

Community Infrastructure Levy: Draft Regulation 123 List

Community Infrastructure Levy Regulation 123 provides for the Council to set out a list of those projects or types of infrastructure that it intends will be, or may be, wholly or partly funded through the CIL.

In order to ensure that individual developments are not charged for the same infrastructure items through both Section 106 Agreements and the CIL, a S106 contribution or a S278 agreement cannot then be made towards an infrastructure item already on the List. The Draft Regulation 123 List is provided as part of the consultation on the CIL Draft Charging Schedule.

Education including primary and secondary provision
Sustainable transport improvement schemes except where improvements are required as a direct result of development <ul style="list-style-type: none"> • Improvements to strategic pedestrian and cycle routes • The Public Right of Way network • Station improvements
Green infrastructure and public greenspace (e.g. improvements to open space), except for on-site provision required by Core Strategy policies
Habitat mitigation including Suitable Alternative Natural Greenspace, except for on-site provision required by Core Strategy policies
Community sports and recreation facilities (e.g. children's and young people's play areas, playing pitches), except improvements which are directly related to a development.
Cultural facilities (e.g. libraries, built community space), except improvements which are directly related to a development.
Public realm improvements, except for on-site provision or where this is required as a direct result of an adjacent development
Environmental improvements (e.g. recycling, local flood risk alleviation, pollution abatement), except improvements which are directly related to a development.
Cemeteries
District heating networks
Community safety and health projects, including <ul style="list-style-type: none"> • Emergency services (police, fire, ambulance) • Public health facilities

The above list is based on the infrastructure requirements set out in the Local Plan and the Council's infrastructure planning evidence. The list does not identify priorities

for spending within it, or any apportionment of the CIL funds across the District, and does not signify a commitment from the Council to fund the projects listed through the CIL.

The Council will review this list at least once a year, as part of monitoring of CIL collection and spend, and any changes will be justified and subject to appropriate local consultation. The Council will work with local communities and parish/town councils to agree local priorities for spend. The 'meaningful proportion' held by local communities can be spent on the Regulation 123 List, but it does not have to be.

Continued use of Section 106 Obligations

For clarity, the list below provides an outline of the matters which will continue to be secured through S106 or S278 Agreements, meeting the planning obligation tests as set out in the NPPF and CIL Regulations 2010 (as amended):

- Affordable Housing
- Employment and skills agreement e.g. local employment, training or apprentice contracts
- Site specific matters needed to make the development acceptable in planning terms including (but not exhaustive):
 - Highway works: access into the site, local junction / highway improvements
 - Sustainable transport: New bus connections or services, cycle / pedestrian routes and connections if directly related to the development, metro cards, cycle parking/storage, travel plans and monitoring fee / coordinator posts
 - On-site drainage and flood requirements
 - On-site renewable energy, sustainable construction and efficient use of resources policy requirements
 - On-site greenspace provision and public realm improvements
 - On-site designing out crime measures
 - Air quality mitigation measures
 - On-site bin provision for new developments

S106 contributions cannot be sought for specific infrastructure projects on the 123 List. From April 2015 S106 contributions can only be pooled for up to five separate planning obligations dated back to 6 April 2010 for an infrastructure project or type of infrastructure. Any planning obligation must meet the tests in Regulation 122.