



**Shepway District Council  
Community Infrastructure Levy (CIL)  
Draft Regulation 123 List  
(Draft: January 2015)**

Regulation 123 of the CIL Regulations 2010 (as amended), requires a Council to identify types of infrastructure and projects that it intends will be, or may be, wholly or partly funded through CIL. A draft R123 list also has to be provided as part of the consultation and Examination in Public on a Council's Draft CIL Charging Schedule.

The CIL Regulations require that from April 2015, S106 planning obligations will be limited to on-site mitigation measures and site-specific requirements to make development acceptable. In accordance with the CIL Regulations, this will also be subject to no more than five S106 agreements being pooled to fund a single infrastructure project.

Following CIL coming into effect in Shepway District, the following types of infrastructure, will be considered for support through CIL receipts:

- Local roads, public transport, walking & cycling infrastructure
- Green infrastructure, open space and bio-diversity
- Education, learning and skills facilities
- Business infrastructure
- Health & social care facilities
- Community facilities
- Leisure, play space, and sports facilities
- Public realm enhancements
- Cultural and heritage facilities
- Flood defence and drainage infrastructure
- Community safety

The inclusion of a project or type of infrastructure on the R123 list does not signify a commitment by the Council to fund (either in whole or part) the listed project or type of infrastructure. Nor does the list order imply any preference or priority.

The Council will work with Parish and Town Councils and local communities, to agree local priorities for spend. The proportion of CIL receipts due to Parish and Town Councils can be used to support infrastructure items related to the R123 list, but there is no requirement for Parish and Town Councils to do this.

The Council will also work with the County Council, neighbouring Local Authorities, and other infrastructure providers and funders to ensure CIL income is used in the most effective manner to benefit the District's communities.

Project funding proposals will be screened to ensure they are compliant with the CIL Regulations emphasis on the avoidance of double funding via CIL and S106 contributions.

The Council will produce an annual monitoring report on the use of collected CIL income.

## **Background Note CIL & Continuing Use of S106 Agreements**

After adoption of the Council's CIL Charging Schedule, site specific matters needed to make a development acceptable in planning terms will continue to be addressed through S106 agreements, including for example the following:

- Site access and highways improvements
- Public transport improvements
- Education provision where a housing development is of significant scale to create a demand for new facilities and schools.
- Flood defences and coastal engineering
- Water supply & utilities provision, & wastewater drainage
- Other significant site specific mitigation measures that require an on-site or off-site compensatory solution, including that related to green space and open-space; play and sports space; public realm; and the natural environment.

S106 agreements will also continue to apply to:

- Affordable housing; and
- Monitoring fees, travel plans, air quality monitoring plans, employment and skills agreements, and archaeological investigations.

S278 highways agreements will continue to be negotiated and completed between developers and Highways Authorities, for development proposals that impact on an existing adopted highway, and require for example the construction of new access/junction improvements or safety related works.

In accordance with proposals set out by the draft CIL Charging Schedule, S106 agreements will also apply to:

- Strategic and key development sites: and
- Zero rated (£0 per sq. m) developments where site specific mitigation measures may be required.

### **Current Strategic and Key Developments' Infrastructure Projects**

Infrastructure projects forming part of major current and future strategic and key developments that are subject to S106 and S278 agreements include the following:

#### Education

- Folkestone West new primary school
- Folkestone East new primary school
- Hythe existing primary school expansion
- Sellindge existing primary school expansion
- Romney Marsh existing primary school expansion

### Highways and Transportation

- Cheriton High Street / Horn Street junction improvements
- Cheriton High Street A20/Spur Junction
- Cheriton Road Crossroads (A20/A2034) junction improvements
- Cheriton Garden Avenue / Cheriton Road crossroad improvement
- Grace Hill system / Tontine Street (A260/A259/A2033) junctions
- Hammonds Corner west of New Romney (A259/B2075) junction improvements
- Horn Street railway / pedestrian bridge improvements / upgrade
- New Romney (A259/B2071) Church Road junction
- Newingreen A20/A261 Stone Street junctions
- Signalisation of Risborough Lane / Church Road Junction Phase 1
- Signalisation of Risborough Lane / Church Road Junction Phase 2
- South of Hawkinge A20/A260 junction
- Bus network improvements – Tontine Street scheme

### Leisure

- Replacement for Hythe swimming pool (part of Nickolls Quarry S106 agreement)

The above listed infrastructure projects won't be eligible for any future CIL contributions, unless it can be demonstrated such contributions are compliant with the CIL Regulations.

*(Draft: January 2015)*