

# South Gloucestershire Regulation 123 list

## Amended September 2018

1.1 This Regulation 123 list is valid from 1<sup>st</sup> August 2015.

1.2 Regulation 123 of the Community Infrastructure Levy Regulations 2010 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<sup>1</sup>.

1.3 A 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 South Gloucestershire 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 S106 planning obligations or S278 agreements (under the Highway Act 1980). The Infrastructure Delivery Plan (LINK) provides information with regard funding of items not on this list. The CIL & S106 Guide SPD also provides information about how the Council will seek contributions for the funding of infrastructure from new development.

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 it's communities.

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. New Neighbourhoods refer to development sites located within the respective CIL charging £NIL CIL zones at Cribbs Patchway and East of Harry Stoke.

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 & Town Council expenditure of CIL receipts is not limited by this Reg123 list. Parish & Town Council's are expected to work with the Council and neighbouring Parishes to agree spending priorities.

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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.'*

### **Exclusions**

*It is expected that items identified as 'exclusions' in the table below will be provided for by developer contributions or in-kind via Section 106 agreements and/or Section 278 agreements associated with the New Neighbourhoods at Cribbs Patchway & East of Harry Stoke (£NIL CIL Zones). These contributions will have to accord with Regulation 122 & 123 of the CIL regulations. Respective S106 agreements will identify a specific project(s) within that category. Regulation 123 allows for up to 5 separate S106 agreements (signed on or post 6th April 2010) for the funding or provision of an infrastructure project or type of infrastructure as an alternative to the CIL.*

<b>PROJECT</b>	<b>Exclusion</b>
Metro Bus Project (North Fringe – Hengrove Package)	
Cribbs Causeway Metro Bus Extension project to Parkway from CPNN, inc subways for pedestrians & cyclists at Gipsy Patch Lane and Hatchet Rd	<i>Extension of the route through Cribbs Patchway New Neighbourhood (CPNN) £NIL CIL Zones and associated works to interface with the existing highway network.</i>
Stoke Gifford Transport Link	<i>Land and financial contribution from East of Harry Stoke New Neighbourhood (EoHS NN) and provision of associated landscaping &amp; street trees, stopping and crossing facilities along the Stoke Gifford Transport Link through EoHS NN.</i>
Greater Bristol MetroWest Project (inc new stations at Henbury & Filton)	<i>Provision of land at CPNN for stations and financial or in-kind contributions from CPNN &amp; EoHS NN £NIL CIL Zones.</i>
A4018 & A38 Bus Priority, walking & cycling improvements	<i>Local highway enabling works, including new bus priority measures, pedestrian crossings and improvements to foot &amp; cycle paths associated with the formation of new vehicular, foot &amp; cycle site accesses onto A38 &amp; A4018 required to serve CPNN £NIL CIL Zones</i>
Improvements to Aztec West Rbt, Filton Rbt (A38/A4174), widening of Gipsy Patch Lane to A38 south.	<i>Works required to serve CPNN £NIL CIL Zones</i>
Traffic Management measures in communities of the North & East Bristol Fringe and North Bristol.	<i>Measures directly related to CPNN &amp; EoHS NN £NIL CIL Zones</i>
Strategic Walking & Cycling Networks	<i>Network Improvements associated with serving CPNN &amp; EoHS NN NIL CIL Zones</i>
Community / Demand Responsive Transport	<i>Measures directly related to CPNN &amp; EoHS NN £NIL CIL Zones</i>

<b>PROJECT</b>	<b>Exclusion</b>
SORT IT and transfer station in the Bristol North Fringe	<i>Provision of land for the facility at CPNN and works required to serve CPNN &amp; EoHS NN £NIL CIL Zones</i>
Re-modelling of Yate Recycling Depot	
Primary School Places	<i>New primary schools required onsite to serve CPNN &amp; EoHS NN NIL CIL Zones.</i>
Secondary School Places	<i>New secondary school required onsite to serve CPNN NIL CIL Zones &amp; financial contribution towards extension of a local secondary school from EoHS NN £NIL CIL Zone.</i>
Nursery Facilities	<i>Onsite facilities or in-kind or financial contribution required to serve CPNN &amp; EoHS NN £NIL CIL Zones.</i>
Youth Facilities	<i>Onsite facilities or in-kind or financial contribution required to serve CPNN &amp; EoHS NN £NIL CIL Zones</i>
Community Meeting Spaces	<i>Onsite facilities or in-kind or financial contribution required to serve CPNN &amp; EoHS NN £NIL CIL Zones .</i>
Libraries	<i>Onsite facility required to serve CPNN NIL CIL Zones. Financial contributions or in kind provision towards the improvement a local library from EoHS NN £NIL CIL Zones.</i>
Health and social care Facilities	<i>New onsite or local offsite facility or extension of local facility(ies) required to serve CPNN &amp; EoHS NN £NIL CIL Zones.</i>
Indoor Leisure Facilities & Centres	<i>Onsite facility required to serve CPNN £NIL CIL Zones &amp; onsite facilities or in-kind or financial contribution required to improve a local facility from EoHS NN NIL CIL Zone.</i>
Museum or heritage asset	

Green Infrastructure, Public Open Space, landscaping requirements and local transportation & highway works, plus the items listed below will continue to be provided by way of S106 agreements (See CIL & S106 Guide SPD):

- Works or funding for the management and conservation of archaeological interests where a development has an adverse impact.
- Works or funding for the restoration, conservation / enhancement of listed buildings, buildings of local importance and monuments.
- Works or funding for the diversion and or enhancement of Public Rights of Way through or immediately adjacent the site.