

<b>Report of:</b>	<b>Head of Economic Development</b>
<b>Contact Officer:</b>	<b>Mrs C Eggington</b>
<b>Telephone No:</b>	<b>01543 464326</b>
<b>Portfolio Leader:</b>	<b>Economic Development &amp; Planning</b>
<b>Key Decision:</b>	<b>Yes</b>
<b>Report Track:</b>	<b>Cabinet: 16/06/16</b>

**CABINET**  
**16 JUNE 2016**  
**COMMUNITY INFRASTRUCTURE LEVY UPDATED REGULATION 123 LIST**

**1 Purpose of Report**

- 1.1 To consider and approve amendments to the adopted Community Infrastructure Levy (CIL) Regulation 123 List.

**2 Recommendations**

- 2.1 That Cabinet recommends to Council that the updated Regulation 123 List, attached to this report at Appendix A, is adopted and approved for publication on the Council's website, replacing the previous version attached at Appendix B.

**3 Key Issues and Reasons for Recommendation**

- 3.1 The Council approved the CIL Charging Schedule and Regulation 123 List of infrastructure projects eligible to receive funding in the first year of operation of CIL at its meeting on 15/04/2015. CIL came into effect in relation to relevant chargeable development on 01/06/2015.
- 3.2 It is important that the Regulation 123 List is reviewed and kept up to date. As it is now over a year since the Regulation 123 List was published (ie when CIL was first implemented) it is now appropriate to ensure that an updated version is provided and made available on the Council's website in accordance with the CIL Regulations.

## 4 Relationship to Corporate Priorities

4.1 This report supports the Council's Corporate Priorities as follows:

- (i) **Better jobs and skills:** economic growth is at the heart of the national planning agenda: CIL ensures that funding is available to deliver the right infrastructure locally to support economic growth in line with the provisions of the adopted Local Plan Part 1.
- (ii) **More and better housing:** housing needs to be provided within the context of creating and enhancing sustainable communities. As such, housing developments need to be supported by the right amount and type of infrastructure. CIL is one such mechanism for ensuring that funding is available to deliver this.
- (iii) **Cleaner and safer environments:** environmental protection and enhancement, including crime reduction through safer design is a key aim of the Local Plan and other supporting planning policy and CIL can help to deliver this.
- (iv) **Better health outcomes:** planning policy enables decisions to be made which improve the health of local communities for example setting standards for access to – and type of – open space, sport and recreation, provision and protection of community services and facilities and supporting the retention and development of infrastructure (eg cycleways, public transport, health centres etc) which contribute to improved health and wellbeing. CIL provides funding which can help in delivering such schemes.

## 5 Report Detail

5.1 The Community Infrastructure Levy (CIL) is a tax that local authorities can charge on types of development in their area to fund infrastructure required to support the housing and commercial growth proposals identified in an up to date Local Plan. Following independent examination, this Council began charging CIL in June 2015, and the tax applies to new floor space resulting from most types of residential development (including Change of Use in some cases) and certain retail developments. The charges are per square metre and are set out in the CIL Charging Schedule which is displayed on the Council's website along with guidance and other relevant documentation.

5.2 The Regulation 123 List (ie Regulation 123 of the CIL Regulations 2010 as amended) sets out which items of infrastructure, related to development in the district as set out in the Local Plan, are intended to be funded either entirely or partially by CIL. CIL can be used in combination with other funding sources, for example as match-funding for bids for larger items of infrastructure. This is important as CIL receipts alone will not raise sufficient funds to finance the district's infrastructure requirements. Indeed, Councils are not allowed to levy CIL unless they can demonstrate that there is a clear gap between the cost of the infrastructure required and the amount of CIL likely to be raised. CIL funds

cannot be combined with Section 106 funds to deliver the same item of infrastructure as this would result in the developer paying twice, known as 'double dipping'. Therefore the Regulation 123 List cannot contain any items which would be funded via this route.

- 5.3 It is important that the Regulation 123 list is kept under review and up to date. As it is a year since the list was published (ie when CIL was brought into effect) it is now appropriate to update and publish a refreshed list which reflects current circumstances and new available information. This is attached at **Appendix A**. The current version which is to be replaced is attached at **Appendix B**.
- 5.4 It is proposed to remove the last three items from the Regulation 123 List (**Appendix B**). They are marked TBC ( To Be Confirmed) due to uncertainty at the time of the preparation of the Regulation 123 List which predated the submission of the planning application for a designer outlet village at Mill Green, Eastern Way, Cannock and the approval of the Regulation 123 List which was after its receipt but before consideration and determination of that application. All the works listed are necessary to make that development acceptable in planning terms; are directly related to the development and fairly and reasonably related in scale and kind to the development and are to be provided via a Section 106 Agreement.
- 5.5 Further updates to the Regulation 123 List include explanation in terms of the evidence base references, which are detailed at the end of the table. This is to provide further clarity. Bold text has also been removed as this was included previously to show how the list had changed from the draft which was originally submitted for examination.

<b>6 Implications</b>
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**6.1 Financial**

As referred to in previous reports to Council relating to the development, adoption and protocols of the scheme, CIL allows the Council to fund infrastructure required to support new development which may otherwise be unfunded. It is important that the Regulation 123 list is kept up to date as this is the list of projects which are likely to be funded by CIL in line with Local Plan delivery.

**6.2 Legal**

The legal implications are set out in the report.

**6.3 Human Resources**

None.

**6.4 Section 17 (Crime Prevention)**

None.

**6.5 Human Rights Act**

None.

**6.6 Data Protection**

None.

**6.7 Risk Management**

Without CIL, and clarity in terms of what CIL will / will not fund there would be a serious risk that some infrastructure necessary to support growth in the district would not be delivered.

**6.8 Equality & Diversity**

No issues specifically arising from this report, however the Development Plan itself (to which CIL contributes in delivering appropriate infrastructure) is subject to Equality Impact Assessment.

**6.9 Best Value**

None.

**7 Appendices to the Report**

Appendix A: Updated Regulation 123 List.

Appendix B: Regulation 123 List as currently published (June 2015).

**Previous Consideration**

Cabinet 21/11/13, 17/07/14

Council 15/04/15, 12/08/15

**Background Papers**

Planning Act 2008.

Community Infrastructure Levy Regulations 2010, as amended 2011, 2012, 2014.

DCLG National Planning Practice Guidance on CIL and S106.

Cannock Chase Local Plan June 2014.

Cannock Chase Community Infrastructure Levy Charging Schedule June 2015.

Regulation 123 List June 2015.

<b>Updated CIL Regulation 123 List (note:-not in priority order)</b>				
<b>Site</b>	<b>Town/Location</b>	<b>Description of works</b>	<b>Evidence base -reference numbers from Local Plan (Part 1) list of evidence documents (full document titles at the end of this table).</b>	<b>Costs</b>
Conduit Road to Albutts Road mineral line	Norton Canes	Upgrade stoned path to cycleway to connect existing cycleway routes	Cannock Chase Integrated Transport Strategy -99a	£48,000
Norton Canes Community Centre	Norton Canes	Pitch Improvements	PPG17 Open Space Sport & Recreation Facilities Studies-129, 129a, 129b	£98,000
Heath Hayes Park	Heath Hayes	Pitch Improvements	129, 129a 129b	£300,000
Heath Hayes Park	Heath Hayes	Ancillary Facilities -Changing Rooms	129, 129a, 129b	£700,000
Heath Hayes Park	Heath Hayes	Car Parking	129, 129a 129b	£200,000
Heath Hayes Park	Heath Hayes	Refurbish Tennis Courts/Fencing	129, 129a, 129b	£90,000
Hednesford Park	Hednesford	Pitch Improvements	129,129a, 129b	£200,000
Hednesford-Rawnsley mineral line	Hednesford/Rawnsley	Create cycleway on former mineral line to provide off road safe route from Rawnsley to Hednesford and linking into the Chase.	99a	£100,000
Cannock Park	Shoal Hill/Longford	Replace 2 space nets, 2 multi units and resurface wet pour.	129, 129a, 129b	£120,000

<b>ITEM NO. 12.6</b>
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Cannock Park	Shoal Hill/Longford	Refurbish heating system for showers, re-tile showers and refit changing rooms	129,129a, 129b	£40,000
Avon Road (former MEB sub station)	Shoal Hill/Longford	Install new Local Equipped Area for Play (LEAP) area	129, 129a, 129b	£100,000
Laburnum Avenue Recreation Ground	Shoal Hill/Longford	Pitch Improvements	129, 129a , 129b	£98,000
Green Lane	Rugeley/Etching Hill	Pitch Improvements	129, 129a, 129b	£150,000
Former Cannock Stadium	Chadsmoor	Elements of Phase 2 of Site Redevelopment -Pitch and Drainage improvements, Fencing, Artificial Grass Pitch (AGP), Access, Social Picnic Areas	129, 129a 129b	£750,000
Old Fallow Road	Chadsmoor	Pitch Improvements	129, 129a, 129b	£98,000
Rugeley Leisure Centre Artificial Turf Pitch Extension (ATP)	Rugeley/Hagley	Extend ATP into full size pitch and lighting upgrade	129, 129a, 129b	£400,000
Elmore Park	Rugeley/Western Springs	Dredge lake and stabilise banks	Rugeley Town Centre Strategic Flood Risk Assessment-117	£500,000
Brereton mineral line	Brereton and Ravenhill/Rugeley Town	Create cycleway on the Brereton and Ravenhill Way from Rugeley Town station car park to the Cannock Chase Area of Outstanding Natural Beauty	99a	£50,000
Land south of A5190 Norton Canes	Whole District	Develop new Burial Space for south of District	Internally generated evidence of need for additional burial space.	£1,000,000

**ITEM NO. 12.7**

Cannock Chase Special Area of Conservation (SAC) Mitigation Measures excluding review of access network, signage and path repairs	Whole District	Measures to mitigate impacts of increased recreational pressure upon the Cannock Chase SAC arising from new housing developments within the District. Costs for CCDC currently approx 1/5 of £2m for entire SAC partnership area.	145-149 (inclusive)	£400,000
Heath Hayes and Wimblebury Parish	Heath Hayes and Wimblebury	Expansion of existing primary school provision by up to 210 additional places in the Heath Hayes and Wimblebury Parish.	Planning of School Places and Education Planning Obligations Policy-88, 89	
Rugeley and Brereton	Rugeley/Brereton	Land acquisition and associated costs to provide additional primary school places in Rugeley	88,89	
West Hill Primary School	Hednesford	Expansion of West Hill Primary to provide an additional 105 places	88, 89	
Hob Hill Primary School	Brereton and Ravenhill	Expansion of Hob Hill to provide an additional 105 primary school places	88, 89	
•Hednesford (Town) •Rugeley (Town)	•Hednesford •Rugeley	Replacement of temporary accommodation with permanent accommodation	88, 89	
<i>TOTAL COST OF EDUCATION ITEMS</i>				
Cannock, Rugeley and Hednesford town train stations	Cannock, Rugeley and Hednesford	Upgrades to Cannock, Rugeley and Hednesford train stations to support Chase Line improvements.	99a	TBC

Five Ways Island	Heath Hayes and Wimblebury	Delivery of Five Ways Junction Improvement (part of Local Pinch Point Package Programme)	99a	£300,000
Rugeley Town Centre (Hagley Park)	Rugeley	Rugeley Town Centre Flood Alleviation Scheme	117	£1,500,000
Hednesford, Rugeley, Brereton and Norton Canes	Hednesford, Rugeley, Brereton and Norton Canes	Initial programme to replace bus shelters (15), bins (15) , benches (15) and provide cycle racks (3)	Internally generated evidence of need for upgrades.	£121,000
<b>TOTAL COST OF PROJECTS</b>				<b>£11,729,000</b>

**Details of evidence referenced**

- Reference 88: Planning of School Places (SCC annual)
- Reference 89: Education Planning Obligations Policy (SCC 2008 /9)
- Reference 99 A Staffordshire Local Transport Plan 3 (SCC 2011)
- Reference 117 Rugeley Town Centre Flood Risk Assessment (Halcrow 2009)
- Reference 129: PPG17 Open Space Sport and Recreation Facilities Audit incorporating 129 a and b as below
- Reference 129a: Indoor and Outdoor Sports facilities study (CCC 2010)
- Reference 129b: Open Spaces Assessment (CCC 2009)
- Reference 145: Evidence base relating to the Cannock Chase SAC and the Appropriate Assessment of Local Authority Core strategies (November 2010)
- Reference 146: Cannock Chase SAC visitor Survey (2012)
- Reference 147: Impacts of Recreation to Cannock Chase SAC (2012)
- Cannock Chase SAC Mitigation Report (2012)
- 148A CCDC Advice on Cannock Chase SAC (Bircham Dyson Bell May 2013)
- 149 Cannock Chase SAC Visitor Observation Study (2012)



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<b>ITEM NO. 12.10</b>
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<b>Eastern Way/Leacroft Island, Cannock</b>	<b>Cannock</b>	<b>Elements of dualling island improvements</b>	<b>Cannock Chase Integrated Transport Strategy 99a</b>	<b>TBC</b>
<b>Mill Green Nature Reserve</b>	<b>Cannock</b>	<b>Improvements excluding link from proposed Designer Outlet Centre to Railway Station</b>	<b>127,129a,129b</b>	<b>TBC</b>
<b>Lichfield Road/Mill Street, Cannock</b>	<b>Cannock</b>	<b>Elements of pedestrian/cycle improvements linking to Cannock Town centre</b>	<b>99a</b>	<b>TBC</b>

<b>TOTAL COST OF PROJECTS</b>	<b>£11,729,000</b>
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