



COMMUNITY INFRASTRUCTURE LEVY (CIL)

WHAT HAPPENS IF I DON'T...

There are penalties if you don't follow the CIL process. Some of the penalties are statutory requirements and some are at the discretion of the council. We will pursue debtors for non-payment in accordance with the CIL Regulations 2010 (as amended) and our Debtors Recovery Policy (when adopted). We will enforce non-compliance in accordance with our Joint Corporate Enforcement Policy.

This guidance explains what happens if you don't comply with the following legal requirements of CIL:

If you don't... Complete all the information on any type of CIL form

If you don't provide all the information, documents and details required on any of the CIL forms the form may be invalid and this may also affect a relief or exemption claim. We will check the documents you submit and will tell you if they are invalid and what is missing.

If you don't... Submit an Additional CIL Information Form

The Additional CIL Information form is a requirement specified in our adopted Joint Local Validation List. Your planning application will not be valid, and will not be started until we receive a signed and dated Additional CIL Information form. We will write to you to tell you what you need to do.

If you don't... Submit an Assumption of Liability Form or Transfer of Liability Form

If development has started and nobody has assumed liability we may add a surcharge of £50 for each person liable to pay CIL. We will apportion liability to each person with a material interest in the land and we may add a further surcharge of £500 in respect of each material interest. Surcharges will be added to your CIL liability and we will send you a revised Demand Notice to reflect the change.

If you don't... Comply with / provide the information requested in an Information Notice we send you

We will send you an Information Notice if we need more details from you in order to process your CIL application, for example, to determine who is liable to pay or to calculate the payment due. If you do not provide the information we ask for within the timeframe specified on the notice (14 days) we may add a further surcharge of 25% or £1000 (whichever is lower). Surcharges will be added to your CIL liability and we will send you a revised Demand Notice to reflect the change.

If you don't... Wait to receive the decision on a claim for exemption or relief before commencement

If you start your development before we issue our decision on your exemption or relief claim your development will cease to be eligible for relief or exemption and you will have to pay the full amount of CIL.

If you don't... Submit a Commencement Notice

If you start your development before we receive a valid Commencement Notice we may add a surcharge of 20% of your CIL liability or £2500, whichever is lower, to your CIL liability and we will send you a revised Demand Notice to reflect the change.

If you don't... Submit a Notice of Chargeable Development

If you start your permitted development before we receive your Notice of Chargeable Development we may add a surcharge of 20% of your CIL liability or £2500, whichever is lower, to your CIL liability and we will send you a revised Demand Notice to reflect the change.

If you don't... Submit a self-build claim form part 2

If you don't submit the self-build form part 2 together with the required evidence (completion certificate) this is a disqualifying event and your exemption from CIL is withdrawn meaning you must pay the full amount of CIL liability for your development. We may add a surcharge of 20% of your CIL liability or £2500, whichever is lower, to your CIL liability and we will send you a Demand Notice telling you how much to pay.

If you don't... Tell the council about a disqualifying event

If you don't tell us about a disqualifying event within 14 days of the disqualifying event occurring we may add a surcharge of 20% of your CIL liability or £2500, whichever is lower, to your CIL liability and we will send you a revised Demand Notice to reflect the change.

If you don't... Pay CIL on time

If you have not paid your CIL charge on time we will add late payment interest. If you have not paid your CIL charge in full within 30 days of the payment being due we may add a surcharge of 5% of your CIL liability or £200, whichever is greater. If part of your CIL liability remains unpaid after 6 months of being due we may add a further surcharge of 5% of the unpaid amount or £200, whichever is greater. If part of your CIL liability remains unpaid after 12 months of being due we may impose a further surcharge of 5% of the unpaid amount or £200, whichever is greater.

If you don't... Pay CIL at all

If liability has been assumed, CIL is not paid and we have been unable to recover the CIL due we may transfer liability to pay CIL to the land owners, apportion liability to each person with a material interest in the land and we may add a further surcharge of £500 in respect of each material interest. Surcharges will be added to your CIL liability and we will send you a revised Demand Notice to reflect the change. We may also issue a CIL Stop Notice requiring you to stop your development until you have paid your CIL liability in full.

If you don't... Comply with a CIL Stop Notice

A CIL Stop Notice will explain what you are required to do, usually that all work on the land must stop, and will remain in place until your CIL charge has been paid. Not complying with a CIL Stop Notice is a criminal offence. Allowing others to continue to work on site after the service of a CIL Stop Notice is also a criminal offence. We may prosecute you for these offences, with conviction resulting in a criminal record and a fine. If work on the development does not cease after service of a CIL Stop Notice, we may also apply to the courts for an injunction to compel work on the land to stop. Breaching an injunction may lead to a fine or even imprisonment. If your CIL charge remains outstanding we may apply to the courts for an order requiring you to pay.

If you don't... Tell the council about a change to my development

If you change your development so that it results in an increase in floor space your CIL liability may change. Changes to your development will also require agreement from our Development Management team. In most cases you will need to apply for a non-material amendment, a minor material amendment or agree alternative details required by a condition. If you don't tell us about this and carry out the changes your development may be considered unauthorised and is at risk of CIL and planning enforcement action.

For more information or help on CIL enforcement please contact the Infrastructure team.

infrastructure@baberghmidsuffolk.gov.uk

CIL liability is held as a charge on land. If CIL is not paid you may have difficulty selling your property. For more details on land charges click here: [MSDC land charges](#) or [BDC land charges](#)

For more details on planning enforcement click here: [MSDC planning enforcement](#) or [BDC planning enforcement](#)