

East Hampshire District Draft Regulation 123 list

- 1.1 This Regulation 123 list is valid from April 2015 (Subject to Examination etc).
- 1.2 Regulation 123 of the Community Infrastructure Levy Regulations 2010 restricts the use of planning obligations (1) for infrastructure that will be funded in whole or in part by the Community Infrastructure Levy, to ensure no duplication between the two types of developer contributions.
- 1.2 A CIL charging authority is required to publish a list of infrastructure on its website that will benefit from CIL. The list below sets out those infrastructure projects that East Hampshire District Council intends will be, or may be, wholly or partly funded by CIL. In accordance with Regulation 123, developer contributions to the projects listed will not be sought through S106 planning obligations or S278 agreements (under the Highway Act 1980). The Interim Infrastructure Delivery Plan October 2014 provides information with regard to the funding of items not on this list.
- 1.3 The Council will review this list at least once a year, as part of its monitoring of CIL collection and spending. The Council will only make amendments to the list following consultation with it's communities.
- 1.4 Inclusion of infrastructure types in this list does not signify a commitment from the Council to fund the projects listed, or the entirety of any one project through CIL. The order in the table does not imply any order of preference for spend. The Whitehill and Bordon regeneration area (Green Town) refers to development sites located within the respective CIL charging zones at Whitehill and Bordon.(See plans attached to the Draft Charging Schedule).
- 1.5 CIL receipts can be used for the 'provision, improvement, replacement, operation or maintenance of infrastructure'. Parish and Town Councils may use CIL receipts for the, 'provision, improvement, replacement, operation or maintenance of infrastructure; or anything else that is concerned with addressing the demands that development places on an area.' Parish & Town Council expenditure of CIL receipts is not limited by this Reg123 list. Parish & Town Council's are expected to work with the Council and neighbouring Parishes to agree spending priorities.

¹ *Regulation 123(2) of the Community Infrastructure Levy Regulation 2010 states that 'A planning obligation may not constitute a reason for granting planning permission for the development to the extent that the obligation provides for the funding or provision of relevant infrastructure.'*

1. Projects and Exclusions

<p>Infrastructure Projects to be funded at least in part by the CIL</p> <p>(provision, improvement, replacement, operation or maintenance)</p> <p>Regulation 123 allows for up to 5 separate S106 agreements (signed on or post 6th April 2010) for the funding or provision of an infrastructure project or type of infrastructure as an alternative to the CIL</p>	<p>Exclusions</p> <p>(to be secured through Section 106 obligations; Section 278 of the Highways Act; other legislation or through planning conditions).</p> <p>Such contributions will have to accord with Regulation 122 & 123 of the CIL regulations. Respective S106 agreements will identify a specific project(s) within that category.</p> <p>The Strategic Site at Whitehill/Bordon is referred to as the Strategic Site</p>
<p>Transport</p> <ul style="list-style-type: none"> • Improvements to the road network other than site-specific mitigation requirements • Measures to secure changed travel behaviours and promote the use of more sustainable modes of transport other than site-specific requirements • Provision of public transport infrastructure other than site-specific requirements • Provision of pedestrian infrastructure other than site-specific requirements • Provision of cycle infrastructure other than site-specific requirements 	<p>Transport</p> <ul style="list-style-type: none"> • Measures directly related to the Strategic Site unless it is considered essential for a contribution to be made from the wider community. • Passenger Information Systems & Revenue support for extension of services through the Strategic Site unless it is considered essential for a contribution to be made from the wider community. • Provision necessary to make development acceptable in planning terms specifically as a result of a new development.
<p>Schools and Education</p> <ul style="list-style-type: none"> • Early Years and Childcare provision • Youth provision 	<p>Schools and Education</p> <ul style="list-style-type: none"> • Measures directly related to the Strategic Site unless it is considered essential for a contribution to be made from the wider community.

<ul style="list-style-type: none"> • Provision for which the local education authority has a statutory responsibility (primary schools, secondary schools, and sixth form and special educational needs) • Adult Learning provision. 	<ul style="list-style-type: none"> • Onsite nursery required or in-kind or financial contribution required to serve the Strategic Site. Unless it is considered essential for a contribution to be made from the wider community. • New primary schools required onsite at the Strategic Site or financial contribution or in-kind provision to extend a local school unless it is considered essential for a contribution to be made from the wider community. • New secondary school required onsite at the Strategic Site or financial contribution towards refurbishment of a local secondary school unless it is considered essential for a contribution to be made from the wider community. • Post 16 training and education required onsite at the Strategic Site or financial contribution or in-kind provision required to improve a local facility in a local area unless it is considered essential for a contribution to be made from the wider community. • Provision necessary to make development acceptable in planning terms specifically as a result of a new development.
<p>Healthcare</p> <ul style="list-style-type: none"> • Community healthcare/primary care facilities/improvements 	<p>Healthcare</p> <ul style="list-style-type: none"> • Onsite health facility required to serve the Strategic Site or facilities or in-kind or financial contribution required to improve a local facility in a local area unless it is considered essential for a contribution to be made from

	<p>the wider community.</p> <ul style="list-style-type: none"> • Provision necessary to make development acceptable in planning terms specifically as a result of a new development.
<p>Emergency Services</p> <ul style="list-style-type: none"> • Police and emergency services (fire and rescue and ambulance) facilities other than site specific measures 	<p>Emergency Services</p> <ul style="list-style-type: none"> • Provision necessary to make development acceptable in planning terms, for example CCTV or fire hydrants, required specifically as a result of a new development.
<p>Flood Defences</p> <ul style="list-style-type: none"> • Flood defence work and infrastructure other than site-specific mitigation requirements 	<p>Flood Defences</p> <ul style="list-style-type: none"> • Provision necessary to make development acceptable in planning terms specifically as a result of a new development.
<p>Social Infrastructure</p> <ul style="list-style-type: none"> • Community facilities other than site-specific requirements. • Built Sport and Leisure Facilities other than site-specific requirements. • General improvements to streetscene and built environment • Heritage facilities • Libraries • Cemeteries and Crematorium 	<p>Social Infrastructure</p> <ul style="list-style-type: none"> • Onsite community meeting spaces and youth facilities or financial contribution required to serve the Strategic Site. Unless it is considered essential for a contribution to be made from the wider community. • Onsite library facility required to serve the Strategic Site or in-kind or financial contribution required to improve a local facility in a local area unless it is considered essential for a contribution to be made from the wider community. • Onsite Indoor Leisure Facilities & Centres required to serve the Strategic Site or in-kind or financial contribution

	<p>required to improve a local facility in a local area unless it is considered essential for a contribution to be made from the wider community.</p> <ul style="list-style-type: none"> • Onsite Museum or heritage asset facilities or in-kind or financial contribution required to serve the Strategic Site unless it is considered essential for a contribution to be made from the wider community • Provision necessary to make development acceptable in planning terms specifically as a result of a new development.
<p>Green Infrastructure</p> <ul style="list-style-type: none"> • Green Infrastructure (including landscaping, planting and woodland creation and improvements and upgrades and additions to the Public Rights of Way Network) other than site-specific requirements • Public Open Space other than site-specific requirements • Playing Fields, Sports Pitches and related built facilities, and children's play areas other than site-specific requirements • Flood and Coastal Erosion Risk Management Infrastructure, other than site-specific requirements • Biodiversity measures/initiatives other than site-specific requirements • Provision of allotments other than site-specific requirements. 	<p>Green Infrastructure</p> <ul style="list-style-type: none"> • Onsite Playing Fields, Sports Pitches and related built facilities, and children's play area facilities required to serve the Strategic Site or in-kind or financial contribution required to improve a facility close to the Strategic Site unless it is considered essential for a contribution to be made from the wider community. • Provision necessary to make development acceptable in planning terms specifically as a result of a new development.
<p>Utilities Infrastructure, other than site-specific requirements, for the provision of:</p> <ul style="list-style-type: none"> • waste/recycling 	<p>Utilities</p> <ul style="list-style-type: none"> • Onsite household waste recovery facility required to serve the Strategic Site or in-kind or financial contribution required to improve a local facility in a local area unless it

<ul style="list-style-type: none"> • Water supply • Wastewater treatment/sewerage • Gas supply • Electricity supply • Telecommunications 	<p>is considered essential for a contribution to be made from the wider community.</p> <ul style="list-style-type: none"> • Provision necessary to make development acceptable in planning terms specifically as a result of a new development.
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2. S106 and S278 Negotiations

The levy is intended to provide infrastructure to support the development of an area, rather than making individual planning applications acceptable in planning terms. As a result, some site specific impact mitigation may still be necessary in order for a development to be granted planning permission. Some of these needs may be provided for through the levy but others may not, particularly if they are very local in their impact. Therefore, the Government considers there is still a legitimate role for development specific planning obligations to enable a local planning authority to be confident that the specific consequences of a particular development can be mitigated.

Obligations will meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. Therefore obligations may be required for site specific infrastructure where this is appropriate, to make a site acceptable in planning terms. Contributions may be sought to fund measures with the purpose of facilitating development that would otherwise be unable to proceed because of regulatory or EU Directive requirements (such as works or funding required to mitigate the impact of development on Special Areas of Conservation and Special Protection Areas). Contributions to or the provision of off-site or on-site Affordable Housing will be collected through planning obligations under S106.