

## East Hampshire District Regulation 123 list

- 1.1 This Regulation 123 list is valid from 8<sup>th</sup> April 2016.
- 1.2 Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended) restricts the use of planning obligations<sup>1</sup> 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.
- 1.3 The 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 Section 106 planning obligations or Section 278 agreements (under the Highway Act 1980). The Infrastructure Delivery Plan (April 2015) provides information with regard to the funding of items not on this list.
- 1.4 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 stakeholders.
- 1.5 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.
- 1.6 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

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<sup>1</sup> 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.'

and Town Council expenditure of CIL receipts is not limited by this Regulation 123 list. Parish & Town Council's are expected to work with the Council and neighbouring Parishes to agree spending priorities.

- 1.7 CIL contributions will be collected from eligible development towards the following items of infrastructure. Planning obligations (under S106) may also be required to make the development acceptable in planning terms. The East Hampshire District 'Planning Contributions and Community Infrastructure Levy Supplementary Planning Document' provides further information and guidance on how CIL and Planning Contributions (including Section 106 and Section 278 agreements) will work alongside each other.
  
- 1.8 In the strategic allocation at Whitehill and Bordon a zero CIL rate has been set. For development at this strategic allocation which consists of a number of sites, all infrastructure and facilities needed to serve the development(s) that form part of the regeneration area will be provided through Section 106 and Section 278 agreements. All such infrastructure and facilities are therefore excluded from this list.

**Projects and Exclusions**

<p><b>Infrastructure Type or Project to be funded at least in part by the Community Infrastructure Levy (CIL)</b></p>	<p><b>Exclusions</b></p>
<p><b>Transport:</b></p> <ul style="list-style-type: none"> <li>• Improvements to the road network other than site-specific mitigation requirements</li> <li>• Measures to secure changed travel behaviours and promote the use of more sustainable modes of transport other than site-specific requirements</li> <li>• Provision of public transport infrastructure other than site specific requirements</li> </ul>	<p>To be secured through Section 106 obligations; Section 278 of the Highways Act; other legislation or through planning conditions.</p> <p>The strategic allocation at Whitehill and Bordon is referred to as the Strategic Site.</p> <p><b>Transport:</b></p> <ul style="list-style-type: none"> <li>• Measures directly related to the Strategic Site unless it is considered essential for a contribution to be made from the wider community.</li> <li>• Passenger Information Systems &amp; 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.</li> </ul>

<ul style="list-style-type: none"> <li>• Provision of pedestrian infrastructure other than site specific requirements</li> <li>• Provision of cycle infrastructure other than site-specific requirements.</li> </ul>	<ul style="list-style-type: none"> <li>• Provision necessary to make development acceptable in planning terms specifically as a result of a new development.</li> </ul>
<p><b>Schools and Education</b></p> <ul style="list-style-type: none"> <li>• Early Years and Childcare provision</li> <li>• Youth provision</li> <li>• Provision for which the local education authority has a statutory responsibility (primary schools, secondary schools, and sixth form and special educational needs)</li> <li>• Adult Learning provision.</li> </ul>	<p><b>Schools and Education</b></p> <ul style="list-style-type: none"> <li>• Measures directly related to the Strategic Site unless it is considered essential for a contribution to be made from the wider community.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• Provision necessary to make development acceptable in planning terms specifically as a result of a new development.</li> </ul>
<p><b>Healthcare</b></p> <ul style="list-style-type: none"> <li>• Community healthcare/primary care facilities/improvements.</li> </ul>	<p><b>Healthcare</b></p> <ul style="list-style-type: none"> <li>• 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</li> </ul>

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

	<ul style="list-style-type: none"> <li>• Provision necessary to make development acceptable in planning terms specifically as a result of a new development.</li> </ul>
<p><b>Green Infrastructure</b></p> <ul style="list-style-type: none"> <li>• 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</li> <li>• Public Open Space other than site-specific requirements</li> <li>• Playing Fields, Sports Pitches and related built facilities, and children's play areas other than site-specific requirements</li> <li>• Flood and Coastal Erosion Risk Management Infrastructure, other than site-specific requirements</li> <li>• Biodiversity measures/initiatives other than site-specific requirements</li> <li>• Provision of allotments other than site-specific requirements.</li> </ul>	<p><b>Green Infrastructure</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Provision necessary to make development acceptable in planning terms specifically as a result of a new development.</li> </ul>
<p><b>Utilities</b></p> <p>Infrastructure, other than site-specific requirements, for the provision of:</p> <ul style="list-style-type: none"> <li>• Waste/recycling</li> <li>• Water supply</li> <li>• Wastewater treatment/sewerage</li> <li>• Gas supply</li> <li>• Electricity supply</li> <li>• Telecommunications</li> </ul>	<p><b>Utilities</b></p> <ul style="list-style-type: none"> <li>• 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 is considered essential for a contribution to be made from the wider community.</li> <li>• Provision necessary to make development acceptable in planning terms specifically as a result of a new development.</li> </ul>

**Section 106 and Section 278 Negotiations**

The Community Infrastructure Levy (CIL) 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. 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. The Planning Contributions and Community Infrastructure Levy Supplementary Planning Document provides further detail on the relationship between CIL and Section 106 agreements in East Hampshire District (outside of the South Downs National Park).