

## **DRAFT CIL REGULATION 123 LIST November 2017**

### **Introduction**

The purpose of the list is to set out the broad range and type of infrastructure that it is likely the Council will seek to spend CIL funds upon. This is a 'living' document and will be the subject of on-going update and monitoring.

CIL Regulation 59 states that the Council "must apply CIL to funding the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area."

The levy 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 specific impact mitigation will usually still be necessary in order for a development to be granted planning permission, such as greenspace, drainage, directly related education facilities and some highways improvements. A Section 106 planning obligation can only be taken into account when determining a planning application if it is; necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

### **Regulation 123 List for 2017/18**

CIL Regulation 123 restricts the use of planning obligations 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. Regulation 123(2) of the Community Infrastructure Levy Regulation 2010 states, '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'.

A CIL charging authority is expected to publish a list of infrastructure that it intends will benefit from CIL on its website. The Council can review this list at least once a year as part of its monitoring of CIL collection and expenditure.

The inclusion of a project or type of infrastructure in this list does not signify a commitment from the Council to fund either in whole or in part the listed project or type of infrastructure through CIL. Nor does the order of the table imply any order of preference or weighting of one project as opposed to another.

This list has been derived having taken into account the background supporting evidence that has been prepared in association with the Local Plan. This evidence has been used to prepare the Infrastructure Delivery Plan. The IDP provides further details about the overall infrastructure requirements including other sources of funding such as Section 106, the external grants etc.

<b>Category</b>	<b>Description Infrastructure Project</b>	<b>Percentage of CIL Receipts 2017/18</b>
Education	SEN Educational Provision	50%
Cultural and Community Facilities	Kenilworth Public Service Centre	50%