



**NORTH DORSET
DISTRICT COUNCIL**

**COMMUNITY
INFRASTRUCTURE LEVY**



**DRAFT REGULATION
123 LIST**



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June 2016

1. Introduction

- 1.1 Regulation 123 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) provides for a CIL charging authority (which in this case is North Dorset District Council) publishing a list of infrastructure that will be, or may be, wholly or partly funded by the CIL. The CIL can be used to fund the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of the charging authority's area.
- 1.2 A draft infrastructure list was put forward for comment as part of the consultation on the Preliminary Draft Charging Schedule (PDCS) in 2015 and that list has been amended in light of comments made at that time. While the current list is not formally part of the consultation on the North Dorset District Council Community Infrastructure Levy Draft Charging Schedule (DCS), the Council invites comments on the Infrastructure List in Section 2 to inform the draft CIL Regulation 123 List that will be presented at Examination.
- 1.3 The use of Section 106 Planning Obligations for infrastructure that will be funded wholly or partly by the CIL is restricted by CIL Regulation 123. This is to ensure that there is no duplication or double charging towards the same infrastructure project.¹
- 1.4 Having established its Regulation 123 List, the Council will therefore not normally seek planning obligations for types of infrastructure included in the list except when the need arises directly from five or fewer developments. Section 106 arrangements may continue to apply if the infrastructure is required to make the development acceptable in planning terms.

¹ The past and future role of Section 106 obligations is presented in more detail in the accompanying CIL consultation document 'Section 106, CIL and Affordable Housing'.

2. Infrastructure Types to be funded by CIL in whole or in part

2.1 The table below indicates the types of infrastructure projects which the Council may wholly or partly fund by the CIL. The inclusion of a type of infrastructure on the list does not signify a commitment from the Council to fund (either in whole or part) the listed type of infrastructure.

Infrastructure type (funded by CIL in whole or in part)	Exclusions (funded by S106 or S278 payments* or alternative measures)
Transport infrastructure provision and improvement (including the provision, improvement, replacement, operation or maintenance of new and existing roads, highways, traffic management, public transport, cycling and pedestrian routes and other transport facilities).	Transport and highway improvements which are directly related to a development, including development specific mitigation works on, or directly related to, a development site in the context of a Transport Assessment (including the Gillingham Strategic Site Allocation (SSA)) [♦] or where the requirement can be attributed to five or fewer developments.
Education facilities (embracing the provision, improvement, replacement, operation or maintenance of existing and new public education facilities (excluding sites which will be secured through S.106 Agreements).	Provision of education facilities which are directly related to a development (including the Gillingham Strategic Site Allocation (SSA)) [♦] or where the requirement can be attributed to five or fewer developments.
Sport, recreation and leisure facilities (formal and informal, including pitches and accommodation, non-pitch facilities, leisure centres and swimming pools).	Provision of sport, recreation and leisure facilities which are directly related to a development (including the Gillingham Strategic Site Allocation (SSA)) [♦] or where the requirement can be attributed to five or fewer developments.
Health care facilities (including the provision, improvement, replacement, operation or maintenance of existing and new primary health care facilities).	Provision of health care facilities which are directly related to a development (including the Gillingham Strategic Site Allocation (SSA)) [♦] or where requirement can be attributed to five or fewer developments.
Community care facilities (including social care institutions providing for older people and people with mental health or learning disabilities).	Provision of community care facilities which are directly related to a development (including the Gillingham Strategic Site Allocation (SSA)) [♦] .
Open space provision, amenity and environmental improvements (including publicly accessible open space, allotments, nature reserves and Dorset Heathlands mitigation projects).	Provision of open space, amenity and environmental improvements which are directly related to a development (including the Gillingham Strategic Site Allocation (SSA)) [♦] or where the requirement can be attributed to five or fewer developments.
Public realm enhancements (including public art and landscaping).	Provision of public realm enhancements which are directly related to a development (including the Gillingham

	Strategic Site Allocation (SSA)) [♦] or where the requirement can be attributed to five or fewer developments.
Public services facilities (including emergency services and waste management).	Provision of public services facilities which are directly related to a development (including the Gillingham Strategic Site Allocation (SSA)) [♦] or where the requirement can be attributed to five or fewer developments.
Community facilities (libraries and community centres, meeting places and arts facilities but excluding places of worship).	Provision of community facilities which are directly related to a development (including the Gillingham Strategic Site Allocation (SSA)) [♦] or where the requirement can be attributed to five or fewer developments.
Surface water, flood risk and water quality mitigation works (strategic works only - excluding mitigation of surface water run-off back to greenfield sites but including mitigation measures for Poole Harbour in line with the Nitrogen Reduction in Poole Harbour SPD).	Provision of surface water and flood risk mitigation works which are directly related to a development (including the Gillingham Strategic Site Allocation (SSA)) [♦] or where the requirement can be attributed to five or fewer developments.

* Section 106 of the Town and Country Planning Act 1990 and Section 278 of the Highways Act 1980.

[♦]The boundary of the Gillingham Strategic Site Allocation is shown in the Draft Charging Schedule.

NB The order of this list does not imply any preference or priority.

2.2 Where site-specific exclusions are identified, they will be subject to statutory tests set out under Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), which stipulates the following:

A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.*