

# CIL Regulation 123 List



- I. CIL Regulation 123 (2010 as amended) requires:
  - From 6<sup>th</sup> April 2015, no more than five S106 agreements can be entered into which provide for the funding or provision of the same project or type of infrastructure since 6<sup>th</sup> April 2010.
  - From the date when the CIL charging schedule takes effect, a list of ‘relevant infrastructure’ should be published on the Authority’s website.
  - From the date when the CIL charging schedule takes effect, no S106 agreements can be entered into that provide for the funding or provision of ‘relevant infrastructure’ on the list.
2. The ‘relevant infrastructure’ list (“R123 List”) therefore states which infrastructure projects or types of infrastructure the Authority intends will be, or may be, wholly or partly funded by CIL and those to be funded by S106 (with no more than five pooled contributions to the same project or type of infrastructure).

| “Relevant infrastructure”<br>(wholly or partly funded by CIL)   | Excluded Infrastructure<br>(funded by planning obligation)   |
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| <ul style="list-style-type: none"> <li>• N/A</li> </ul>   | <p><b>Affordable Housing</b></p>   |
| <p><b>Green Infrastructure</b></p> <ul style="list-style-type: none"> <li>• Environmental projects including off-site and/or strategic protection and enhancement excluding those projects required by Local Plan Preferred Options Policy SD3.</li> <li>• Off-site open space and play areas</li> <li>• Off-site and strategic flood management</li> </ul> | <p><b>Green Infrastructure</b></p> <ul style="list-style-type: none"> <li>• On-site environmental mitigation (including habitat protection and enhancement and provision of support for ecosystems services) necessary to make the development acceptable in planning terms.</li> <li>• Off-site ecosystems services enhancement necessary to make the development acceptable under Local Plan policy SD3.</li> <li>• Off-site replacement for loss / deficit of green infrastructure under Local Plan policy SD12 and SD14</li> <li>• On-site open space and play areas necessary to make the development acceptable in planning terms.</li> <li>• Site-specific flood management projects (including SUDs) necessary to make the development acceptable in planning terms</li> </ul> |
| <p><b>Social &amp; Leisure</b></p> <ul style="list-style-type: none"> <li>• All off-site social and leisure infrastructure</li> </ul>   | <p><b>Social &amp; Leisure</b></p> <ul style="list-style-type: none"> <li>• On-site social &amp; leisure infrastructure (including play space, sports facilities and equipment) necessary to make development acceptable in planning terms.</li> </ul>   |
| <p><b>Services &amp; Facilities</b></p> <ul style="list-style-type: none"> <li>• All off-site services and facilities infrastructure</li> </ul>   | <p><b>Services &amp; Facilities</b></p> <ul style="list-style-type: none"> <li>• On-site services &amp; facilities (including community buildings if relevant) necessary to make development acceptable in planning terms.</li> </ul>  |
| <p><b>Transport</b></p> <ul style="list-style-type: none"> <li>• Off-site sustainable transport provision and general highways works and improvements such as high access kerbs, pedestrian access to bus stops (footway/crossing points), waiting facilities (bus stop</li> </ul>  | <p><b>Transport</b></p> <ul style="list-style-type: none"> <li>• On-site sustainable transport infrastructure and any junction improvements necessary to make development acceptable in planning terms.</li> </ul>   |

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| <p>pole/shelter/hardstanding where appropriate) and Real Time Passenger Information (RTPI).</p> <ul style="list-style-type: none"> <li>• Upgrades and additions to Public Rights of way other than site-specific requirements.</li> <li>• Specific transport schemes which are not the subject of section 106 or 278 agreements</li> </ul> | <ul style="list-style-type: none"> <li>• Site-specific transport works and improvements.</li> </ul>  |
| <p><b>Education</b></p> <ul style="list-style-type: none"> <li>• Off-site public-sector funded education provision</li> </ul>  | <p><b>Education</b></p> <ul style="list-style-type: none"> <li>• On-site education provision, where necessary to make development acceptable in planning terms.</li> </ul>   |
| <p><b>Health &amp; Wellbeing</b></p> <ul style="list-style-type: none"> <li>• All off-site health and wellbeing infrastructure</li> </ul>  | <p><b>Health &amp; Wellbeing</b></p> <ul style="list-style-type: none"> <li>• N/A</li> </ul>   |
| <p><b>Utility Services</b></p> <ul style="list-style-type: none"> <li>• All off-site utility services not subject to provision by statutory undertakers, except where value can be added to promote National Park purposes and duty</li> </ul>   | <p><b>Utility Services</b></p> <ul style="list-style-type: none"> <li>• On-site utilities (including broadband connection, renewable energy and heating schemes if relevant) necessary to make development acceptable in planning terms in accordance with Local Plan Preferred Options Policy CF2.</li> </ul> |

## Strategic Development Allocations

3. The National Park Preferred Options Local Plan allocates three strategic development sites for various mixed uses. The relationship of each to the CIL charge is outlined below.
4. Shoreham Cement Works is allocated in the Local Plan for non-residential mixed use development. Allocated uses include environmentally-led restoration with significant landscape improvements, visitor accommodation, business, appropriate leisure and tourism, transport and renewable energy generation. The specific infrastructure requirements of this site will be explored further when a clear redevelopment scheme emerges; it is likely to include very significant landscape and environmental mitigation and protection, highway works to address current limitations in the southbound-only sole access and egress point to the A283, enhanced bus services, walking and cycling infrastructure and tourism opportunities. Because the mixed-uses allocated for this site are not liable to CIL, infrastructure provision here is expected to be funded by the development directly.
5. Former Syngenta site is allocated in the Local Plan for a 200 home mixed use development. Allocated uses include 50% affordable housing, business, tourism, social and leisure facilities and other land uses which meet the policy objectives of the Local Plan, cater for local needs and are appropriate for the National Park location. The specific infrastructure requirements of this site will include an integrated sustainable transport solution, works to address the underground water culvert crossing the site, public realm and open space improvements given the extensive concrete surface treatment and potential decontamination. These are expected to be provided by the development directly given they address site-specific limitations. Other general infrastructure provision, as outlined in the Regulation 123 list above, will be funded (in part or whole) by the CIL.
6. North Street Quarter is allocated in the Local Plan for a 416 home mixed use development. Allocated uses include 40% affordable housing, at least 5,000 square meters of business floorspace, retail, nursing home non-residential institution and other cultural, artistic and artisanal floorspace. The specific infrastructure requirements of this site will include flood defences, significant public realm improvements, off site highways works and sustainable transport connections across surrounding roads (Phoenix Causeway and Eastgate Street) and a footbridge over the River Ouse. SDNPA resolved to grant planning permission for this development on 10 December 2015, subject to completion of a Section 106 agreement and

other matters; if this is completed before the adopted of CIL, it is likely that all infrastructure provision will be secured through legal agreement.