



Further to your information request FOI/EIR 25/26-124, please find your question and our response below.

Request:

I am writing to request information under the Freedom of Information Act 2000 regarding the Community Infrastructure Levy (CIL) which I understand your Council operates. Please can you provide the following information:

1. Does the Council exercise discretion if genuine homeowners developing their own homes for personal use (such as extensions, annex, self-build) have unintentionally submitted a form late (e.g. an exemption form or commencement notice), does the Council not charge the full levy?
2. If so, please provide:
 - Any internal policy, guidance, or precedent the council refers to in such cases.
 - Only if possible and easy to ascertain: the number of instances over the past five years where the council has waived or reduced the CIL charge due to late form submission in these cases.

Response:

1. The CIL Regulations do not allow for discretion for late forms. The Regulations state that:
 - The exemption must be applied for and obtained, and a commencement notice must be received by the collecting authority, prior to the commencement of the development (start of works on site).
 - If a commencement notice is not submitted in time, the charging authority must impose a surcharge equal to 20% of the notional chargeable amount, capped at £2,500.
 - The charging authority only has discretion to waive the surcharge if it is less than any reasonable administrative costs which it would incur in relation to collecting it.
2. N/A

This concludes your request FOI/EIR 25/26-124.

If information has been refused, please treat this as a Refusal Notice for the purposes of the Act.

If you disagree with our decision or are otherwise unhappy with how we have dealt with your request in the first instance you may approach foi@eastcambs.gov.uk and request a review. A request for review must be made in no more than 40 working days from the date of this email.

Should you remain dissatisfied with the outcome you have a right under s50 of the Freedom of Information Act to appeal against the decision by contacting the Information Commissioner, Wycliffe House, Water Lane, Wilmslow SK9 5AF.