

INTRODUCTION

What is CIL used for

In accordance with regulation 59 of the CIL Regulations 2010 as amended, CIL receipts must fund the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area.

What is the Regulation 123 List

The Regulation 123 List sets out the types of infrastructure that may be funded by CIL in the City. The main purpose of the List is to provide transparency around what the Council intends to fund through CIL and what site specific infrastructure Section 106 contributions will continue to be used for. The intention is to ensure that there is no duplication in the use of both CIL and Section 106 for the same project.

Where no List is published, no infrastructure can be funded.

Regulations that apply to Regulation 123 list change.

CIL Regulation 123 requires that infrastructure lists be published. There is no requirement for consultation or any formal procedure. Consequently the council may change its Regulation 123 List as it sees fit.

Other guidance on changes to Regulation 123 lists was incorporated within Planning Practice Guidance (PPG) on 12th June 2015.

PPG states that “where a change to the regulation 123 list would have a very significant impact on the viability evidence that supported examination of the charging schedule, this should be made as part of a review of the charging schedule.” Generally speaking, where a funding shortfall can still be demonstrated, there will be very limited or no impact on viability.

PPG also allows the Council to amend the Regulation 123 list without the need to necessarily go through a formal review of the CIL Charging Schedule and suggests that changes to the Reg 123 list are clearly explained and subject to appropriate consultation.

PROPOSAL

The Council’s CIL Regulation 123 List (the List) currently has a number of items listed. It is considered that the List as originally drafted requires some minor amendment to update and clarify what infrastructure may be eligible for CIL funding.

The proposed changes to the current list and reasons for change are listed below:

- Remove Central Library from the list. Reason: project complete.
- Amend the definition of community infrastructure in relation to North Prospect. Reason: to bring the List in line with previously approved business case.
- Addition of Forder Valley Interchange to the List. Reason: funding shortfall.

1. REVENUE IMPLICATIONS

None.

2. RISKS

The main risks if the proposed changes to the List are not made are as follows:

- North Prospect – Development Phase 5 will face significant funding shortfall and will not be deliverable in time to meet current affordable housing provision targets.
- Forder Valley Interchange – Scheme will face significant funding shortfall and may not be deliverable due to inability to leverage other funding.

3. RECOMMENDATION

Proposed changes to the Community Infrastructure Levy 123 list are approved so that informal consultation (web-based) can go ahead. The consultation document is appended.

Appendix I: Regulation 123 List Change Consultation document**Plymouth City Council Community Infrastructure Levy (CIL)****Amendment to Regulation 123 List (Infrastructure to be funded by CIL) – December 2017****Explanatory note***What is the Regulation 123 List?*

The Regulation 123 List sets out the types of infrastructure that may be funded by CIL in the City.

The main purpose of the list is to provide transparency around what the Council intends to fund through CIL and what site specific infrastructure Section 106 contributions will continue to be used for.

The intention is to ensure that there is no duplication in the use of both CIL and Section 106 for the same project.

Why is it being updated?

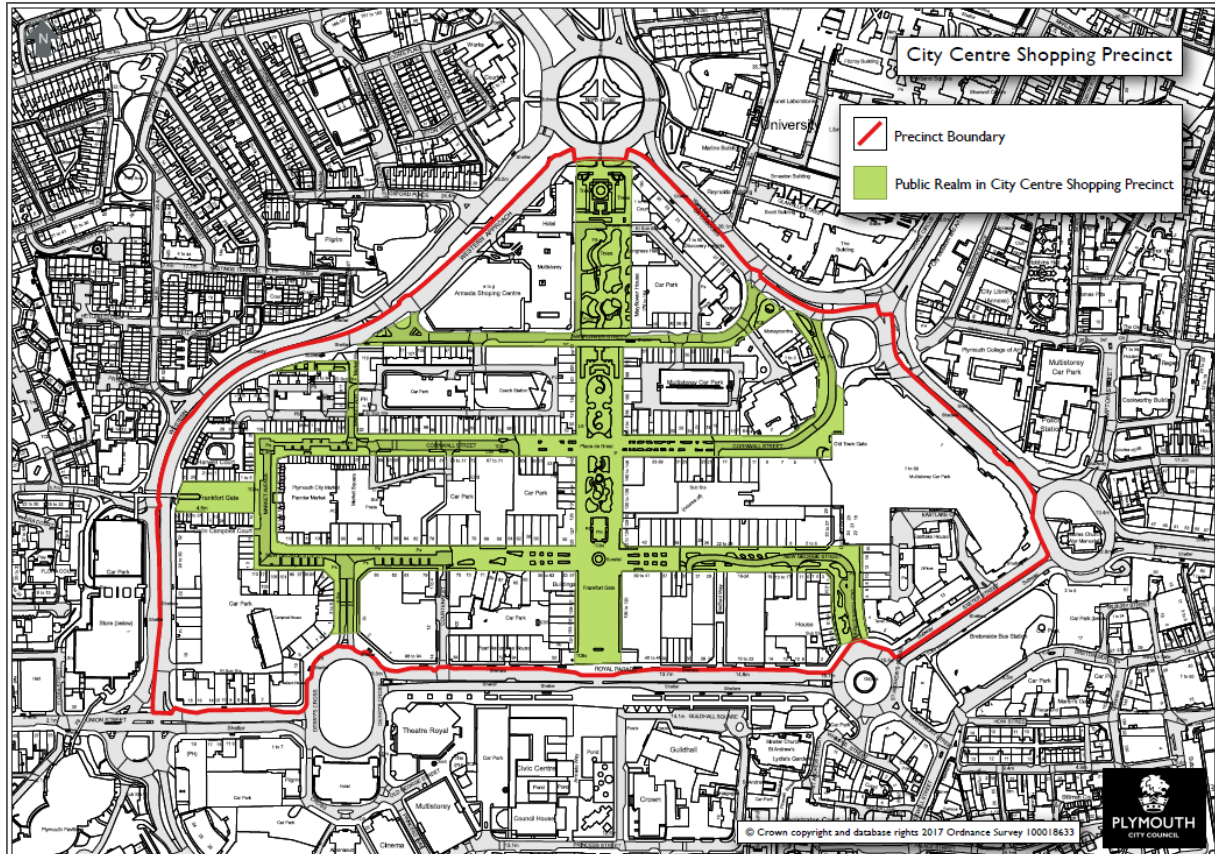
It is considered, as originally drafted, that the Regulation 123 List requires some minor amendment to update and clarify what infrastructure may be eligible for CIL funding.

Planning Practice Guidance (PPG) allows the Council to amend the Regulation 123 list without the need to necessarily go through a formal review of the CIL Charging Schedule. The Council is therefore inviting views on the proposed changes to the wording of the Regulation 123 list.

The proposed amendments to the text are outlined below (unchanged text is bold, new text is in **bold and underlined**, deleted text is scored through):

Infrastructure currently considered likely to benefit from the application of CIL funding:

Public realm improvements in the City Centre Shopping Precinct (see map below):



Projects to mitigate the impacts arising from increase recreational use of the European Marine Site.

Central Library.

North Prospect Community Infrastructure:

- (i) Open space improvements (Cookworthy Green; Titchy Park; new open spaces);**
- (ii) Public realm and environmental improvements to streets;**
- (iii) Transport related improvements – parking, traffic calming, access;**
- (iv) Sewerage, drainage and flood prevention infrastructure.**

Forder Valley Interchange