

Bradford District Community Infrastructure Levy

Regulation 123 List

April 2019

Community Infrastructure Levy Regulation 123 provides for the Council to set out a list of those projects or types of infrastructure that it intends will be, or may be, wholly or partly funded through the CIL. In order to ensure that individual developments are not charged for the same infrastructure items through both Section 106 Agreements and the CIL, a S106 contribution or a S278 agreement cannot then be made towards an infrastructure item already on the List.

The list below sets out the infrastructure projects that the Council intends will be funded by CIL. The list does not identify priorities for spending within it, or any apportionment of the CIL funds across the District, and does not signify a commitment from the Council to fund the projects listed through the CIL.

Education including primary and secondary provision
<p>Sustainable transport improvement schemes including:</p> <ul style="list-style-type: none"> • Improvements to strategic pedestrian and cycle routes • The Public Right of Way network • Public transport infrastructure (bus and train station improvements) <p>except for site specific provision required by Core Strategy Policies as a direct result of development.</p>
Green infrastructure, recreation and open space, except for site specific provision required by Core Strategy policies as a direct result of development.
<p>Community sports and recreation facilities including:</p> <ul style="list-style-type: none"> • Children's and young people's play areas • Playing pitches <p>except for site specific provision required by Core Strategy Policies as a direct result of development.</p>
Habitat mitigation schemes including Suitable Alternative Natural Greenspace, except for site specific mitigation required by Core Strategy policies as a direct result of development.
<p>Cultural facilities including:</p> <ul style="list-style-type: none"> • Libraries • Built community space <p>except for site specific provision required by Core Strategy Policies as a direct result of development.</p>
Public realm improvements, except for site specific provision required by Core Strategy Policies as a direct result of development.
<p>Environmental infrastructure schemes including:</p> <ul style="list-style-type: none"> • Recycling • Flood risk alleviation • Pollution abatement • Air quality improvement measures • Infrastructure to support brownfield land remediation <p>except for site specific provision required by Core Strategy policies as a direct result of development.</p>
Cemeteries
Renewable and low carbon energy infrastructure schemes including district heating networks, except for site specific provision required by Core Strategy policies as a direct result of development.
<p>Community safety and health projects, including</p> <ul style="list-style-type: none"> • Emergency services (police, fire, ambulance) • Public health facilities <p>except for site specific provision required by Core Strategy policies as a direct result of development.</p>

The Regulation 123 List is based on the infrastructure requirements set out in the Local Plan and the Council's infrastructure planning evidence. The Council will review this list at least once a year, as part of monitoring of CIL collection and spend, and any changes will be justified and subject to appropriate local consultation. The Council will work with local communities and parish/town councils to agree local priorities for spend. The 'meaningful proportion' held by local communities can be spent on the Regulation 123 List, but it does not have to be.

Continued use of Section 106 Obligations and Section 278 Agreements

For clarity, the list below provides an outline of the matters which will continue to be secured through S106 or S278 Agreements, meeting the planning obligation tests as set out in the NPPF and CIL Regulations 2010 (as amended):

- Affordable Housing
- Employment and skills agreement e.g. local employment, training or apprentice contracts
- Site specific matters needed to make the development acceptable in planning terms including (but not exhaustive):
 - Highway works: access into the site, local junction / highway improvements
 - Sustainable transport: New bus connections or services, cycle / pedestrian routes and connections if directly related to the development, metro cards, cycle parking/storage, travel plans and monitoring fee / co-ordinator posts
 - Drainage and flood requirements
 - Renewable energy, sustainable construction and efficient use of resources policy requirements
 - Greenspace provision and public realm improvements
 - Designing out crime measures
 - Air quality mitigation measures
 - Bin provision for new developments

Section 106 contributions cannot be sought for specific infrastructure projects on the 123 list. From April 2015 contributions can be pooled up to five separate planning obligations dated back to 6 April 2010 for an infrastructure project or type of infrastructure within the area of the Authority. Any planning obligation must meet the tests in Regulation 122.

Section 278 agreements (under Section 278 of the Highway Act 1980 as amended) are made between a highway authority and a person who agrees to pay all or part of the cost of highway works. Contributions for highway works that are secured through S278 of the Highway Act are not subject to pooling restrictions. S278 agreements cannot be required for works that are intended to be funded through the levy