

Community Infrastructure Levy

Regulation 123 List

October 2018

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Regulation 123 List

- 1.1 The 'Regulation 123 List' sets out those types of infrastructure or specific infrastructure projects that the Council may fund (in whole or part), through the Community Infrastructure Levy (CIL). The inclusion of a project or type of infrastructure on the list does not signify a commitment from the Council to fund the listed project or type of infrastructure. Nor does the order of the list imply any preference or priority. The process of governance for CIL expenditure will be carried out separately whilst having regard to the Regulation 123 list.
- 1.2 The table below sets out the Council's Regulation 123 list. The list will be reviewed and updated when needed, including proportionate consultation with interested parties.
- 1.3 The Council will continue to secure the following mitigation and policy requirements through planning obligations (S106):
 - Site-specific infrastructure requirements, including highway works, provision of open space, and other infrastructure and facilities necessary for the development of a specific site (that would not result in pooling of more than five such planning obligations)
 - Strategic Access Management and Monitoring (SAMM) and maintenance of existing SANG for the Thames Basin Heaths Special Protection Area
 - Measures to secure mitigation/avoidance for the Wealden Heaths SPA
 - Affordable housing.
- 1.4 These will be subject to the statutory tests set out in CIL Regulation 122. A planning obligation can only be taken into account when determining a planning application for development, or any part of a development, if the obligation meets all of the following tests, whereby it 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.

Infrastructure type or project from CIL (Regulation 123 list)	Exclusions from CIL
Provision of new Suitable Alternative Natural Greenspace (SANG) as part of the Thames Basin Heaths SPA avoidance and mitigation measures	Strategic Access Management and Monitoring (SAMM) Contributions towards the management and maintenance of existing SANG. Measures to secure mitigation/avoidance in the Wealden Heaths SPA. All the above will be secured through planning obligations.
Transport New and/or improved infrastructure or services in respect of – <ul style="list-style-type: none"> ▪ Strategic Road Network ▪ Local Road Network ▪ Rail network ▪ Passenger access and information at railway stations ▪ Bus stops (safety and accessibility) ▪ Real Passenger Time Information ▪ Cycling and walking networks 	Improvements that are directly related to a specific development.
Education School expansion schemes and new schools, including pre-school provision.	Improvements that are directly related to a specific development
Leisure and Community Facilities <ul style="list-style-type: none"> ▪ Children’s and young persons’ play areas ▪ Improvements to playing pitches ▪ New or improved indoor and outdoor sports provision, including leisure centres ▪ Improvements to formal and informal areas of recreational open space ▪ Libraries ▪ Community Centres ▪ Health facilities 	Improvements that are directly related to a specific development
Environmental improvements <ul style="list-style-type: none"> ▪ Strategic flood infrastructure ▪ Pollution abatement infrastructure ▪ Public art ▪ Visitor Facilities ▪ Public Realm 	Improvements that are directly related to a specific development
Public Services <ul style="list-style-type: none"> ▪ Recycling ▪ Capital expenditure for emergency services 	Improvements that are directly related to a specific development
	Dunsfold Aerodrome Site specific mitigation related to the development to be funded through a planning obligation.