



## **COMMUNITY INFRASTRUCTURE LEVY (CIL)**

### **Regulation 45 Discretionary charitable relief**

Wycombe District Council hereby gives notice that discretionary charitable relief in line with Regulation 45 of the Community Infrastructure Levy Regulations 2010 (as amended) is available from the Wycombe Community Infrastructure Levy.

This relief from the levy may apply where:

- The exemption of a charitable institution from liability to pay CIL in respect of a chargeable development would constitute a State aid and
- The charitable institution would otherwise be exempt from liability in respect of that development under Regulation 43 (Exemption for charities)
- Wycombe District Council is satisfied that the aid in question does not need to be notified to and approved by the European Commission

Notes:

Regulation 43 states that an owner (C) of a material interest in the relevant land is exempt from liability to pay CIL in respect of a chargeable development if:

C is a charitable institution; and the chargeable development will be used wholly or mainly for charitable purposes

But the relief does not apply if it would constitute a state aid.

Four criteria must be satisfied for aid to constitute state aid:

- It is granted by the state or through state resources
- It favours certain undertakings or production of certain goods. In other it provides a selective aid to certain entities engaged in an economic

activity (an “undertaking”). Economic activity is the putting of goods or services on a given market.

- It distorts or threatens to distort competition
- It affects trade between Member States. This includes potential effects

Discretionary charitable relief under Regulation 45 can only be given where relief would not need to be notified to, and approved by the European Commission. State aid in these situations is not notifiable because it uses the de minimis block exemption. De minimis funding is exempt from notification requirements because the European Commission considers that such a small amount of aid will have a negligible impact on trade and competition. The current de minimis threshold is set at €200,000 over a rolling three year fiscal year period. The threshold applies cumulatively to all public assistance received from all sources and not to individual schemes or projects.

This means that the Council cannot offer relief from CIL of over €200,000 to any charitable institution whose activities would constitute a State aid.