

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 November 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**

Project	Exclusion
<p><i>It is expected that projects identified below will at least in part be funded through CIL. 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</i></p>	<p><i>It is expected that items identified as ‘exclusions’ in the table below will be provided for by developer contributions or in-kind via Section 106 agreements and/or Section 278 agreements associated with the strategic site at Whitehill and Bordon. 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.</i></p>
<p><i>Traffic Management measures in communities.</i></p>	<p><i>Measures directly related to the Strategic Site at Whitehill/Bordon unless it is considered essential for a contribution to be made from the wider community.</i></p>
<p><i>Strategic Walking & Cycling Networks</i></p>	<p><i>Extensions associated with serving the Strategic Site at Whitehill/Bordon unless it is considered essential for a contribution to be made from the wider community.</i></p>
<p><i>Bus Services</i></p>	<p><i>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.</i></p>
<p><i>Community / Demand</i></p>	<p><i>Measures directly related to the Strategic Site. unless it is considered essential for a contribution to be made from the wider community..</i></p>
<p><i>Primary School Places</i></p>	<p><i>New primary schools required onsite to serve the Strategic Site and 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.</i></p>
<p><i>Secondary School Places</i></p>	<p><i>New secondary school required onsite at Whitehill/ Bordon 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.</i></p>

<i>Nursery Facilities</i>	<i>Onsite 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.</i>
<i>Youth Facilities</i>	<i>Onsite 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.</i>
<i>Community Meeting Spaces</i>	<i>Onsite 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.</i>
<i>Libraries</i>	<i>Onsite facility required to serve Whitehill/ Bordon. Financial contributions or in kind provision towards the improvement a local library unless it is considered essential for a contribution to be made from the wider community.</i>
<i>Health Facilities</i>	<i>New onsite or local offsite facility or extension of local facility(ies) required to serve the strategic site unless it is considered essential for a contribution to be made from the wider community.</i>
<i>Outdoor sports pitches</i>	<i>Onsite facilities required to serve Whitehill and Bordon and onsite 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 the wider community.</i>
<i>Post 16 training and education</i>	<i>Onsite facilities required to serve Whitehill and Bordon and onsite 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 the wider community.</i>
<i>Upgrade and/ or extension to household waste recovery centres</i>	<i>Onsite facility required to serve Whitehill and Bordon and onsite 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 the wider community.</i>
<i>Indoor Leisure Facilities & Centres</i>	<i>Onsite facility required to serve Whitehill and Bordon and onsite 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 the wider community.</i>

<i>Museum or heritage asset</i>	<i>Onsite facilities or in-kind or financial contribution required to serve strategic sites unless it is considered essential for a contribution to be made from the wider community.</i>
---------------------------------	---

2. S106 Negotiations

Green Infrastructure, Public Open Space and landscaping scheme requirements and local transportation & highway works, plus the items listed below will continue to be provided by way of S106 agreements (See CIL & S106 Guide SPD):

- Works or funding for the management and conservation archaeological interests where a development has an adverse impact.
- Works or funding for the restoration, conservation / enhancement of listed buildings, buildings of local importance and monuments.
- Works or funding for the diversion and or enhancement of Public Rights of Way
- Works or funding for the provision of public art
- Affordable Housing
- Works or funding required to mitigate the impact of development on Special Areas of Conservation and Special Protection Areas