

South Lakeland Community Infrastructure Levy

Regulation 123 List

The Community Infrastructure Levy Regulations 2010 (as amended) restrict the use of planning obligations where there have been five or more obligations in respect of a specific infrastructure project or type of infrastructure entered into on or after 6 April 2010. The regulations (paragraph 123) provide for a charging authority to set out a list of projects or types of infrastructure that the levy is intended to fund, and this is referred to as the 'regulation 123 list'. The Reg 123 List was approved by the District Council on 20 May 2015, with effect from 1 June 2015.

The purpose of this Regulation 123 list is to ensure clarity on what CIL might be spent on and that there is no duplication ('double dipping') between CIL and s106 agreements in funding the same infrastructure projects.

The table below details the infrastructure projects that South Lakeland District Council intends to be funded or part funded by monies raised through the Community Infrastructure Levy, and is drawn from the information detailed in the draft Infrastructure Delivery Plan Update August 2014 (Appendix 1 Infrastructure Schedule) and summarised in the Infrastructure Projects List (IPL).

The publication of a Regulation 123 list does not signify a commitment from the council to fund all the projects listed, or the entirety of any one project through CIL – it just signifies projects that will be considered by the council in its decision as to what might receive CIL funding.

Further updates to this list may take place, as a result of updates to the Infrastructure Delivery Plan and any changes to the CIL Regulations.

Infrastructure projects to be wholly or part-funded by CIL
A package of junction and sustainable transport improvements in Kendal as identified in the Kendal Highways Improvements Study, September 2012 (listed in the Infrastructure Project List)
Primary School Places in Kendal and Ulverston, and Secondary School Places in Kendal, Ulverston and Cartmel (<i>presently excluding the specific requirements of the Kendal "Broad Locations" and Kendal Canal Head sites</i>) (For clarity, in the areas defined by red shading in the maps labelled Areas A, B, C, D and E S106 agreements should not be sought for the provision of school places in the phase of education specified within the individual maps)
Highways infrastructure (provision of necessary access arrangements) to support delivery of significant employment allocations at the following sites: <ul style="list-style-type: none">Highway access from the A6 to land at Scroggs Wood Milnthorpe Road, Kendal

<ul style="list-style-type: none"> • Highway access from the A65 to Land East of Burton Road, Kendal • Highway access from the A590 to land at Lightburn Road, Ulverston • Highway access improvements from the strategic road network to land adjacent to Mainline Business Park, Milnthorpe • Highway access from Gatebeck Lane to Land North of Gatebeck Lane, Endmoor • Highway access improvements from A590 to land at Ulverston Canal Head Ulverston and Ulverston Canal Head Business Park employment area.
Health Centre in Kendal (medical and dental)
Regeneration including Public Realm/Environmental/Historic Environment Projects which are not directly related to a development
<p>Open Space Improvements to strategic publicly accessible areas at following locations:</p> <ul style="list-style-type: none"> • Lightburn Park Ulverston, • Abbott Hall Park, Castle Hill, Bowling Fell and Nobles Rest, Kendal • 3 P's in Grange Over Sands – Promenade, Park Road Gardens and Ornamental Gardens
Strategic Green Infrastructure e.g. green corridor improvements for example Lancaster Canal Multi-functional trail which are not directly related to a development.
Community, cultural and leisure facilities which are not directly related to a development.
<p>The following highway and transport infrastructure schemes with strategic benefits</p> <ul style="list-style-type: none"> • Arnside Viaduct Cycle / Pedestrian Link • Grange to Lindale footway link • Car sharing lay-bys at various locations including the A6 and A65

Other sources of payment – S106 agreements and S278 agreements

Payment of CIL does not remove the need for S278 agreements, as S278s are not planning obligations. A S278 Agreement (under Section 278 of the Highways Act 1980) is made between a developer and a Highways Authority to enable works to be carried out on the public highway to facilitate development. The need to enter into a S278 usually arises as a result of a planning application and will be a condition of the planning consent. Examples of works delivered through a S278 agreement include construction of a new access junction, improvement of an existing junction or safety related works. Authorities can use monies from both sources to fund improvements to the highway network.

S278 agreements for the measures specified above will not be the subject of the highways schemes associated with the Employment site allocations as identified in the Draft Regulation 123.

For avoidance of doubt, Section 106 Agreements will be used to secure the delivery of –

- Affordable housing.

- New open space provision associated with site specific requirements.
- Off-site open space improvements to play areas and other public open space on sites not listed in the regulation 123 list.(may be up to 5 pooled contributions)
- Specific on-site and off-site mitigation measures necessary in order to make the site acceptable (*highways works will be secured through S278 Agreements and S106 agreements including where appropriate the provision of pedestrian/cycle/public transport links from the site*).
- Primary and Secondary School places for schools located in the settlements not listed in the regulation 123 list where there is a need to provide extra capacity.(up to 5 pooled contributions)
- Flood Risk mitigation measures necessary in order to make the site acceptable
- On-site formal and informal open space (including play areas and allotments)
- On site- landscaping, habitat and ecological protection.

APPENDIX

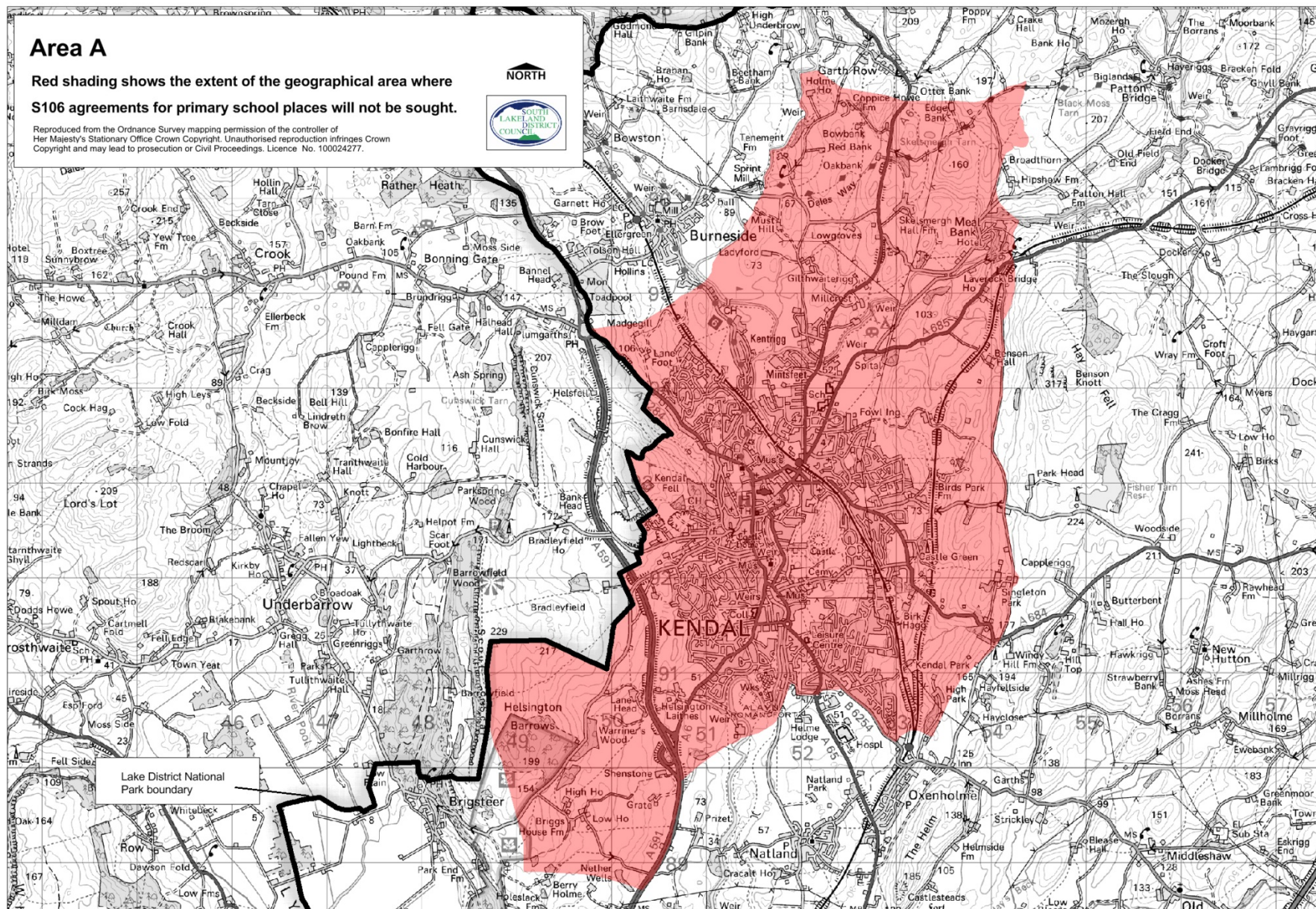
Maps labelled (Areas A, B, C, D and E) showing the extent of geographical areas where S106 agreements should not be sought for the provision of school places in the phase of education specified within the individual maps.

Area A

Red shading shows the extent of the geographical area where
S106 agreements for primary school places will not be sought.

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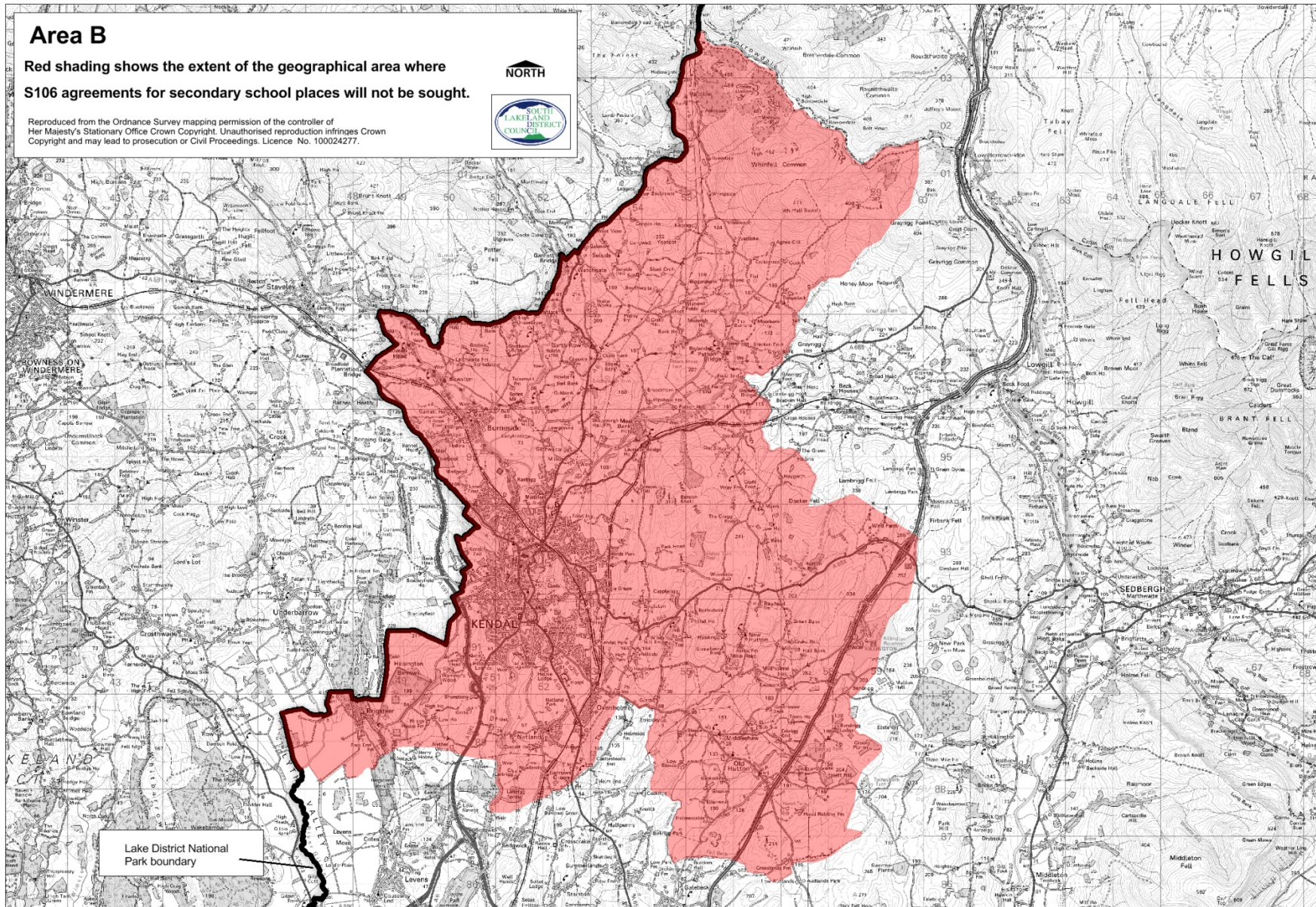
NORTH

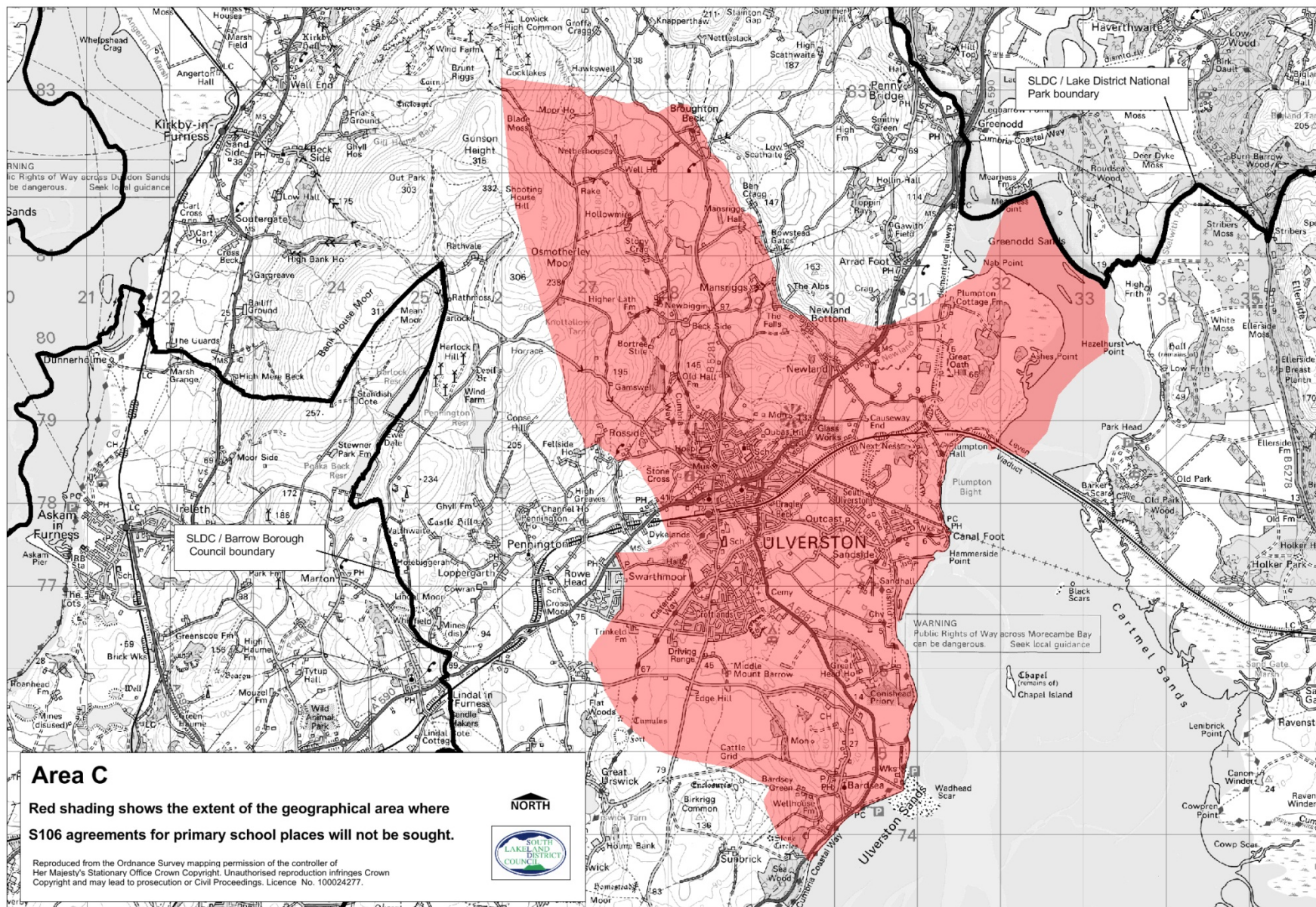


Area B

Red shading shows the extent of the geographical area where
S106 agreements for secondary school places will not be sought.

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Area D

Red shading shows the extent of the geographical area where S106 agreements for secondary school places will not be sought.

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NORTH



Lake District National Park boundary

