
From: Michael Higgins
Sent: 04 November 2021 15:21
To: 'David Lovell'; Guy Olliver
Cc: Judith Woodman; John Llewellyn; ECC Land Charges; Terri Juleff-Skidmore
Subject: Re CIL Notices 20.0321.FUL and 21.1516.NMA - Land At Broom Park Nurseries And Five Acres Exeter Rd Topsham
Attachments: 20.0321.FUL and 21.1516.NMA CIL Social Housing Relief Decision Letter.doc.pdf; CIL Liability notice 20.0321.FUL and 21.1516.NMA.doc.pdf

Dear Guy/David

Further to your recent email enclosing a CIL Assumption of Liability Form, CIL Social Housing Relief Form and CIL Commencement Notice Form please find attached the Council's formal decision letter in respect of your claim for CIL Social Housing Relief along with a corresponding CIL Liability Notice.

Regards

Michael Higgins
Principal Project Manager (Development)
City Development
Exeter City Council

01392 265616

Mr David Lovell
1A Newton Centre
Thorverton Road
Matford Business Park
Exeter
EX2 8GN

Our Ref: 20/0321/FUL and 21/1516/NMA
Ask for: Michael Higgins
Tel: 01392 265616
Date: 4th November 2021

Dear Mr Lovell

LOCATION: Land At Broom Park Nurseries And Five Acres, Exeter Road, Topsham, Exeter Devon EX3 0LY

PROPOSAL: Demolition of existing buildings: Proposed residential development of 61 no. residential units, including affordable housing, plus open space, landscaping, car parking, cycle spaces, drainage, vehicular access, internal roads, provision of link road and all associated infrastructure and development.

APPLICATION NUMBERS: 20/0321/FUL and 21/1516/NMA

I refer to your recent submission of a claim for Social Housing Relief in respect of CIL contributions associated with the above-mentioned development.

The Council has considered your claim and I can confirm that Social Housing Relief is granted in respect of plots 30, 31, 33–44, 48, 49 and 55-58 as indicated on drawing no. BRM-010-PHASING Rev 7.0 which accompanied your submitted Social Housing Relief Claim Form dated 02/11/2021. The Amount of social housing relief based on the combined floor space of those dwellings is calculated as follows –

Combined floor space of all 20 affordable dwellings = 1628.72 sq m.

CIL rate = £118.93p/ sq m

Amount of social housing relief = 1628.72 sq m. x £118.93p = £193,703.66p

The Chargeable amount due in the attached Liability Notice reflects the above relief.

Yours sincerely,

Michael Higgins

Michael Higgins
Principal Project Manager (Development)

Community Infrastructure Levy (CIL) - Liability Notice for development comprised in applications 20/0321/FUL and 21/1516/NMA to reflect consented NMA application changes.
Regulation 65, Community Infrastructure Levy Regulations (2010), as amended

CIL Collecting Authority	Exeter City Council, Civic Centre, Paris Street, Exeter, EX1 1NN
Contact officer's name	Michael Higgins
Contact telephone number	01392 265616
Email	Michael.higgins@exeter.gov.uk

Exeter City Council, Civic Centre, Paris Street, Exeter, EX1 1NN

Date	04/11/2021
Recipient's name	David Lovell Heritage Developments (SW) Ltd
Recipient's address	1A Newton Centre Thorverton Road Matford Business Park Exeter EX2 8GN
Recipient's email	david@heritage homes.co.uk
Planning reference	20/0321/FUL and 21/1516/NMA
Site address	Land At Broom Park Nurseries And Five Acres, Exeter Road, Topsham, Exeter, Devon, EX3 0LY
Description of chargeable development	Demolition of existing buildings: Proposed residential development of 61 no. residential units, including affordable housing, plus open space, landscaping, car parking, cycle spaces, drainage, vehicular access, internal roads, provision of link road and all associated infrastructure and development.

CIL liability

This notifies you that you will be liable to pay the following amount of Community Infrastructure Levy to Exeter City Council as CIL collecting authority on commencement of development under the above planning reference. This charge has been levied under Exeter City Council's CIL charging schedule and s211 of the Planning Act 2008. Further details on payment procedure can be found below.

Chargeable amount due after any relief:	£662,030.99p
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See next page for how this has been calculated.

How we calculated this figure

We calculated this figure from the following information.
(Areas quoted are gross internal floorspace)

Proposed use	P = Proposed floorspace (newbuild only)	D = Demolished floorspace*	A = Area of proposed use = P - D	R = rate/m² (including indexation)	A x R
Residential	7833.28 sq m	638 sq m	7195.28 sq m	£118.93	£855,734.65p
G = Gross CIL (before any relief)					£855,734.65p

[User note: for phased development the above table will need to be modified]

Deductions, reliefs and exemptions already applied

	Proportion	Amount of relief
Social housing relief	1628.72 x £118.93	£193,703.66p
T = Total reliefs:		£193,703.66p

G = Gross CIL (before any relief)	£855,734.65p
Less: T = Total reliefs:	£193,703.66p
Chargeable amount due after any relief:	£662,030.99p

Are you eligible for relief from CIL?

You may be eligible for a reduction (partial or entire) in this CIL liability if –

- You are a charity, or
- You intend to develop social housing, or
- You intend to build your own house (including where you commission a builder to build it for you), and live in it as your sole or main residence.

If you think you may be entitled to relief, and it has not already been granted to you, please see the following guidance issued by the Government:-

<http://planningguidance.communities.gov.uk/blog/guidance/community-infrastructure-levy/relief/>

Conditions that relief granted is subject to

Any relief granted in this notice (or if you successfully claim relief at a later date) will end if a disqualifying event occurs within a certain period after the date on which development commences (depending on the type of development in question).

- For self-builds, certain events occurring within a three year period will end the relief and cause CIL to become payable. These include the building ceasing to be your sole or main residence, or your failure to submit the proper paperwork. Full details can be found using the above weblink.
- For the reliefs that apply to charities or social housing, certain events occurring within a seven year period will end the relief and cause CIL to become payable. See the above weblink for more details.

All claims for relief must be submitted and approved prior to the commencement of development, otherwise the development is liable to pay the full amount of CIL.

In the case of claims for relief for self-build development, there is a two-stage claim process. 'Self Build Exemption Claim Form Part 1' must be submitted and approved prior to the commencement of development, and 'Self Build Exemption Claim Form 2' must be submitted within 6 months of the completion of the self-build dwelling.

Forms for claiming relief and exemption from CIL are available at the following weblink:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

See also the important notes regarding CIL relief and State Aid at <http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/relief/state-aid>.

When will your CIL liability be due for payment?

If the payment procedure is followed correctly, the above CIL amount will be payable in the following manner.

CIL liabilities of less than £50,000 will be payable in full no later than 60 days after the development commencement date.

Exeter City Council allows payment by instalments where the total CIL liability of a development is £50,000 or more. This facility is only available where someone has assumed liability to pay, and notice of commencement has been given to the Council before development starts.

Instalment no.	Amount due	Time due
1	£50,000	60 days after the date on which the development commences
2	£150,000 , or outstanding liability if less	One year after the date on which the development commences
3	£200,000 , or outstanding liability if less	18 months after the date on which the development commences
4	Outstanding liability	Two years after the date on which the development commences

Failure to comply with the instalment policy at any stage will result in the total unpaid balance becoming payable immediately.

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 information at <http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/collecting-the-levy/payment-in-kind>.

This payment procedure is to notify Exeter City Council before development commences of:

- Who will pay the amount, by assuming liability using CIL Form 1 "Assumption of Liability";
- The date on which you intend to commence development, by submitting a valid commencement notice (Form 6).

Forms 1 and 6 can be downloaded from:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>.

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 notes at

http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/collecting-the-levy/#paragraph_060.

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.

If relief has been granted on some or the entire amount due, the local land charge representing the amount of that relief will be cancelled three years from completion of development (self-build) or seven years after commencement of development (charitable/social housing) or, where a disqualifying event has occurred, on full payment of the amount(s) 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. Details of the procedure can be found at

<http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/cil-appeals>.