

Appendix 1- Vale of White Horse District Council Regulation 123 List, September 2017

1.1 Regulation 123 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) indicates that a Charging Authority can publish on its website a list of infrastructure projects or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL (other than CIL to which regulation 59E or 59F applies).

1.2 Infrastructure listed below – Regulation 123 list - Infrastructure Projects or Type (that may be wholly or partly secured through CIL) – will no longer be secured through S106 planning obligations or through S278 of the Highways Act (unless as part of the Highways England network). The exceptions to this are set out below in Exclusions from the Regulation 123 List (to be secured through S106, S278 or alternative measures).

1.3 The intention is to ensure that there is no duplication in the use of both CIL and S106 from the same application for development for the same infrastructure project.

1.4 The list does not signify a commitment by the Council to deliver the project, nor does it indicate the Council's CIL spending priorities.

Regulation 123 list - Infrastructure Projects or Type (that may be wholly or partly secured through CIL)	Exclusions from the Regulation 123 List - (to be secured through S106, S278 or alternative measures)
Primary Education (including Early Education Child Care)	(i) The provision of primary education, early education and child care facilities, required to mitigate the impact of development of land at: <ul style="list-style-type: none"> • Sites in CIL Zone 3¹ • North of Abingdon on Thames • North West of Abingdon on Thames • North West of Valley Park (ii) The provision of land for primary education and/or early education and care.
Secondary Education (including Sixth Form within a Secondary School)	(i) The provision of secondary education infrastructure required to mitigate the impact of the development of: <ul style="list-style-type: none"> • Sites in CIL Zone 3¹ (ii) The provision of land for secondary and/or sixth form education.
Further Education (outside of Secondary Schools)	
Special Educational Needs Facilities	(i) The provision of special educational needs facilities associated with the development of: <ul style="list-style-type: none"> • Sites in CIL Zone 3¹ (ii) The Provision of land for special educational needs facilities

Regulation 123 list - Infrastructure Projects or Type (that may be wholly or partly secured through CIL)	Exclusions from the Regulation 123 List - (to be secured through S106, S278 or alternative measures)
Social and Community facilities including: <ul style="list-style-type: none"> • community halls • indoor sports and leisure facilities • libraries • adult day care • museums • indoor youth facilities 	(i) The provision of on-site social and community facilities associated with the development of North West Valley Park (ii) The provision of all social and community infrastructure required to mitigate the impact of sites in CIL Zone 3 ¹ . (iii) The provision of all social and community infrastructure required to mitigate extra care, nursing and care homes, and non-residential development.
Road network, cycleways, & footpaths	(i) The provision of works and other public realm improvements (on or off site) to roads, cycleway, footpath and public rights of way that are required to directly mitigate individual developments. (ii) Strategic highway works related to sites within CIL Zone 3 ¹ (iii) The provision of South facing slips at Lodge Hill (iv) The provision of Science Bridge, A4130 widening between Science Bridge and Milton interchange, and Harwell Road (v) Rowstock Roundabout (vi) Strategic Highways works required in relation to extra care, nursing and care homes, and non-residential development (excluding works associated with supermarkets/retail warehouses). (vii) Milton Interchange (viii) A4130/ Collet junction
Strategic Open Space	(i) The provision of strategic open space in relation to sites within CIL Zone 3 ¹ (ii) The provision and maintenance of on-site public open space, play areas (e.g. LAPs, LEAPs, NEAPs), outdoor youth facilities (e.g. MUGAs) and outdoor sports facilities (including associated buildings) (iii) Provision required in relation to extra care, nursing and care homes, and non-residential development.
Flood mitigation measures	(i) Site specific flood risk management e.g. SUDS. (ii) Flood mitigation measures where the works are required to mitigate non-residential development.

¹ Sites which have been zero rated for CIL are Crab Hill, Didcot Power Station, East of Coxwell Road Faringdon, Grove Airfield, Land South of Park Road Faringdon, Monks Farm, North of Shrivenham, South Faringdon and Valley Park

1.5 The Council may seek to secure S106/S278 contributions towards other projects where it is satisfied that the need meets the tests in Reg. 122 of the CIL Regulations 2010 (as amended) and it is not referred to above in the Reg. 123 List as funding for infrastructure to be wholly or partly funded by CIL.

1.6 The Council may spend CIL on projects not specified in the Reg. 123 list, above, where it funds infrastructure to support the development of its area.

1.7 The Council will regularly review the list to ensure that it reflects the Infrastructure Delivery Plan.

[V:\Development and Regeneration\Infrastructure and Development Team\Strategic S106 & CIL\VALE\Cabinet report\Draft Cabinet Briefing report re CIL spending strategy_VALE_0211.doc]

The difference between CIL and Planning Obligations

The table below sets out in more detail the main differences between how planning obligations (sometimes referred to as section 106 or s106) and the Community Infrastructure Levy (CIL) can be used

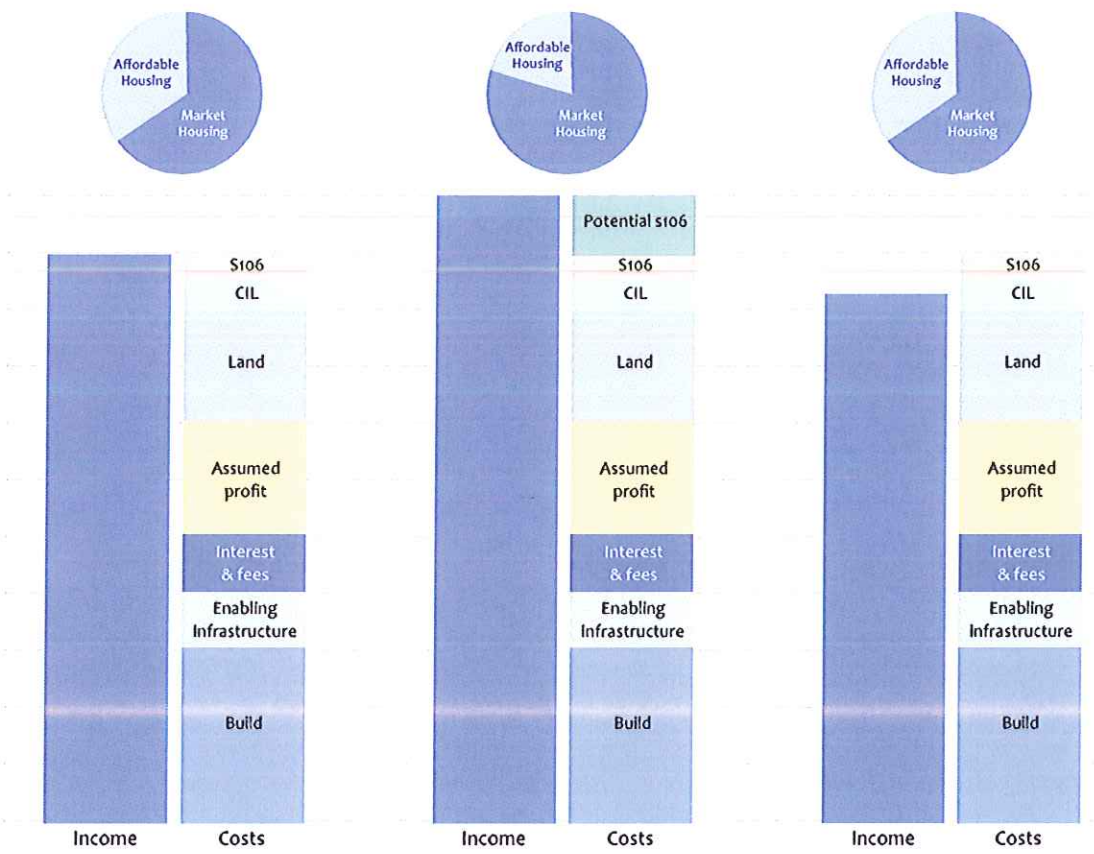
		Planning Obligations (site specific mitigation)	Community Infrastructure Levy
Scope	What type of Infrastructure can it support?	Only items justifiable within the three legal tests: a) necessary to make the development acceptable in planning terms b) directly related to the development c) fairly and reasonably related in scale and kind to the development	All Infrastructure necessary to support development of the area
	Can it be used to secure Affordable Housing?	Yes - use to prescribe an agreed proportion of affordable housing	No
	What area does it apply to?	Site specific impacts that may or may not reach beyond the 'red line' of the application	A charging schedule must cover whole Planning Authority Area with no exceptions (although differential rates can be applied to different sub-areas and/or land uses)
Setting charging levels	What types of development are eligible to pay?	All development (but the time consuming nature of the process means only the largest are charged)	Any development over 100m ² Building that people would normally go into (some further exemptions existing for charities and social housing).
	What can it be spent on?	Capital Infrastructure projects (e.g. provision of public space) Revenue Infrastructure projects (e.g. ongoing maintenance of public space) required to make that specific development acceptable in planning terms	Capital and revenue Infrastructure projects required across the district
	Can the money be pooled from more than one development?	Not for long. After April 2015 we will not be able to pool more than five obligations	CIL is effectively a pooling mechanism with complete flexibility over spending priorities
	Once the money is collected how easy is to change what it is spent on?	Not easy - Items agreed within the s106 Agreement are often inflexible. It cannot be spent on items identified for CIL investment	CIL can be spent on any Infrastructure. Authorities need to set out the items they intend to fund using CIL in a Regulation 123 list.
	Is there a need to establish a list of Infrastructure requirements?	The authority needs to justify the Infrastructure is necessary for that development based on the three legal tests (as above). A Planning Obligations SPD is required (or as a position statement on their use for Examination)	Yes. Need a costed list of Infrastructure projects to prove local need (there is no emphasis on prioritisation at the evidence gathering stage and explicit recognition that the list will change over time)
	Can differential rates be set?	The amount of s106 collected is negotiated and depends on the amount of Infrastructure required for that specific development	Differences in rates should only relate to viability for <ul style="list-style-type: none"> • different zones • different uses • scales of development
How is the charge calculated?	Flexible	Per m ² of additional floor space only (all uses)	
How is viability considered?	On a case by case basis (leaving room for negotiation during pre-application discussion)	Viability is tested at a borough-wide level at the evidence gather stage, then CIL payments are mandatory	



Viability

As part of the process of setting a CIL charge, the Council must consider how the charge level set may affect the viability of development in the area.

Whilst CIL, in practice, is likely to account for no more than a small proportion of a site's overall development costs, once it is set it cannot be negotiated to take account of site specific constraints. Other factors, such as the amount of affordable housing required or enabling infrastructure needs and value will have a considerable impact on viability, as shown on the diagrams below.



✓ Development A:
35% affordable housing

The scheme has a particular end value (e.g. £100m). Total costs must not exceed this value if the scheme is to be viable. Consequently there is a finite amount of CIL and s106 that can be charged. In this case, the development remains viable at the end of CIL and s106 levies.

✓ Development B:
20% affordable housing

This scheme leads to a higher scheme value (e.g. £110m) as the market housing can be sold for higher amount than the affordable proportion. Once set CIL is a fixed amount. There is more scope to charge s106 to deliver on-site or community infrastructure while retaining developments viability.

✗ Development C:
35% affordable housing
scheme unviable

This scheme is located in a lower value area. Although the scheme requires similar levels of investment, sale values for the private housing are lower, decreasing the Income for the development. Once all these factors are taken into account, the development is unviable given the fixed level of CIL.



Appendix 4: Town and Parish transfers as at May 2018

Parish	
Abingdon	£1,854.00
East Hendred	£610.68
Kennington	£433.38
Milton	£2,482.11
Total	£5,380.17

Appendix 5: OCC/OCCG Form for CIL Funding

To apply for CIL funding you will need to complete the following application form and submit it along with relevant supporting material. Please return to:
 jayne.bolton@southandvale.gov.uk

Requirement Criteria:

The project must:

- meet the requirements of the CIL Regulations
- address the needs identified in the Infrastructure Delivery Plan and support additional demands arising from new development
- be fully costed
- be deliverable within a specified timescale

APPLICANT CONTACT DETAILS	
Name	
OCC/OCCG/ Council Department	
Contact number	
Email address	
PROJECT OVERVIEW	
Project title	
Please provide a brief summary of the project proposal (max 500 words)	
Location (please provide a map)	
Delivery partner (if applicable)	
MEETING VOWH'S OBJECTIVES	
Please explain how the proposal addresses infrastructure demands within the area, including the number of people, including minority, vulnerable or disadvantaged groups, who will benefit from the project and in what way.	
COSTS	
Please provide a summary of both the overall cost of the infrastructure scheme and those funds requested through this application. Please mention other contributors to the project.	
Please provide details of the development sites where the income has been generated from.	
DELIVERY	
Please explain the project's current status and whether any additional approvals are necessary prior to the commencement of works.	
Please provide details of the timetable for implementation of the infrastructure project including key milestones.	
ADDITIONAL INFORMATION	
Please provide any additional information which may further clarify how the activity supports growth in the area of the Vale of White Horse.	
Signed	
Dated	

Appendix 6 – Annual Report for CIL funded Projects

APPLICANT CONTACT DETAILS	
Name	
OCC/OCCG/council department/town or parish	
Contact number	
Email address	
PROJECT OVERVIEW	
Project Title	
Please provide a brief summary of work undertaken to date (max 500 words).	
Photographic evidence attached Y/N	
MEETING VOWH'S OBJECTIVES	
Please explain how the proposal has met infrastructure demands within the area, including the number of people, including minority, vulnerable or disadvantaged groups, who have benefited from the project and in what way.	
COSTS	
Please provide a summary of both the overall cost of the infrastructure scheme spent to date against the original budget. Please mention other contributors to the project.	
Please provide details of the development sites where the income has been generated from.	
DELIVERY	
Please explain the project's current status and whether any additional approvals are necessary prior to the continuation of works.	
Please provide details of the timetable for finalisation of the infrastructure project including key milestones.	
ADDITIONAL INFORMATION	
Please provide any additional information relevant to future work to be undertaken or any challenges faced while implementing the project.	
Signed	
Dated	

Appendix 7 – CIL governance overview

