

**CHICHESTER COMMUNITY INFRASTRUCTURE LEVY  
CHARGING SCHEDULE EXAMINATION**

**GENERAL ISSUES**

***Reg 123 List and S106 contributions***

***12. Does the draft Reg 123 list at Annexe B to the Draft Charging Schedule provide sufficient clarity on future infrastructure to be funded by CIL or secured through S106/S278 agreements to avoid ‘double-dipping’?***

Response

12.1. Yes, the Charging Authority believes that its Regulation 123 list makes it clear that the CIL items do not apply to any site specific requirements. Where site specific requirements are known, these are highlighted in the exclusions list and are to be funded through S106 or S278 obligations.

***13. Does the Reg 123 list comply with national policy in the Planning Practice Guidance in regard to the relationship between CIL and S106/S278 agreements?***

Response

13.1. Yes, the Council on introducing the levy will scale back S106 requirements to those matters that are directly related to a specific site, and are excluded from the Council’s Regulation 123 list. The table in paragraph 2.5 of the draft Planning Obligations and Affordable Housing SPD (CIL-07) sets out how the various mechanisms will be used. The Council intends to implement both the SPD and CIL Charging Schedule at the same time.

13.2. The Council intends that planning obligations will be used to mitigate the impact of a development which is not covered by the CIL, and which would otherwise make the development unacceptable in planning terms. S106 is restricted to the pooling from no more than 5 obligations for any particular infrastructure project. The exceptions to this are affordable housing, and s278 contributions in respect of the Strategic Road Network (A27) drawn up by Highways England (formerly the Highways Agency) (or any subsequent body on behalf of the Secretary of State for Transport) where there is no restriction on the number of contributions that can be pooled.

13.3. Unlike s106 planning obligations, CIL receipts may be pooled into one fund which can be used for infrastructure needed to support the cumulative impacts of new development across Chichester’s Local Plan area. Planning obligations will not be used to fund an item that is locally intended to be funded by CIL.

13.4 The first column in the table below shows what types of infrastructure are currently being provided through S106. The second column shows the funding mechanism after the introduction of CIL, and the third column provides further clarification.

<b>S106/S278 (before introduction of CIL)</b>	<b>S106/S278 (after introduction of CIL)</b>	<b>CIL</b>
40% Affordable Housing	30% Affordable Housing	-
Community Facilities On-site or financial contribution in accordance with size triggers	On-site provision	CIL for infrastructure to address cumulative growth of area (excluding any on-site mitigation requirements)
Open Space On-site including allotments, equipped children's play areas.	On-site provision	CIL for infrastructure to address cumulative growth of area (excluding any on-site mitigation requirements)
Ecological Mitigation On-site or alternative agreed area	On-site mitigation requirements	-
Leisure On-site including sports pitches	On-site provision	CIL for infrastructure to address cumulative growth of area (excluding any on-site mitigation requirements)
Habitat Regulations Recreational Disturbance Financial contributions and/sometimes additional on-site requirements	Financial contribution and sometimes on-site mitigation requirements	-
Public Art provision on-site	-	CIL but only if part of public realm infrastructure to address cumulative growth of area
CCTV on-site	On-site provision	-
Primary Health Care Financial contribution	-	CIL for infrastructure to address cumulative growth of area. May be suitable for CIL PIK
Transport A27 Financial contribution	Site specific mitigation requirements Pooling does not apply to S278	-
WSCC Highways Site specific mitigation and/or financial contribution towards local road network, smarter choices, public transport, pedestrian infrastructure and cycle infrastructure.	Site specific mitigation	CIL for infrastructure to address cumulative growth of area.
WSCC Education Financial contributions	On-site provision – only applies to Primary School provision on West of Chichester SDL and Tangmere SDL	CIL for infrastructure to address cumulative growth of area, with exception of primary school provision on West of Chichester SDL and Tangmere SDL. Secondary school may be suitable for CIL PIK

WSCC Civic Amenity	Not currently being sought	-
WSCC Libraries Financial contribution	-	CIL for infrastructure to address cumulative growth of area.
Police Financial contribution	-	CIL for infrastructure to address cumulative growth of area
Fire Service Financial contribution	-	CIL for infrastructure to address cumulative growth of area

13.5. The table shows that a number of costly items currently provided through S106, will be funded from the CIL in the future.