



# Newark & Sherwood Community Infrastructure Levy (CIL)

## Appeals Procedure

Appeals can be made against aspects of the CIL collection and enforcement system, from the CIL Collecting Authority's (Newark & Sherwood District Council) calculation of the amount due to any enforcement actions it may take. There are two exceptions where an appeal system does not exist, social housing relief and exceptional circumstances relief. This note sets out the procedure for making such appeals: how to make an appeal, when to make an appeal by, and who to make the appeal to.

### **Regulation 113: Review of Chargeable Amount**

If you have not commenced development and you feel that the amount of Community Infrastructure Levy set out in your Liability Notice has been **calculated** incorrectly, you can ask the District Council to review the calculation.

Such a request must be made within 28 days of the date on which the Liability Notice was issued. This should be done in writing by using one of the following:

- Complete and return a [Request for Review of Chargeable Amount Form](#),
- E-mail us at [planning@nsdc.info](mailto:planning@nsdc.info) or
- By letter to: Planning Services, Kelham Hall, Kelham, Newark, Nottinghamshire, NG23 5QX

You may also submit whatever evidence in writing you may feel is appropriate to support your request to the District Council.

When the District Council receives your request to review the amount, we will ensure that the person conducting the review is senior to the one who carried out the original calculation. We will notify you of the decision of the review within 14 days of receiving your request, including the reasons for the decision. However, where development is commenced before you receive notification of this decision, the review will lapse and the original amount will become due for payment in the manner set out in the Demand Notice.

### **Regulation 114: Chargeable Amount: Appeal against decision made by the District Council following a review of the chargeable amount**

If you are dissatisfied with the decision of the District Councils review or have not been notified of the decision within 14 days of the review start date (the date which the Council receive your request for review), you may appeal to the Valuations Office Agency (VOA) <http://www.voa.gov.uk/cil/index.html>.

This appeal must be made no later than 60 days beginning with the day on which the Liability Notice was issued. You may not appeal to the VOA on how the Community

Infrastructure Levy amount due was calculated if development has commenced. This appeal will also lapse if development commences before you have been told of the outcome of the appeal.

### **Regulation 115: Appeals against the apportionment of liability for the Levy**

You may appeal to the VOA <http://www.voa.gov.uk/cil/index.html> against any apportionment of liability carried out by the District Council. Any such appeal must be made within 28 days beginning with the day on which the Demand Notice stating the amount of CIL payable is issued by the District Council. Where an appeal is allowed, any Demand Notices (including surcharges) relating to the development in question will be suspended pending the outcome of the appeal.

### **Regulation 116: Charitable Relief: Appeal**

Where the authority has granted Charitable Relief you may appeal to the VOA <http://www.voa.gov.uk/cil/index.html> if you consider that the authority has incorrectly determined the value of the value of the charity's interest in the land.

An appeal must be submitted within 28 days of the date of the collecting authority's decision on the claim. Any appeal will lapse where the chargeable development is commenced prior to the Valuation Office Agency making its decision

## **Appeals to the Planning Inspectorate concerning enforcement actions regarding the Levy**

### **First steps – contact the District Council**

If you feel that CIL enforcement action is unwarranted or has been taken in error, you are encouraged in the first instance to contact the District Council. This is because it may be a lot quicker and easier to resolve the issue by contacting us first before taking more formal action. However, you should be aware that a formal appeal can be lodged no later than 28 days after the date of your notification by the Council only in the following circumstances:

### **Regulation 117: Appealing against a surcharge**

You may appeal against a surcharge imposed by the District Council to the Planning Inspectorate within 28 days of the surcharge being imposed <http://www.planningportal.gov.uk/planning/appeals/otherappealscasework/cilappeals>: on the following grounds:

- The claimed breach which led to the imposition of the surcharge did not occur;
- The Council did not serve a Liability Notice in respect of the chargeable development to which the surcharge relates; or
- That the surcharge has been calculated incorrectly.

Appealing against a surcharge will suspend its effect until the Planning Inspectorate has decided the appeal in question.

### **Regulation 118: Appeals against decisions by the District Council to deem that development has commenced**

You may appeal to the Planning Inspectorate against any decision by the District Council to deem that development has commenced.

<http://www.planningportal.gov.uk/planning/appeals/otherappealscasework/cilappeals> This appeal must be made within 28 days beginning with the day the Demand Notice is issued by the Council.

Where an appeal is allowed, any enforcement decisions relating to the deemed date of commencement, including the imposition of any surcharges, will be suspended pending the outcome of the appeal.

### **Regulation 119: Stop Notices**

You may appeal to the Planning Inspectorate against any decision by the District Council to deem that development has commenced.

<http://www.planningportal.gov.uk/planning/appeals/otherappealscasework/cilappeals>: This appeal must be made within 60 days beginning on the day which the CIL: Stop Notice takes effect

### **Contact Information**

If you wish to speak to someone about Regulation 113 Request for review please contact Planning Services on 01636 650000

If you wish to speak to someone about Regulation 114 – 116 appeals please contact the Valuation Office Agency on 0300 050 1501

If you wish to speak to someone about Regulation 117 – 119 appeals please contact the Planning Inspectorate on 0303 444 5000