



Lichfield District Council
Community Infrastructure Levy
Regulation 123 List

Effective from 22nd February 2017

What is the Community Infrastructure Levy?

The Community Infrastructure Levy (CIL) is a charge on development, calculated on a £ per square metre (sq.m) basis of development. CIL is intended to be used to help fund infrastructure to support the development of an area rather than making an individual planning application acceptable in planning terms, which is the purpose of Section 106 Agreements. CIL does not fully replace Section 106 Agreements. For more information you can also:

- Visit the Council's CIL web pages: www.lichfielddc.gov.uk/CIL
- Read the CIL Planning Policy Guidance (PPG): <http://planningguidance.communities.gov.uk/blog/guidance/community-infrastructure-levy/>
- Email: CIL@lichfielddc.gov.uk
- Call Lichfield's Planning enquiry line: 01543 308174
- Visit the [Planning Portal](#).
- Lichfield District Council's Planning Obligations Supplementary Planning Document

What is this document?

CIL income from new development can be spent on anything that constitutes "infrastructure" as defined by Regulation 216 of the 2008 Planning Act and the CIL Regulations 2010 (as amended). This includes but is not limited to: roads and other transport facilities, flood defences, schools and other educational facilities, medical facilities, sporting and recreational facilities, and open spaces. Regulation 123 of the CIL Regulations 2010 (as amended) sets out the need for local authorities to produce a list of "relevant infrastructure" which will be funded in whole or part by the CIL.

The Community Infrastructure Regulations 2010 (as amended) restricts the use of planning obligations secured through S106 agreements for infrastructure that will be funded in whole or in part by the Community Infrastructure Levy. This is to ensure there is no duplication between CIL and planning obligations in funding the same infrastructure projects. In addition, a development should not have to contribute twice towards the same piece of highways infrastructure through works carried out under Section 278 of the Highways Act 1980, and monies or land provided through CIL. The CIL Regulations 2010 (as amended) prescribe that a condition must not be imposed on the grant of planning permission to require a highway agreement for the funding or provision of infrastructure that is included on the Regulation 123 list, nor must a planning condition be used that prevents or restricts the carrying out of development (sometimes referred to as a 'Grampian condition') until a highway agreement has been entered into which is also included on the Regulation 123 list of infrastructure.

The relationship between CIL and planning obligations is explained in the Planning Practice Guidance¹ where it notes that it is possible that site specific mitigation may still be necessary subject to certain limits, namely:

¹ Paragraphs 93 to 107; Reference ID:25-093-20140612 to Reference ID: 25-107-20140612

- The application of the statutory test with respect to planning obligations (Regulation 122);
- Ensuring no overlap between CIL and planning obligations as noted above; and
- Imposing a limit on pooled contributions from planning obligations towards infrastructure that may be funded by the levy.

The list below sets out those infrastructure projects that Lichfield District Council currently intends may be wholly or partly funded by CIL, together with clarification notes and S106 requirements. The order in the table does not imply any order of preference for spend, it just signifies projects that will be considered by the council in its decision as to what might receive CIL funding. This list will be updated on a regular basis, taking into account the Council's Infrastructure Delivery Plan (IDP) and any changes to the CIL regulations.

Transport	
Infrastructure to be funded in whole or in part by CIL	Notes
<p>Completion of the Lichfield Southern Bypass via provision of new underbridge section.</p>	<ul style="list-style-type: none"> • Section from east of new bridge structure to London Road to be delivered by developer as part of site access road layout. • New underbridge section will be funded by existing s106 and possible Local Growth Fund. • Section to west of new bridge to be delivered on land currently owned by developers.
<p>Improvements to the Strategic Highway Network as identified by the Highways England at:</p> <ul style="list-style-type: none"> • Muckley Corner • Swinfen • Further junction improvements and safer access to A38 (Hilliards Cross and Fradley South) 	<p>CIL funds may be used to form part of package for Local Enterprise Partnership (LEP) bids.</p>
<p>Transport improvement scheme from the integrated Transport Strategy for Lichfield:</p> <p>Lichfield City Centre Transport Package including:</p> <ul style="list-style-type: none"> • Bus network improvements • Cycle and walking routes within the City • Electric Charging Points • Delivery of a traffic directional signage scheme. • Designated Coach Parking area • Real Time Passenger Information, including signage to car parks <p>East Lichfield Local Transport Package (including Fradley) including:</p>	<p>Delivery of other schemes/projects within the District Integrated Transport Strategy not listed will continue to be delivered via S106 and/or Planning Condition where appropriate'.</p>

- HGV routing and parking arrangements in Fradley

Burntwood Transport Package including:

- Cannock Road – public realm enhancements and access modifications
- Improved walking and cycling links from southern to northern Burntwood
- Bus access and service improvements linking to Cannock and Lichfield
- Burntwood Bus interchange

District wide measures including

- A5 (T) and A38 (T)
- Route signage Lichfield to Tamworth

Education	
Infrastructure to be funded in whole or in part by CIL	Notes
<p>Primary Education</p> <p>Primary School provision to deliver the Local Plan Strategy will be generated through S106 agreements apart from the following projects that may benefit from CIL funds:</p> <ul style="list-style-type: none"> • A 105 place expansion of Hob Hill Primary School, Rugeley to increase the school from 210 to 315 places • A 77 place expansion of All Saint's Alrewas Primary School to increase the school from 238 places to 315 places 	<p>S106 agreements will be required to secure the provision of primary education facilities to mitigate the need generated by site specific developments, and growth within the Strategic Development Allocations (SDAs) identified in the Lichfield District Local Plan as:</p> <ul style="list-style-type: none"> • South of Lichfield • Deans Slade Farm • Cricket Lane • East of Lichfield (Streethay) • Fradley • East of Burntwood Bypass • East of Rugeley • North of Tamworth (BDL)
<p>Secondary Education</p> <p>Delivery of Five Forms of Entry of additional secondary education facilities through:</p> <ul style="list-style-type: none"> • Expansion to Nether Stowe School • Expansion to The Friary School • Expansion to King Edward VI School 	<p>CIL provides for the required secondary pupil places for the growth in housing in Lichfield City and its immediate environs. Housing development elsewhere in the District which does not feed into the three Lichfield City secondary schools will where necessary contribute via S106 to projects at other schools to provide places to mitigate their developments' impact.</p>

Open Spaces, Sporting and Recreational Facilities

Infrastructure to be funded in whole or in part by CIL

Notes

Open Space

Improvements to open space provision, including play provision for key sites, in line with the Open Space Assessment.

S106 agreements will be required to secure the on-site provision and maintenance of recreation and open space needs generated by growth within the Strategic Development Allocations (SDAs) and the North of Tamworth Broad Development Location identified in the Lichfield District Local Plan as:

- South of Lichfield
- Deans Slade Farm
- Cricket Lane
- East of Lichfield (Streethay)
- Fradley
- East of Burntwood Bypass
- East of Rugeley
- North of Tamworth Broad Development Location

Indoor Sports

CIL funds may be spent on improving indoor sports provision to serve Lichfield City and its hinterland as set out in the Swimming Pool and Sports Hall Feasibility Study 2013.

No specific elements for indoor sports provision have been identified for new S106 funding.

Playing Pitches

CIL funds may be spent on improving playing pitch provision in line with the deficiencies identified in the Playing Pitch, Tennis and Bowls Strategy.

S106 agreements will be required to secure the on-site provision and maintenance of playing pitch provision for the following SDAs and the North of Tamworth Broad Development Location identified in the Lichfield District Local Plan as:

- South of Lichfield
- Deans Slade Farm
- Cricket Lane
- East of Lichfield (Streethay)
- Fradley
- East of Burntwood Bypass
- East of Rugeley
- North of Tamworth Broad Development Location

Environment and Biodiversity

Infrastructure to be funded in whole or in part by CIL

Notes

Environment and Biodiversity

CIL funds may be spent on improving the public realm, landscapes and habitats; and improving access to green space, to include:

- Chasewater Country Park improvements.
- Central Rivers Initiative projects.
- Improvements to the canal network to improve Green Infrastructure Links.
- Local Nature Reserves.
- Woodland and hedgerow projects.

Except on sites identified as biodiversity offsetting recipient sites.

Infrastructure works relating to the restoration of the Lichfield Canal will potentially benefit from CIL funds, *apart from works required in relation to any on-site provision by the developers connected to the three SDAs in the vicinity of the canal: South of Lichfield, Deans Slade Farm, Cricket Lane.*

S106 agreements will be required to fund biodiversity offsetting measures where appropriate and as outlined in Local Plan Strategy 2008-2029 Policy NR3 and expanded upon within the Biodiversity and Development SPD.

Section 106 agreements will be required where appropriate to secure infrastructure works relating to the restoration of the Lichfield Canal for the three SDAs in the vicinity of the canal: South of Lichfield, Deans Slade Farm, Cricket Lane.

Cannock Chase Special Area of Conservation

CIL funds may be spent on measures for preventing harm to the Cannock Chase Special Area of Conservation (CCSAC) agreed by the Cannock Chase SAC partnership i.e. the Strategic Access Management and Monitoring Measures (SAMMM) *apart from works required in relation to interpretation panels and waymarking as identified in the SAMMM.*

S106 agreements will be required for the Strategic Development Allocations (SDAs) to secure the provision of bespoke mitigation measures in relation to the Cannock Chase Special Area of Conservation other than the mitigation contained within the SAMMM.

To satisfy Habitats Regulations and prevent harm to the Cannock Chase SAC, contributions via S106 agreements/unilateral undertakings will be required towards works required in relation to interpretation panels and waymarking as identified in the SAMMM by all new net dwellings which are not liable to, or exempt from CIL charges within the 0-8km Zone of Influence.

Other Infrastructure	
Infrastructure to be funded in whole or in part by CIL	Notes
<p>Flood Mitigation General measures may benefit from CIL funds.</p>	<p>Site specific SUDS and offsite flood mitigation measures where they are required directly as a result of the development will be secured through planning conditions or S106 agreements.</p>
<p>Health facilities CIL funds may be used where evidence is provided that there is no local capacity and expansion of services is required to support growth across the district.</p>	<p>S106 agreements will be required for the Strategic Development Allocations (SDAs) to secure the provision of health care as identified in the Local Plan Strategy concept statements.</p>
<p>Social and community facilities will benefit from the local slice of CIL funds (15-25%) raised within their area. These funds can be distributed by Parish Councils and any neighbourhood planning forums that emerge, in line with evidence of local need.</p>	<p>S106 agreements will be required for the Strategic Development Allocations (SDAs) to secure the provision of community centres/hubs as identified in the Local Plan concept statements.</p>
<p>Low Carbon Initiatives / Carbon Investment Fund CIL funds may be used to support the delivery of Local Plan policy SC1 which states: The District Council is developing a Carbon Community Fund (CCF) which will support the achievement of carbon targets through financial contributions.</p>	