

## Appendix 5 – Developer response to receiving invoices for Debts

**From:** Nathan Southan

**Sent:** 14 July 2022 10:28

**To:** [Sarah.Lemon@tewkesbury.gov.uk](mailto:Sarah.Lemon@tewkesbury.gov.uk)

**Cc:** Geoff Tipping ([gnt@higham-lane.com](mailto:gnt@higham-lane.com)) <[gnt@higham-lane.com](mailto:gnt@higham-lane.com)>; Tony Blackburn <[tony.blackburn@stcongar.com](mailto:tony.blackburn@stcongar.com)>; 'Bainbridge, James' <[James.Bainbridge@carterjonas.co.uk](mailto:James.Bainbridge@carterjonas.co.uk)>; [victoria.redman@wbd-uk.com](mailto:victoria.redman@wbd-uk.com); Dale Armstrong <[dale.armstrong@wbd-uk.com](mailto:dale.armstrong@wbd-uk.com)>; Elizabeth Tones <[Elizabeth.Tones@wbd-uk.com](mailto:Elizabeth.Tones@wbd-uk.com)>

**Subject:** RE: Brockworth s106 - Allotment Land - Offer to Transfer

Dear Sarah,

I was very surprised and disappointed to receive your email of 20 June requesting additional payments totalling £119,228.17 in respect of the Gypsy Contribution and Changing Facility Contribution. As you will appreciate, the additional sums now requested relate to payments made by us some two years ago, which we had understood had been paid in full and with no further monies due or outstanding.

It appears that your recent request has arisen out of an error, made solely on the part of the Council, through the Council's incorrect calculation of the sums due at that time. The sums paid by us included indexation, and this is noted on the face of the invoice. No further breakdown was provided by the Council to enable us to check that the correct indexation had been applied and, on this basis, the amount invoiced was paid promptly by us, in full, and in good faith. We had understood that the Council had accepted our payment on that basis.

As you will no doubt appreciate, we have settled our budgets on the basis of the amounts previously invoiced to and paid by us. It is completely unreasonable for the Council to seek additional sums from us, several years later, and solely resulting from the Council's error, when we had understood that the payment had been made in final settlement and when we have relied on this for our budgeting purposes. As a local authority, you have a statutory duty to act reasonably. Given the particular circumstances which have occurred in this specific case, we consider that your request for additional payments does not comply with this duty.

Given this, we strongly encourage the Council to reconsider its request and to issue a credit note in respect of the additional sums recently and, in our view, very unfairly sought.

I looking forward to hearing from you.

Kind regards,

**Nathan Southan**

**Finance Director**

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