 112 in the guidance using the following link -

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