

## **APPENDIX 1**

South Somerset

Community Infrastructure Levy

Regulation 123 List

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**November 2016**

## 1. Introduction

- 1.1. This document sets out South Somerset District Council's Regulation 123 List relating to its approved Charging Schedule.
- 1.2. The levy and the Charging Schedule will be implemented from the 3<sup>rd</sup> April 2017, and the Regulation 123 List will be followed from that day forward, until such time as it is amended.

## 2. Regulation 123 List

- 2.1. The Community Infrastructure Levy Regulations 2010 (as amended) require the Council to set out a list of those projects or types of infrastructure that it intends to fund, or may fund, through the Community Infrastructure Levy.
- 2.2. The Regulation 123 List limits the use of planning obligations. The Regulations restrict the use of pooled contributions towards items that may be funded via the levy. From April 2015, no contributions may be collected in respect of a specific infrastructure project or a type of infrastructure through a Section 106 Agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010.
- 2.3. The Council's Regulation 123 List is set out in Table 1 below.
- 2.4. The Regulation 123 List does not signify a commitment from the Council to fund all the projects listed, or the entirety of any one project through the CIL funds – it just signifies projects that will be considered by the Council in its decision as to what might receive funding.

**Table 1: Regulation 123 List**

Infrastructure type	Infrastructure that may be partly or wholly funded by CIL	Exclusions (funded by S106 or S278 payments or alternative measures)
<p><b>Transport</b></p>	Millfield Link Road, Chard.	<p>Improvements or provision of highways or highways access works related to a specific development site.</p>
	Link road from Oaklands Avenue to A358 Furnham Road, Chard.	
	Link road connecting A30 with Oaklands Avenue, Chard.	
	Improve Stop Line Way cycle route between Chard and Tatworth.	
	Yeovil Sustainable Transport Interchange	
	Chard Sustainable Transport Interchange	
<p><b>Flood risk management</b></p>	Off-site flood risk management works	<p>Improvements or provision of flood risk management works related to a specific development site.</p>
<p><b>Outdoor Play Space, Sports, Community and Cultural facilities</b></p>	<p>Arts and entertainment facilities and improvement in Yeovil</p> <p>Swimming pool improvements or provision in Yeovil, Primary and Local Market Towns</p> <p>Sports hall improvements or provision in Yeovil, Primary and Local Market Towns</p> <p>3G Artificial Grass Pitch improvements or provision in Primary and Local Market Towns</p> <p>Community hall improvements or provision</p> <p>New cemetery space to serve Yeovil</p>	<p>Improvements or provision of outdoor play space, sports, community and cultural facilities or building related to a specific development site.</p>
<p><b>Open Space and Public Realm</b></p>	Off-site open space and public realm	<p>Improvement or provision of open space or public realm related to a specific development site.</p>

- 2.5. Where site-specific exclusions are identified, they will be subject to statutory tests set out under Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), which stipulates the following:

*“A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –*

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development”.*

- 2.6. Site-specific infrastructure which is required to make the development acceptable in planning terms, and satisfies the requirements set out in Regulation 122, will be secured through Section 106 Agreements for sites such as: North-east Yeovil Sustainable Urban Extension, South Yeovil Sustainable Urban Extension, and each of the development sites which constitute the Chard Eastern Development Area.

- 2.7. Affordable housing will continue to be secured through Section 106 Agreements, and is not liable for the CIL.