

LB Richmond upon Thames – Instalments Policy
Date of Effect: This policy comes into effect on 1 November 2014

When liabilities are triggered

It should be separately noted that, under the regulations, each phase in an outline permission is treated under CIL as a separate chargeable development. The liability notice for each phase is triggered separately, at the point where the planning permission “first permits” development of that phase. Liability to pay is then triggered by commencement of the phase.

The relationship between London Borough CILs and the Mayor’s CIL

If a London Borough charges CIL and has an instalment policy then that policy will always trump any phasing policy introduced by the Mayor. This means that when a Local Authority instalments policy exists, both the Local Authority and Mayor’s CILs in the LAs area will be collected together according to its local instalment policy.¹

This policy has been prepared in accordance with Regulation 69B of the 2010 Community Infrastructure Regulations² (as amended).³

The Council will allow payment of CIL by instalments according to the total amount of the liability as follows⁴:

Total amount of CIL liability (includes both Borough and Mayor’s CIL)	Number of instalments	Payment period and amounts
Any amount less than £250,000	No instalments	Total amount payable within 180 days of commencement
Amounts from £250,000 to £500,000	Two instalments	£250,000 payable within 180 days of commencement Balance payable within 240 days of commencement
Amounts above £500,000	Three instalments	£250,000 payable within 180 days of commencement £500,000 payable within 240 days of commencement Balance payable within 365 days of commencement

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

¹ The existence of Mayor’s and LA instalments policies was not originally provided for in Reg 70 of the 2010 regs, which had set a fixed national policy. Provision to allow authorities to set their own policy was added by Reg 9(11) of the 2011 Amendment Regs. which inserted new regs 69B and 70. New Reg 70 made provision to ensure that only one instalment policy would apply within a London Borough. That Reg contained an error due to a legal oversight: no provision was made for situations where the Mayor had a CIL and an instalment policy, but a Borough did not have its own CIL. The problem was fixed by Reg 8(2) of the 2012 Amendment Regs, which inserted a new para (5A) into Reg 70.

² www.legislation.gov.uk/ukxi/2010/948/contents/made

³ www.legislation.gov.uk/ukxi/2011/987/made

⁴ The total amount of CIL is the amount shown on the liability Notice and may include components for London Borough of Richmond and the Mayor of London.