

Draft Guildford Borough Infrastructure / Regulation 123 list

This infrastructure / regulation 123 list is a list of types of infrastructure or specific infrastructure projects that we may fund (in whole or part), through the levy.

The inclusion of a project or type of infrastructure on the list does not signify a commitment from the Council to fund from the levy (either in whole or part) the listed project or type of infrastructure.

To ensure that there is no duplication between CIL and infrastructure secured through planning obligations, we may not accept a planning obligation for any infrastructure included on this regulation 123 list.

The order of the list does not imply any preference or priority.

Our new Local Plan will prioritise our CIL spending to provide Suitable Available Natural Green Space / SANG (Special Protection Area) mitigation. Both the new Local Plan and a revision to the Guildford Planning Contributions SPD 2011 will confirm this prioritisation so that we can show that we are providing effective mitigation of the SPA. In order to comply with our responsibilities under Article 6(3) of the Habitats Directive (Council Directive 92/43/EEC), we will prioritise spending of our CIL receipts on this infrastructure.

We will update this list when needed, including proportionate consultation with interested parties.

Landowners and developers will contribute to infrastructure included in this list by way of CIL payment or with Guildford Borough Council's agreement, by direct infrastructure provision or land for infrastructure equivalent value of infrastructure. Before we submit our CIL proposals for independent examination, we will set out the circumstances in which we will accept payments by way of infrastructure or land in place of CIL payment.

Once the CIL is adopted, use of planning obligations will be scaled back. Our use of planning obligations will be limited to infrastructure needed for development of a specific site, and to requirements that do not fall within the CIL Regulations' definition of infrastructure (including provision of Strategic Access Maintenance and Management for SPA mitigation and affordable housing). This specific infrastructure needed to support individual sites will be set out in the Local Plan's Infrastructure Schedule.

We will continue to secure the following mitigation and policy requirements through planning obligations :

- Site specific infrastructure requirements, including highway works, provision of open space, and other infrastructure and facilities necessary for the development of a specific site (that would not result in pooling of at least five such planning obligations),

- Strategic Access Maintenance and Management (SAMM) for the European-designated Special Protection Areas – which is not classed as infrastructure,
- Affordable housing – which is not classed as infrastructure.

These will be subject to the three statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). A planning obligation can only be taken into account when determining a planning application for development, or any part of a development, if the obligation meets all of the following tests –

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

Infrastructure type or project to be funded by CIL	Infrastructure excluded from Guildford’s Reg 123 list To be delivered by planning obligations
<p>Provision and ongoing maintenance in perpetuity of Suitable Accessible Natural Greenspace (SANGS), as part of Thames Basin Heaths Special Protection Area Avoidance and Mitigation Measures.</p>	<p>Strategic Access Management and Monitoring (SAMM).</p> <p>These costs associated with the mitigation measures are not deemed to be infrastructure and will be secured via separate legal agreements.</p>
<p>Transport</p> <p>Interventions which provide new transport infrastructure or services and/or improve the quality and/or capacity of transport infrastructure or services which form or will form part of the following transport/movement networks:</p> <ul style="list-style-type: none"> • Strategic Road Network • Local Road Network • Rail network • Bus services and infrastructure • Park and Ride services and infrastructure • Coach infrastructure • Cycling and walking networks • Sustainable movement corridor, except sections linking to potential strategic sites • Public off-street car parks 	<p>All other site specific transport and highways improvements identified in the next local plan Infrastructure Schedule and/or site specific transport / highways impact assessments, agreed by Guildford Borough Council with relevant partners.</p> <p>Travel demand management interventions</p>
<p>Education</p> <p>School expansion schemes and new schools</p>	<p>New primary school on strategic local plan</p>

	allocated sites to meet the needs of a specific strategic development site
Surface water and river flood risk mitigation measures	Improvements required as a direct result of a single development.
Provision of and improvement to open space, including children's play areas	New open space and improvements which are directly related to a development.
Indoor and outdoor sport and recreation facilities	New facilities and improvements which are directly related to a development.
Environmental and public realm improvements	Improvements required as a direct result of a single development
Community facilities including community halls and libraries	Improvements required as a direct result of a single development.
Waste collection and recycling facilities and management	Improvements required as a direct result of a single development.
Environmental improvements to waterways, including the Wey and Arun Canal, the River Wey, Basingstoke Navigation	Improvements which are directly related to a development.
Health service facilities	Improvements required as a direct result of a single development.
Fire service facilities	Improvements required as a direct result of a single development.
CCTV security cameras and police service facilities	Improvements required as a direct result of a single development.
Public Art	Public art on development sites