

Melton Borough Council
Infrastructure Delivery Plan
Regulation 123 List

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This report takes into account the particular instructions and requirements of our client.










It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.













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1 Regulation 123 List

1.1 Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is a charge on development calculated on a £per square metre (sqm) 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 income from new development can be spent on anything that constitutes “infrastructure” as defined by Regulation 216 of the 2008 Planning Act and 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 in part by the CIL.

The Community Infrastructure Regulations (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 that 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 Act 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 Guidance where it notes that it is possible that site specific mitigation may still be necessary subject to certain limits namely:

- 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.

1.2 Melton Borough Council Regulation 123 List

The list below sets out the infrastructure projects that Melton Borough Council currently intends may be wholly or partly funded by CIL, together with exclusions. 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 and accompanying programme and any changes to the CIL regulations.

Infrastructure Type or Project	Exclusions
<i>Physical Infrastructure</i>	
<p><u>Transport</u> The following borough wide/strategic transport improvements:</p> <ul style="list-style-type: none"> • Melton Mowbray Eastern Distributor Road • Accessibility improvements at Melton Mowbray Railway Station 	<p>All other site specific transport and highways improvements as identified in a site specific assessment particularly:</p> <ul style="list-style-type: none"> • Northern distributor road serving the Northern Sustainable Neighbourhood. • Southern distributor road serving the Southern Sustainable Neighbourhood.
<p><u>Waste Management</u> Municipal public household waste and recycling facility Waste Transfer Station</p>	<p>Other site specific waste management improvements as identified in a site specific assessment.</p>
<i>Social Infrastructure</i>	
<p><u>Leisure, sport and open space</u></p> <ul style="list-style-type: none"> • Melton Leisure Vision and Sports Village, King Edward VII Community Sports Centre • Sports Pavilion, Melton Country Park 	
<p><u>Community facilities</u></p> <ul style="list-style-type: none"> • Extension to Melton Mowbray cemetery 	