

Community Infrastructure Levy: Charging Schedule Instalments Policy

The CIL Regulations allow Brighton and Hove City Council in its capacity as the CIL Charging Authority to implement a locally derived instalments policy, this Policy is made in line with Regulation 69B of The Community Infrastructure Levy 2010 (as amended) Regulations.

Date of Approval: This Instalment Policy was approved by the Councils TECC committee on (Insert date)

Date of Effect: This Policy will come into effect from 5th October 2020

This policy was devised during the Covid19 outbreak and has specifically taken into consideration the needs of small site developments in order to assist economic recovery.

Total Amount of CIL Liability	No. of Instalments	Payment Periods and Proportion of CIL Due		
Amounts up to £50,000	2	50% payable within 90 days of commencement of development	50% payable within 180 days of commencement of development	
Amounts over £50,001 and up to £250,000	2	50 % payable within 60 days of commencement of development	50 % payable within 180 days of commencement of development	
Amounts over £250,001	3	25% payable within 60 days of commencement of development	25 % payable within 120 days of commencement of development	50 % payable within 270 days of commencement of development

Commencement date: This will be taken to be the date advised by the developer in the commencement notice under CIL Regulation 67.

Phased Planning permissions: Under Regulation 9 (4) of the CIL Regulations (2010), where a site has an outline planning permission with longer term phasing plans, each separate phase of development is treated as a separate "chargeable development". For clarification, this instalments policy will apply to each phase. The liability notice for each phase is triggered separately and the liability to pay is then triggered by commencement of each phase. The principle of phased delivery must be expressly set out in the planning permission.

Section 73 permissions: Under Regulation 70 (9) (of the amended regulations 2019) where a new planning permission is later granted in relation to the development under section 73 of TCPA 1990, then the amount of CIL in respect of the development will be payable in accordance with the instalment policy.

The Instalment Policy only applies: in cases where the persons liable for paying CIL have complied with all the relevant regulations and requirements. Regulation 70 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) sets out the requirements that must be complied with in order to benefit from the CIL Instalment Policy.

The CIL Instalment Policy will only apply in the following circumstances:

1. Where the council has received a CIL Assumption of Liability form prior to commencement of the chargeable development (Regulation 70(1) (a)), and
2. Where the council has received a CIL Commencement Notice prior to commencement of the chargeable development (Regulation 70(1) (b))

If either of the above requirements are not complied with, the total CIL liability will become payable within 60 days of the commencement of the chargeable development. In addition, surcharges may apply due to the CIL Assumption of Liability Form and/ or the CIL Commencement Notice not being submitted to the council prior to the commencement of the chargeable development.

Once the development has commenced, all CIL payments must be made in accordance with the CIL Instalment Policy. Where a payment is not received in full on or before the day on which it is due, the total CIL liability becomes payable in full immediately (Regulation 70(8)(a)).

In summary, to benefit from the CIL Instalment Policy, the relevant forms must be submitted to the council prior to the commencement of the chargeable development, and all payments must be paid in accordance with the CIL Instalment Policy