

CIL Phasing Guidance Tower Hamlets Council

5th July 2024

1. CIL Phasing

- 1.1 Tower Hamlets recognises the challenges applicants can sometimes have with cashflow during construction which is why the borough has adopted the Tower Hamlets CIL Instalments Policy. However, the council has, in addition, elected to provide an avenue for further assistance through the phasing of larger developments only that require significant enabling, demolition and/or site clearance works. This approach will also enable the initial implementation of an extant permission without triggering the payment of CIL in the first instant whilst also ensuring that the extant permission does not expire.
- 1.2 Multiple CIL chargeable developments can be created through the phasing of a development. This is achieved by including a CIL phasing condition with the requirement to submit prior to the commencement of the first phase, a CIL Phasing Plan for approval which identifies areas to be phased. Tower Hamlets will permit an initial CIL phase to include enabling, demolition and/or site clearance works only which, because it includes no chargeable floorspace, will have a £nil CIL liability. However, any works defined as a 'material operation' under s56 TCPA 1990 that have a direct link to the physical creation and erection of chargeable floorspace (e.g. piling, foundational works, construction) will not be permitted for inclusion in this initial phase.
- 1.3 Extant permissions that are not already phased will be able to be phased (for CIL purposes) through an application for the grant of a non-material amendment for the creation of a new phasing condition. The application for the non-material amendment will also require the submission of a CIL Phasing Plan to identify the phased areas of the development.
- 1.4 Any application for a non-material amendment of this kind will only be recognised by the council for the purposes of CIL if it is our view that no 'material operations' (s56 TCPA 1990) have yet been undertaken towards an extant permission which would otherwise constitute commencement of the development and trigger the payment of the entirety of CIL. This means that the phasing for CIL cannot be introduced retrospectively following the commencement of the development.
- 1.5 CIL collection officers are happy to discuss any details regarding the above; please send an email to cil@towerhamlets.gov.uk if required.