



Mr J Waterfield
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Our Ref: APP/15/00420
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Ask For: Mr R Nash
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28 October 2015

COMMUNITY INFRASTRUCTURE LEVY REGULATIONS (2010) AS AMENDED REGULATION 69 DEMAND NOTICE

Dear Mr Waterfield

Demand Notice Ref	DN2 (supercedes DN1)
Deemed Commencement	13/10/2015
Liability Notice Ref	LN1
Location:	9-11 St Georges Walk, Waterlooville, PO7 7TU
Proposal:	Proposed construction of a building comprising 14 new apartments, 6 car parking spaces, a ground floor office, secure cycle store and secure accessible refuse stores following the demolition of No's 9 and 11 St Georges Walk, Waterlooville, PO7 7TU

I am writing in respect of the above planning permission and in particular, the Community Infrastructure Levy (CIL) Liability Notice which accompanied the decision.

A review of the council's procedures has identified the requirement to increase the CIL charge in accordance with Regulation 40 of the Community Infrastructure Levy Regulations 2010 (as amended).

Regulation 40 states that CIL payments must be index linked from the year that the council's CIL was implemented (2013) to the year that planning permission is granted, meaning that there is an increase in the CIL charge each year. The index used is the national All-in Tender Price Index published by the Build Cost Information Service (BCIS).

The CIL payable on planning permissions increases each year, by the approximate amounts shown in the table below. This is an increase on the figures shown in the adopted Havant Borough CIL Charging Schedule:

www.havant.gov.uk/planning-policy-design/community-infrastructure-levy

Reason for issuing Demand Notice:

The reason for issuing this notice is:

- Development is deemed to have commenced;
- A surcharge has been imposed;
- Liability has been imposed on the default liable party under Regulation 36 (SI 2010/948);

The outstanding amount of CIL payable, including surcharges, that this Demand Notice relates to

(in pounds and pence):

Amount Due: £87557.43 CIL Liability
£2500.00 Surcharge for failing
to submit a commencement
notice

Appended details of surcharges imposed

When will this amount be due for payment? .

The above CIL amount is due for payment immediately (except if there is an appeal) and is subject to interest being added at [the Bank of England base rate, plus 2.5 percentage points]. Failure to pay this amount may lead to the CIL Collecting Authority taking enforcement action against you to penalise late payment and/or recover this money. This includes late payment surcharges of 5% of the CIL amount due which the CIL Collecting Authority may impose no earlier than 30 days after the CIL first became due for payment. See accompanying note 1 “Consequences of failing to pay CIL” for more information.

Method and receipt of payment

- Where payment is in the form of money, Havant Borough Council will issue a receipt for this payment.

Right of Appeal

You may appeal against any decision by the CIL collection authority to deem that development has commenced by doing so to the Planning Inspectorate within 28 days of receiving notice of such a decision by the CIL collection authority.

You may appeal against this surcharge to the Planning Inspectorate within 28 days of the date of this notice.

Note 1: Possible consequences of failing to follow the CIL payment procedure

This note sets out the possible consequences of not following the CIL payment procedure.

Surcharge for failing to assume liability before commencement

Failure to assume liability before the commencement of development may result in the CIL Collecting Authority imposing a surcharge of £50 per landowner subsequently discovered. This surcharge ensures that the costs of establishing the identities of landowners are borne by the liable parties.

Surcharge where apportionment is necessary

Further, where CIL collecting authorities have to apportion liability between one or more owners of the land, they may also impose a surcharge of £500 per owner. This is to ensure the costs of this apportionment are borne by the owners in question. Both these surcharges are in addition to the loss of payment rights that result from failing to assume liability before the commencement of development.

What happens if a valid Commencement Notice is not submitted before development commences?

Failure to submit a valid Commencement Notice before development commences may result in the CIL Collecting Authority imposing a surcharge of 20% of the CIL amount due, up to a maximum of £2,500.

Surcharge for failing to comply with an information notice

Failure to comply with any requirement of an information notice within 14 days of the notice being served, may result in a CIL Collecting Authority imposing a surcharge. This would be of 20% of the CIL amount due, up to a maximum of £2,500.

Late or non-payment

Late payment interest

Failure to pay CIL on time will result in the imposition of late payment interest by the CIL Collecting Authority at 2.5 percentage points above the Bank of England base rate.

Late payment surcharge

Continued failure to pay CIL may result in the CIL Collecting Authority imposing one or more late payment surcharge. Such surcharges will be imposed in the following manner:

- Five per cent of the outstanding amount where payment is still overdue after 30 days, subject to a £200 minimum
- Five per cent of the outstanding amount where payment is still overdue after six months, subject to a £200 minimum
- Five per cent of the outstanding amount where payment is still overdue after 12 months, subject to a £200 minimum.

The CIL stop notice

Sometimes collecting authorities may believe that interest and late payment surcharges will be ineffective in securing payment of the overdue CIL. In such circumstances, collecting authorities may decide to serve a CIL stop notice on the development in question. A CIL stop notice prohibits development from continuing until payment is made. Continuing to develop in the presence of such a notice is a criminal offence, punishable by potentially unlimited fines.

Before serving a CIL stop notice however, a Collecting Authority will first issue a warning to the person liable to pay the amount, the land's owners, occupiers and all those who the Collecting Authority will be affected by the notice. It will also post a warning on the site itself. This warning will state that continued non-payment may result in a CIL stop notice being issued. It will also set out the amount overdue and the number of days after which a CIL stop notice may be served if payment continues not to be made. If payment is not made by the end of this period, a Collecting Authority may serve a stop notice which will prohibit development with immediate effect immediately until payment of the outstanding amount is made.

Distrain on goods (asset seizure)

When you fail to pay CIL a Collecting Authority may seek a court's consent to seize and sell your assets to recover the money due. These assets may include any land you hold. The Collecting Authority must send you notice of its intention to do so beforehand.

Committal to prison

If you continue to evade paying CIL, the Collecting Authority can ask a magistrates' court to commit you to prison for no more than three months. To do this, the Collecting Authority must be able to demonstrate to the court that it has been unable to recover the CIL amount due by seizing and selling your assets and land.

Yours faithfully

Andrew Biltcliffe

Andrew Biltcliffe
Executive Planning Service Manager
Our Ref: APP/15/00420