



Planning Policy and Decisions

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Community Infrastructure Levy (CIL)

Liability Notice

Regulation 65, Community Infrastructure Levy Regulations (2010), as amended

04-Sep-2015

Peabody Enterprises Ltd

45, Westminster Bridge Road

London

SE1 7JB

12/00210/OUT/MCIL

For other recipients, see end of notice

CIL liability

This notifies you that you will be liable to pay £1540898.4 of Community Infrastructure Levy to **London Legacy Development Corporation** as CIL collecting authority on commencement of development on planning permission 12/00210/OUT. This charge has been levied under Mayor of London CIL charging schedule and s211 of the Planning Act 2008. Further details on payment procedure can be found overleaf.

Planning application reference	12/00210/OUT
Site Address	'Neptune Wharf' Site Comprising Land Bounded: To The North By Hertford Union Canal; To The East By Roach Road, Roach Point Footbridge, Omega Wharf; To The South By Wyke Road, Remus Road, Monier Road; And To The West By Wansbeck Road

When will this CIL amount be due for payment?

If the payment procedure is followed correctly, this CIL amount will be payable

Note that this instalment policy may alter but we will contact you if this occurs.

Some, or the entire amount, may also be paid by transferring land to the CIL charging authority or another beneficiary agreed with the charging authority. See the accompanying note “Paying CIL in the Form of Land” for more information.

This payment procedure is to notify the CIL collecting authority before development commences of:

- a. Who will pay the amount, by assuming liability using CIL Form 1 “Assumption of Liability”;
- b. The date on which you intend to commence development, by submitting a valid commencement notice.

A blank commencement notice for you to complete can be downloaded from the Planning Portal by following the link:

http://www.planningportal.gov.uk/uploads/1app/forms/form_6_commencement_notice.pdf

Precise details of your payment arrangements and options will be contained in the demand notice that will be sent following submission of a valid commencement notice.

If this procedure is not followed, payment of the CIL amount will be due in full on the day that development commences. If a valid commencement notice has not been submitted before development commences, payment of the CIL amount will be due in full on the day that the collecting authority believes the development to have commenced.

Consequences of non payment

If you fail to follow the payment procedure described above, the collecting authority may impose surcharges on this liability. Persistent failure to pay CIL liabilities due may result in the collecting authority imposing surcharges, serving a CIL stop notice prohibiting further development on the site and/or taking action to recover the debt due. Please see the document published by the Department for Communities and Local Government, “Consequences of failing to following the CIL Payment procedure” for more information.

The amount of CIL liability in this notice is a local land charge

This CIL liability has been registered as a local land charge against the land affected by the planning permission in this notice. This charge will be cancelled on full payment of this liability.

The local land charge for the amount of relief granted in this notice will be cancelled seven years after commencement of development, or where a disqualifying event has occurred, on full payment of the amounts due.

New liability notices may be issued

Any change in the details contained in this notice (including calculation of the chargeable amount or amount of relief granted) will lead to the collecting authority issuing a new liability notice.

Do you think we have made a mistake in our calculations?

You can ask us to review them. If you are unhappy with the calculation following this review, you can appeal to the Valuation Office Agency. Please see enclosed note on “Appeals Procedure”.

Other recipients of this notice who are jointly liable to pay CIL or have jointly assumed liability to pay CIL

Name and address of other recipient(s) of this notice	Category of recipient
None	N/A

This notice has also be copied to the following recipients:

Name and address of other recipient(s) of this notice	Category of recipient
None	N/A

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 the 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.

Paying CIL in the form of land

In certain circumstances you may be able to pay some or your entire CIL amount in the form of land. This depends on five conditions:

- Your charging authority must agree to the transfer;
- The charging authority must have the intention of using the land to help provide infrastructure to support the development of its area;
- The person transferring the land to the charging authority as payment must have assumed liability to pay CIL beforehand (using Form 1);
- The land to be transferred must have been valued by a suitably qualified and experienced independent person. This charging authority must give their approval to the valuation of the land by this person. The valuation must represent the fair market price for the land on the day it is valued;
- Development on the site must not have commenced before a written agreement with the charging authority to pay some or the entire CIL amount in land has been made. This agreement must state the value of the land being transferred.

If you are interested in paying CIL in this way therefore, and have not commenced development on the site in question, you should discuss this possibility with your charging authority.

It should be noted that the agreement to pay in land may not form part of a planning obligation entered into under section 106 of the Town and Country Planning Act 1990. The agreement may however allow the transfer of land in instalments as long as it is in line with the payment proportions and due dates set out in your demand notice.

You should pay any outstanding CIL amount left after the transfer of land in the form of money in line with the payment due dates contained in your demand notice.

Appeal procedure

Introduction

Appeals can be made against all aspects of the CIL collection and enforcement system, from the CIL collection authority's calculation of the amount due to any enforcement actions it may take. 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.

Community Infrastructure Levy Appeals

Appeals can be made against all aspects of the Community Infrastructure Levy collection and enforcement system, from the levy collection authority's 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.

Appealing to the Valuation Office Agency (VOA) against a levy collecting authority's calculation of the levy chargeable amount in a liability notice

Seeking a review of this amount

If you feel that the amount of Community Infrastructure Levy set out in your liability notice has been calculated incorrectly, you can ask the levy collecting authority to review the calculation. Such a request must be made in writing and within 28 days of the date on which the liability notice was issued.

You may also submit whatever evidence in writing you may feel is appropriate to support your request to the levy collecting authority.

How the levy collecting authority will conduct the review and notify you of the outcome

When the levy collecting authority receives your request to review the amount, it must ensure that the person conducting the review is senior to the one who carried out the

original calculation. The collecting authority must then 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.

Right of appeal against decision made by the collecting authority following a review of the chargeable amount:

If you are dissatisfied with the decision of the collecting authority's review or have not been notified within 14 days, you may appeal to the Valuations Office Agency (VOA). This appeal must be made no later than 60 days beginning with the day on which the liability notice was issued. However, 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.

Appeals against the apportionment of liability for the levy

You may appeal to the VOA against any apportionment of liability carried out by the levy collecting authority. Any such appeal must be made within 28 days of receiving notice of such a decision by the levy collecting authority. 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.

Appeals to the Planning Inspectorate concerning enforcement actions regarding the levy

First steps – contact the collecting authority

If you feel that a levy enforcement action is unwarranted or has been taken in error, you are encouraged in the first instance to contact the levy collecting authority. This is because it may be a lot quicker and easier to resolve the issue by contacting the levy collecting authority 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 collecting authority.

Formally appealing against a surcharge

Grounds for appeal:

You may appeal against a surcharge imposed by the Community Infrastructure Levy collecting authority on the following grounds to the Planning Inspectorate within 28 days of the surcharge being imposed:

- The claimed breach which led to the imposition of the surcharge did not occur;
- The collecting authority 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.

Appeals against decisions by collecting authorities to deem that development has commenced

You may appeal to the Planning Inspectorate against any decision by the levy collecting authority to deem that development has commenced. This appeal must be made within 28 days of receiving notice of such a decision by the levy collecting authority. 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.