



Community Infrastructure Levy (CIL) Regulation 123 List

April 2015



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

Section 223, Planning Act 2008 (as amended)
Regulation 123, CIL Regulations 2010 (as amended)

In accordance with Regulation 123 of the CIL Regulations 2010, as amended, the following table contains a list of the types of infrastructure (an 'infrastructure list') that the Council intends, will be, or may be, wholly or partially funded by CIL.

The list will take effect from 6 April 2015.

Column A: R123 List

The Council intends that it will or may spend CIL on part or all of the cost of provision, improvement, replacement, operation or maintenance of the following infrastructure, as listed in Column A, to support development in the Borough. The list is alphabetical by category. Inclusion of items in the R123 List does not imply priority, or that the Council will spend CIL on every item, or not spend CIL on other unlisted items.

There are a number of exceptions to the R123 List where the Council intends to negotiate S106s/S268s/on-site provision for infrastructure as defined in the Planning Act 2008. In general, this is where that infrastructure is required to make a specific development proposal acceptable, subject to the 'S106 tests' and pooling requirements.

Column B: Exceptions from the R123 List

When CIL is brought into effect in the Borough, the Council still intends to negotiate S106s/S278s/on-site provision where the 'S106s' tests and pooling requirements are met. Such S106s could include provision for affordable housing, infrastructure not included within the R123 List, infrastructure items specifically excluded from the R123 List, and other purposes (which may or may not be defined as infrastructure). Column B lists examples of items that could typically be the subject of S106s/S278s/on-site provision. The list is not exclusive and obligations or agreements may be sought for other purposes that are appropriate to particular sites.

The items listed in Column B may also be funded by Neighbourhood CIL (NCIL) as appropriate. NCIL can be spent on infrastructure or anything else that is concerned with addressing the demands that development places on an area. NCIL projects do not have to be identified in the R123 List for the Council to spend CIL receipts on them.

Category	Column A R123 List	Column B Exceptions from the R123 List i.e. draft list of provisions to be made by means of S106s/S278s/on-site provision (or possibly NCIL)
A Affordable Housing		Affordable Housing*
B Education	Education	
C Community Facilities	<ul style="list-style-type: none"> • Health • Libraries • Sport & Leisure • Community Facilities • Policing Resources & Emergency Services • Revenue Contributions • Cultural Facilities 	
D Public Realm	<ul style="list-style-type: none"> • Parks & Open Space • Streetscape • Community Safety • Revenue Payments 	Public Art
E Transport	<ul style="list-style-type: none"> • Public Transport • Highways & Traffic Works 	<ul style="list-style-type: none"> • On-site provision of new or enhanced access from the highway or public transport facilities to a development site (S106/S278) • Highway measures necessary to directly mitigate the impact of particular development proposals (S106/S278) • Changes to, or introduction of, local traffic management or controlled parking (S106/S278) • Removal, relocation or replacement of street furniture, dropped kerbs, crossovers, street trees (S106/S278) • Revenue 'pump priming' of new/extended local bus routes/services and/or increased service frequencies** • Parking Restrictions • Travel Plans & Car Clubs
F Natural Resource Management	<ul style="list-style-type: none"> • Flood Risk • Air Quality • Waste • Biodiversity 	<ul style="list-style-type: none"> • Energy Efficiency • Renewable Energy
G Employment & Training		<ul style="list-style-type: none"> • Local Training In Construction • General Employment & Training Contributions • Securing Employment Premises • Town Centres, Regeneration & Affordable Shops
Monitoring & Programme Costs	****	Monitoring & Programme Costs
Exceptions from the R123 List for which provision will be made by S106s/S278s/on-site provision		
<ol style="list-style-type: none"> 1. An item of infrastructure (or the improvement, replacement, operation or maintenance of any infrastructure) that is <u>specifically required to make a development acceptable</u>, subject to the 'S106 tests' and the pooling restrictions, including the below requirements 2. <u>On-site</u> provision of infrastructure required in accordance with the Development Plan 3. For development in the <u>Earl's Court and West Kensington Opportunity Area / Earl's Court Strategic Site</u> and/or the <u>Kensal Gasworks Strategic Site / Kensal Canalside Opportunity Area</u>, any infrastructure from all Categories required in accordance with the Development Plan (such as infrastructure specified in SPDs or the IDP) 4. For <u>commercial floorspace subject to zero Borough CIL rates</u>, any infrastructure from all Categories (except A Affordable Housing and B Education) required in accordance with the Development Plan (such as infrastructure specified in SPDs or the IDP) 		

* CIL may not be spent on affordable housing (NPPG071)

** CIL cannot be spent on bus services as such services, by definition, are likely to be considered as 'services' rather than 'infrastructure'. Other E1 Public Transport projects, are, however, likely to be considered as 'infrastructure', such as bus stop facilities, stations etc.

*** The Council may spend CIL on administrative expenses incurred by it in connection with CIL in accordance with CIL Regulation 61, but this does not need to be specified on the R123 List

Further information is available at www.rbkc.gov.uk/cil