

**COUNCIL**  
**21 JANUARY 2015:**

**MID DEVON COMMUNITY INFRASTRUCTURE LEVY  
DRAFT CHARGING SCHEDULE, AMENDMENTS TO LOCAL PLAN REVIEW  
POLICIES AND NEW DATES FOR THE CONSULTATION PERIOD**

**Cabinet Member** Cllr Richard Chesterton  
**Responsible Officer** Head of Planning and Regeneration

**Reason for Report:** to consider the Draft Community Infrastructure Levy (CIL) and associated policies, and to make changes to the Local Plan Review resulting from amendments to CIL, and to change the dates for the consultation period.

**RECOMMENDATIONS:**

- a) That the Draft Community Infrastructure Levy Charging Schedule, attached as Appendix 1 to this report, is approved for consultation;
- b) That, after the consultation, the Draft Community Infrastructure Levy Charging Schedule is submitted to the Planning Inspectorate for examination;
- c) That the Draft Infrastructure Plan, Draft Regulation 123 List and Draft policy on the use of Section 106 are published for consultation and then submitted with the Draft Charging Schedule; and
- d) That approval to make minor changes to these documents is given to the Head of Planning and Regeneration, in consultation with the Cabinet member for Planning; and
- e) That the relevant policies of the Local Plan Review are amended to incorporate the proposed changes to affordable housing percentages and Community Infrastructure Levy; and
- f) That the Local Plan Review and Community Infrastructure Levy consultation periods be amended to 9<sup>th</sup> February – 30<sup>th</sup> March 2015.

**Relationship to Corporate Plan:** The Community Infrastructure Levy (CIL) provides the opportunity to fund infrastructure within the district in a new way, allowing for the significant limitations on the use of Section 106 planning obligations which were introduced in 29 November 2014 and the further limitations which will come in at April 2015. The provision of infrastructure will underpin a number of the corporate plan objectives. The Local Plan is the prime mechanism for the Council to achieve the Corporate Plan objectives of delivering a Thriving Economy, Better Homes, Empowering our Communities and Caring for the Environment.

**Financial Implications:** On 29 November 2014 the Government introduced limitations on the use of Section 106 for affordable housing and infrastructure provision on small sites, effectively ensuring that sites of 10 dwellings or less (5 dwellings or less in rural locations) will not provide affordable housing or make financial contributions to the wider infrastructure needs in the area. Further limitations will be introduced in April 2015 which will prevent “pooling” of more than 5 s106 payments towards one infrastructure project, or one general fund to provide a particular type of infrastructure. It is therefore clear that meeting

infrastructure needs arising from development will require the introduction of Community Infrastructure Levy. CIL is a fixed charge for development which can be used flexibly by the local planning authority to support infrastructure provision across the area. In total it is forecast that the introduction of CIL at the rates recommended will produce an income of over £6-7m across the remaining period of the local plan. The Council is permitted to charge CIL administration costs to the CIL income, up to a maximum of 5% of the income received. The financial implications of the Local Plan are reflected in existing budgets.

**Legal Implications:** Before CIL is adopted there is a process of consultation and independent examination, very similar in nature to the Local Plan process.

**Risk Assessment:** The key risk is that the Council has insufficient evidence to support its proposed CIL rates, and the examiner requires that they be amended. Upon its introduction, the risks relate to the timely provision of infrastructure and the delivery of development, requiring ongoing infrastructure planning on behalf of the Council.

## 1.0 Introduction

- 1.1 This report has been prepared in response to the Council decision of 17 December 2014 not to approve the Community Infrastructure Levy (CIL) Draft Charging Schedule. It is based on the report presented to Cabinet on 11 December 2014 but proposes amendments to CIL, accompanied with additional information and explanation. It also contains information on the impact on the Local Plan Review and subsequent consultation period.
- 1.2 The report reflects the strong officer view that CIL is necessary for the provision of appropriate infrastructure within the district, due to recent and forthcoming changes to the use of Section 106. However, the report also recognises the need to strike a balance between the priorities of raising money for infrastructure funding through CIL, and the need to deliver affordable housing. Both are delivered through the planning system, but are effectively costs on development and therefore have an impact on development viability. They are inter-related factors, and changes to one, have a corresponding impact on the other.
- 1.3 The Council, in introducing CIL, must strike an appropriate balance between the need for infrastructure funding from CIL and the potential effects of CIL on economic viability of development across the area. The need to retain the viability of development is therefore a key issue which the Council must bear in mind when setting CIL rates or affordable housing requirements, and will be at the forefront of any discussions at the CIL examination.
- 1.4 Since the meeting of 17 December 2014 further evidence work has been undertaken to examine the relationship between CIL and affordable housing. In response to the issues raised, an amended CIL Charging Schedule is put forward for consideration. This is informed by evidence provided by the Council's consultants, whose earlier work underpinned the contents of the Preliminary Draft Charging Schedule (i.e. the document issued at the previous stage of consultation which suggested a range of charges). It proposes a reduced rate of CIL for urban areas, compared with that considered at the

meeting of 17 December 2014. The reduced rate enables a proportionate increase in the level of affordable housing provision which can be requested for urban areas. If approved, appropriate amendments would need to be made to the text of the Local Plan Review, to incorporate the latest affordable housing requirements.

- 1.5 The Full Council meeting of 21<sup>st</sup> January 2015 will include a briefing from officers and the viability consultants, which will focus on the purpose of CIL, what it will fund and its relationship with other costs on development, including affordable housing. The viability consultants will set out how they reached their recommendations in regards to the level of CIL and affordable housing which should be levied across the district.

## 2.0 **Strategic Sites**

- 2.1 There are three strategic urban extensions proposed within the Local Plan Review; North West and East Cullompton and Tiverton Eastern Urban Extension. Each of these has very significant infrastructure needs including education, transport and community facilities. The provision and timing in relation to the rate of development can be considered in the preparation of the Local Plan and, in more detail, during the preparation of the masterplans for each one. The use of Section 106 in these circumstances is an effective and flexible tool. In contrast, on such sites, there are some disadvantages to the use of CIL associated with various legal limitations and cash-flow issues for infrastructure providers. Accordingly, it is proposed to confirm the proposals in the preliminary schedule to define these sites as having a £0 rate of CIL for all uses. They are defined as “Zone 1” in the Draft Charging Schedule. It will be important to avoid any problems associated with the “pooling” issue arising from multiple land ownerships in these areas, but this is a factor which can be managed as the sites come forward.

## 3.0 **Residential rates – other sites**

- 3.1 In the following discussion the proposal to charge zero CIL on the strategic sites is assumed to be agreed.
- 3.2 The rate of CIL which can be charged to new dwellings depends in large part on the costs associated with the planning policies to be applied. One, in particular have the major impact; affordable housing provision. It should be noted that affordable dwellings and self-build dwellings are exempt from CIL. The adopted Local Plan includes requirements for 35% affordable housing provision on all sites. The advice from our consultants, given during the preparation of their report, is that this level of policy requirement would not allow the Council to charge any CIL on dwellings, given the costs to developers of the requirements. Furthermore, the evidence of recent negotiations and decisions concerning affordable housing within Mid Devon suggests that the 35% target is not generally being met even without the introduction of CIL.
- 3.3 The consultants recommended a reduction to 25% affordable housing in the towns and 30% in the rural areas to permit CIL to be charged. Removing a requirement for renewable energy would permit a higher rate of CIL to be

charged, while retaining the viability of new dwellings. The following table sets out the consultants' summary of CIL options in relation to various policy requirements. This table formed the basis of the Preliminary Draft Charging Schedule, upon which the Council undertook a consultation in June-July 2014.

Affordable Housing target	CIL Scope dependent on other policy requirements			
	Inclusion of renewable energy requirements as adopted Local Plan	No renewables policy on any site	Sites below government affordable housing threshold	Sites below government affordable housing threshold and no renewables requirement
25% in towns, 30% in rural areas.	£40 per square metre	£60 per square metre	£80 per square metre	£100 per square metre
25% Strategic Sites with high section 106 requirements	£0 per square metre			

- 3.4 The Local Plan policies do not include the provision of renewable energy, since the Government will soon be outlawing such requirements as part of the Housing Standards Review. Accordingly, the £40 per square metre CIL charge was not recommended in the report of 11 December 2014. For information, this would be equivalent to about £3,600 per open market dwelling. Making a number of assumptions about windfall provision, a total CIL income of £6m - £7m over the life of the local plan would arise.
- 3.5 Removing the renewable energy requirements, as proposed in the Local Plan Review, allows an increase in the residential CIL rate to £60 per square metre, about £5,400 per open market dwelling, and a likely income of about £10m. Accordingly the £60 per square metre charge was recommended to you as the "normal" residential charge.
- 3.6 The Preliminary Draft Charging Schedule noted that if the government were to excuse smaller housing developments from making affordable housing contributions and renewable energy policies were removed, then these smaller developments could fund a CIL rate of £100 per square metre (about £9,000 per dwelling). The government has very recently updated its National Planning Practice Guidance to state: *"There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development; contributions should not be sought from developments of 10-units or less...in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less."*

- 3.7 This new policy has been reflected in the Local Plan affordable housing policies approved by Council at its meeting of 17 December 2014 and gives scope to charge a higher CIL rate to such smaller developments without undermining their viability, making a significant contribution towards infrastructure provision. Members should note that self-build and affordable dwellings are exempt from paying CIL and therefore this higher CIL rate will not act to deter them.
- 3.8 It is difficult to make a forecast of the additional CIL income which would be associated with this charge, given it would apply to “windfall” housing developments only. However, assuming that about half of the expected windfalls would fall into this category, then an additional £2m could be achieved compared with a £60 rate. Since this retains viability and would improve infrastructure income, this charge was recommended to you in the draft schedule.
- 3.9 However, in response to concerns regarding the negative impact on affordable housing of levying CIL, further viability modelling has been undertaken. This work, undertaken by running a limited number of additional appraisals, examined the impact on development viability of making small variations to the Local Plan Review affordable housing requirements in order to determine the effect on CIL. The work has focused on the affordable housing rate of 25%, which is included in the Local Plan Review and applies to urban areas. It has been demonstrated that by increasing the affordable housing requirement to 28%, a CIL charge of £40 per square metre can still be levied. Further increases to the affordable housing percentage, for example setting a 30% target would result in over a 50% reduction in CIL revenue for this category and is therefore not recommended given the significant negative impact this would have on funding for infrastructure. Applying a 28% affordable housing target and a £40 CIL rate is likely to result in CIL generating just over £10m across the plan period, as opposed to nearly £12m anticipated with a 25% / £60 rate. Whilst the loss in CIL revenue in theory will be offset by a proportionate increase in affordable housing delivery, it must be borne in mind that affordable housing provision can be negotiated when submitted a planning application. Therefore the Council may not realise the full benefit in extra affordable housing by taking this approach. Nevertheless, the reduced CIL rate of £40 for urban areas is recommended to you given it represents a reasonable balance between prioritising the funding of infrastructure and the need for affordable housing.
- 3.10 No further amendments are proposed to the residential CIL rates set out in the paragraphs above. The recommended charges are all set out in the schedule which can be found in Appendix 1.

#### 4.0 **Other CIL Rates**

- 4.1 No other changes are proposed to the remaining rates proposed in the preliminary charging schedule, which continue to be appropriate and reflect the evidence. The larger retail proposals continue to be viable and a CIL rate of £100 per square metre floorspace would retain viability. Other uses, for example smaller shops and employment development are of uncertain/marginal viability and therefore a zero CIL rate is proposed for these other uses.

4.2 To improve ease of implementation it is proposed to give affordable housing a zero rate of CIL, rather than relying on the fairly complicated regulatory procedure for a housing association to claim “affordable housing CIL relief”. This does not change the outcome that affordable housing will pay no CIL but will help to reduce administrative costs for the Council and for applicants.

## 5.0 Use of Community Infrastructure Levy

5.1 It is a requirement for the preparation of a CIL charging schedule that the Council has carried out appropriate “infrastructure planning”. The Infrastructure Plan, attached at Appendix 4 to this report, sets out the infrastructure requirements in the area, associated with the general development of the area. It reflects the strategic sites proposed in the Local Plan Review, and indicates priorities for infrastructure. You are recommended to confirm this as the draft Infrastructure Plan, for consultation alongside the Local Plan and the Draft CIL Charging Schedule. Note that the Infrastructure Plan is a “living” document and it is intended that it will be updated regularly.

5.2 Alongside the IP it is also necessary to produce the Council's statement of the key uses of CIL, known as a Regulation 123 List. For the purposes of the consultation, the draft list is included at the end of the Infrastructure Plan. Arising from this draft Regulation 123 List, the Council must prepare a policy on the use of section 106, indicating how its use is to be scaled back once the CIL is in place. This is also contained within the Infrastructure Plan for the purposes of consultation and is based on the policies of the Local Plan Review and the contents of the Infrastructure Plan and Regulation 123 List. It is recommended that these policies are published for consultation with the Draft Charging Schedule and Proposed Submission Local Plan.

## 5.3 Risk of not implementing CIL

5.4 The implications of not adopting CIL would be that the infrastructure needs arising from these developments would have to be met through the use of Section 106. However, the limitations on the use of Section 106 referred to above would make this difficult to achieve, as explained in more detail below.

5.5 The recent change in Government policy (quoted in paragraph 3.6 above) would prevent the use of section 106 for general infrastructure funding from any site of 10 dwellings or less (or 5 dwellings or less in rural locations) irrespective of the level of CIL charged for those developments. In effect, such sites would cease to fund infrastructure. Irrespective of any CIL charged, there would be no affordable housing contribution from these sites.

5.6 For sites which lie above these thresholds (ie 6+ or 11+ dwellings) there would continue to be the possibility of infrastructure funding through the use of Section 106. However, the “pooling” restrictions which come into effect on April 1<sup>st</sup> this year will severely limit this by preventing more than five developments from contributing towards one item of infrastructure or one infrastructure fund. These limitations effectively prevent the use of general funds for infrastructure towards which a large number of developments may contribute via section 106 obligations. An example is our own open space fund which has been used to

provide for open space improvements in the past. Instead any contribution will need to be directed towards a specific infrastructure project, based on an assessment of the need for that infrastructure project and its direct relevance to the development. Once five such contributions have been made to a particular project then no further contributions can be sought. It will be seen that there is a real risk that infrastructure funding from developments will not be able to keep up with need, once the limit of contributions for a particular item of infrastructure has been reached. Note that these pooling restrictions will apply whether the Council implements CIL or not.

- 5.7 There would need to be significant changes to the contents of the Local Plan Review and the Infrastructure Plan (already approved by Council) in order to reflect a decision not to pursue the introduction of CIL. That is because the documents refer to CIL as a mechanism for infrastructure provision which is embedded in the various local plan allocations. Many of the allocations would need to be amended to make reference to making appropriate contributions to specific infrastructure projects. Devon County Council would also need to undertake further work to divide existing items to be funded via CIL, such as 'public transport provision', into specific projects linked to allocations and demonstrate that a link existed. Overall, this would be a significant amount of additional work and would delay the publication and submission of the Local Plan significantly.

## 6.0 **CIL - Next Steps**

- 6.1 It is proposed that the documents recommended to you are approved by full Council and then subject to consultation alongside the Local Plan Review. Following this consultation the Council may make minor changes to the Charging Schedule in the form of a "statement of modifications" before submitting it for examination. It is recommended that such minor changes are delegated to the Head of Planning and Regeneration in consultation with the Cabinet Member for Planning.
- 6.2 The Examiner has the opportunity to consider the evidence and hear objectors before making changes to the schedule, after which the council can adopt and implement CIL.

## 7.0 **Local Plan Review – Next Steps**

- 7.1 As noted above in paragraph 3.9, there is a resultant impact on the policies of the Local Plan Review from amending the CIL rate for residential properties in urban areas, which need to be amended accordingly. The Local Plan Review was approved by Full Council on 17 December 2014 and delegated authority was given to the Head of Planning and Regeneration in consultation with the Cabinet Member for Planning to make minor amendments to the plan and accompanying maps. However, the changes proposed are not considered to be minor and therefore the approval of Full Council is sought for a number of amendments to be made throughout the document.
- 7.2 These changes include amending the affordable housing targets set in strategic policy S3, to change the 25% urban requirement, to 28%. Amendments to this

policies supporting text will also need to be made. Any site allocation within urban areas requiring 25% will also need to be changed, with the supporting text amended where necessary. A full schedule of these changes is set out in Appendix 5. It is recommended to you that approval be given to make these changes to the Local Plan Review, prior to commencement of the consultation.

## 8.0 Local Plan Review and CIL Consultation

8.1 The consultation period for the Local Plan Review and CIL was set out in the three reports to Cabinet of 27 November, 4 and 11 December 2014 as taking place from 12 January – 9 March 2015 and was approved during those meetings. Following the decision of Council on 17 December 2014 not to approve CIL at that time, the consultation period had to be postponed.

8.2 A new consultation period of 9<sup>th</sup> February – 30<sup>th</sup> March 2015 is now proposed. This will be a seven week consultation, instead of the eight weeks originally planned, but ensures the consultation finishes by the time the pre-election ‘purdah’ period begins on 30<sup>th</sup> March.

8.3 Seven consultation events are still planned, across a mixture of evenings and weekends. Three events are proposed in Cullompton, with two in both Crediton and Tiverton. The dates, times and locations are set out below:

<b>Date</b>	<b>Times</b>	<b>Venue</b>
Tuesday 17 <sup>th</sup> February	4-7pm	Tiverton Town Hall
Saturday 21 <sup>st</sup> February	9.30am-12.30pm	Crediton Council Chamber
Tuesday 24 <sup>th</sup> February	4-7pm	Crediton Council Chamber
Saturday 28 <sup>th</sup> February	9.30am-12.30pm	Tiverton Town Hall
Tuesday 3 <sup>rd</sup> March	4-7pm	Cullompton, The Walronds
Thursday 5 <sup>th</sup> March	4-7pm	Cullompton, The Walronds
Saturday 14 <sup>th</sup> March	9.30am-12.30pm	Cullompton, The Walronds

8.4 It is recommended that Council approve the new consultation period of 9<sup>th</sup> February – 30<sup>th</sup> March 2015.

## 9.0 List of Background Papers:

10.0 Evidence which underpins CIL can be found at [www.middevon.gov.uk/cil](http://www.middevon.gov.uk/cil)



## Appendix 1 – Draft Charging Schedule

### Mid Devon District Council

The rate in pounds per square metre at which Community Infrastructure Levy is chargeable is set out in the following tables.

Uses within Charging Zone 1	Charge per square metre gross internal floorspace
i Any use.	£0

Uses within Charging Zone 2	Charge per square metre gross internal floorspace
i Affordable Dwellings	£0
ii Dwellings (except for an Affordable Dwelling), on a site which falls below the adopted Local Plan threshold for the provision of affordable homes.	£100
iii Dwellings in Tiverton, Cullompton and Crediton which do not fall into Uses i or ii within this table.	£40
iv Dwellings which do not fall into Uses i, ii or iii within this table.	£60
v Convenience based Supermarkets and Superstores and retail warehousing with a net retail selling space of over 280sq. m.	£100
vi Any other use not included within Uses i, ii, iii and iv within this table.	£0

### Definitions

Superstores/supermarkets are shopping destinations in their own right where weekly food shopping needs are met and which can also include non food floorspace as part of the overall mix of the unit.

Retail warehouses are large stores specialising in the sale of household goods (such as carpets, furniture and electrical goods), DIY items and other ranges of goods, catering for mainly car borne customers.

Affordable Dwellings are dwellings which would qualify for Social housing relief under the Community Infrastructure Levy Regulations 2010 (as amended).

## **Definitions of Charging Zones**

The maps which form part of this schedule define Zone 1, consisting of the strategic urban extensions at Tiverton East, Cullompton North West and Cullompton East, allocated in the adopted Local Plan. Zone 2 consists of the remainder of the planning authority's area.

## **Explanation of the chargeable amount**

The chargeable amount will be charged in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). In summary the amount of CIL chargeable will be calculated as follows:

$$\frac{(\text{CIL Rate} \times \text{Chargeable Floor Area (m}^2\text{)} \times \text{BCIS Tender Price Index (Ip)})}{(\text{BCIS Tender Price Index (Ic)})}$$

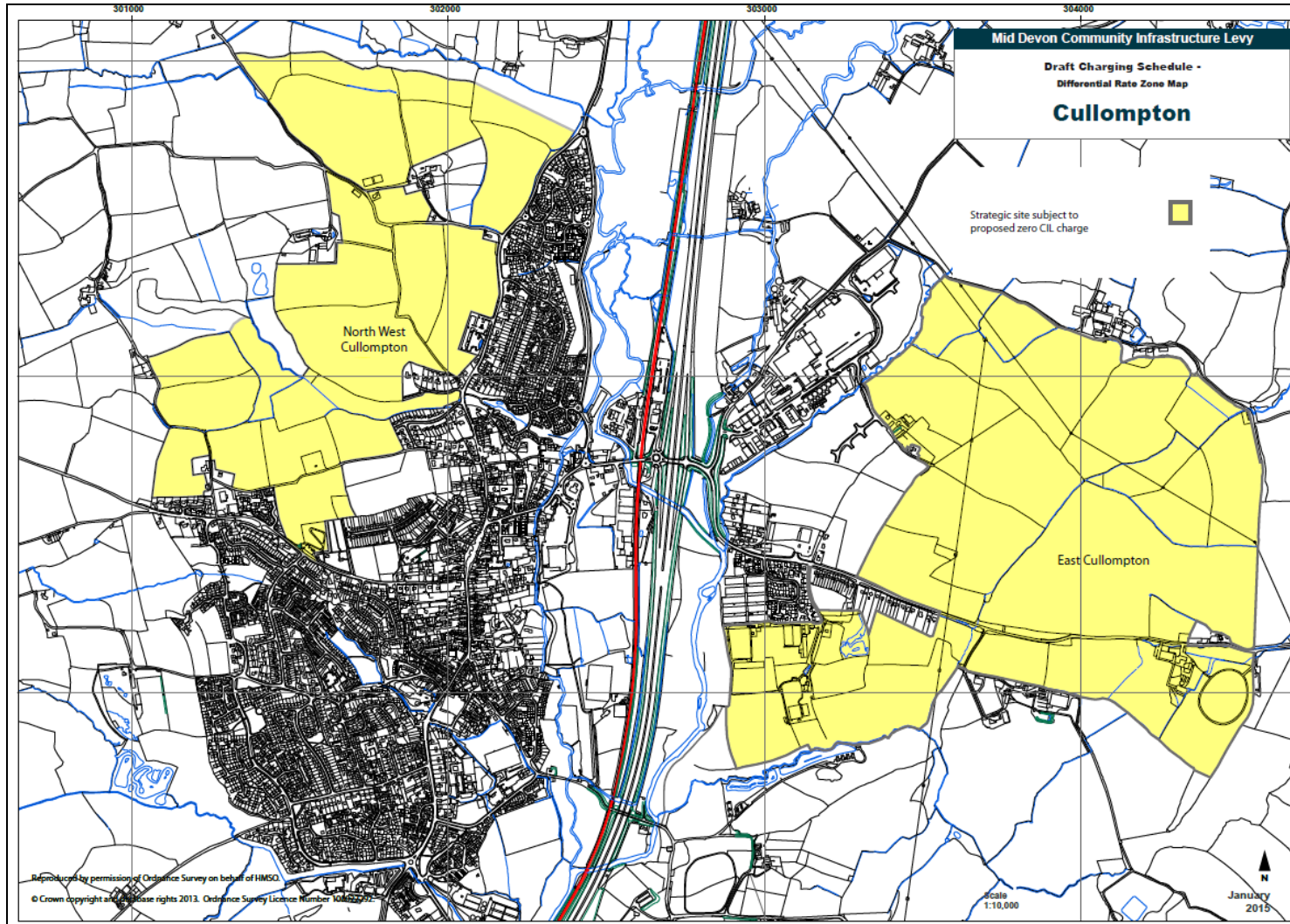
(Ip) = the Building Cost Information Service (BCIS) index figure for the year in which planning permission was granted

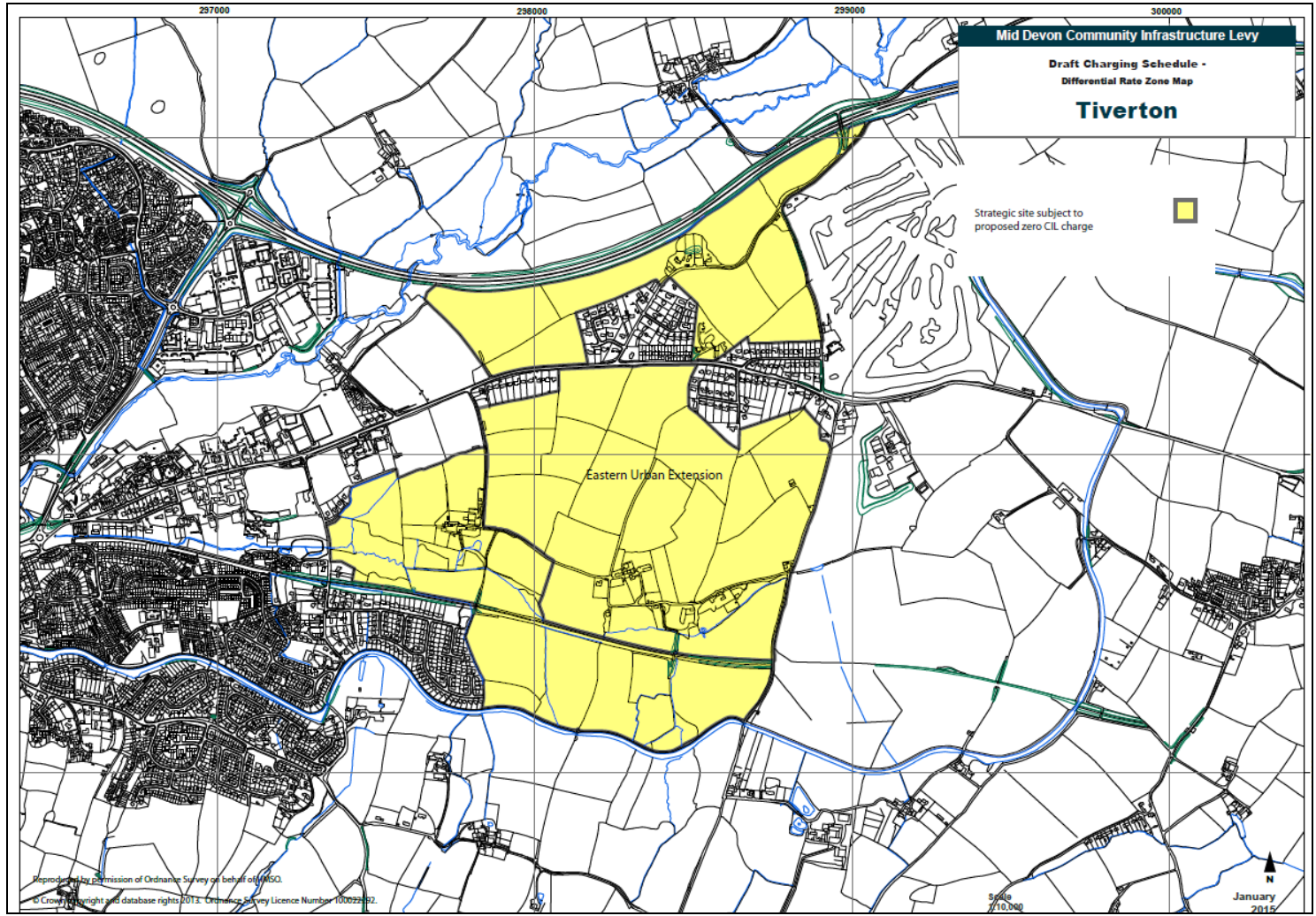
(Ic) = the Building Cost Information Service (BCIS) index figure for the year in which the charging schedule took effect

The BCIS figures are published annually by RICS.



# Maps of Zone 1





**Appendix 4 – Infrastructure Plan, Regulation 123 List and Section 106 Policies.**

## **Introduction**

The National Planning Policy Framework requires local planning authorities to work with other authorities and providers to assess the quality and capacity of existing infrastructure and to set strategic policies regarding the delivery of new infrastructure. In doing so the local planning authority is required to plan positively for the development of the following types of infrastructure: transport, telecommunications, waste, management, water supply, wastewater, flood risk and coastal change management, provision of minerals and energy (including heat), health, security, community and cultural infrastructure.

## **Planning for Infrastructure in Mid Devon**

At the current time Mid Devon is currently in the process of preparing a new Local Plan for the district, which will cover the period 2013-33. The purpose of this document is to identify what further infrastructure requirements are required over the 20 year period of the plan. The document sets out what infrastructure improvements will be needed to support the additional development set out in the plan, the timescale for when these will be needed, and who will provide them. It also sets out the level of resources needed to deliver the improvements, and how much will be sought from development. Ensuring development is supported by adequate infrastructure is fundamental to delivering the vision as set out in the new Local Plan.

The plan has been prepared by consulting key infrastructure providers across the district and the wider area. Preparation of this document is an iterative process involving ongoing discussions with a number of infrastructure providers.

This document reflects the development strategy in the proposed submission Local Plan, but will need to be kept updated both as the plan goes through various stages of development after that, and after the Local Plan has been adopted to reflect changing resources, priorities and information.

## **Priority of infrastructure**

A key element of infrastructure planning is ensuring that the importance of various infrastructure schemes is clear. This enables decision makers to prioritise resources and funding towards those schemes that create the greatest benefit for the area, and unlock development in the most appropriate manner. It is important to note that these priorities relate to the delivery of built development and the Local plan objectives, rather than the over-arching objectives of the local authorities or organisations named as delivery partners.

The following infrastructure priority criteria have been used:

**(1) Critical:**

Infrastructure required to deliver the strategic vision and objectives of the Local Plan. Critical requirements contribute to delivering the wider strategic aims of the Plan, and may also mitigate the impacts of development schemes. The plan may fail without the delivery of this infrastructure.

**(2) Important:**

Infrastructure required to deliver specific schemes and provide services and facilities to meet the needs of new residents. The delivery of an allocated site may fail without the delivery of this infrastructure.

**(3) Desirable:**

Infrastructure required that would enhance the effectiveness, efficiency and quality of infrastructure or services, creating a better place to live and work.

**Local Priority**

Identified as desirable or beneficial to the local community through Parish and Town Council consultation.

**Status of this infrastructure plan, Regulation 123 list and Section 106 Policy.**

As with all infrastructure plans, this document represents a ‘snapshot’ of an ever-changing and constantly evolving situation. This infrastructure plan and associated regulation 123 list (Annex A) and Section 106 Policy (Annex B) are in a draft format at present and open to consultation. It is possible and indeed quite likely, that as further assessment is undertaken, the costs, timescales and the priority of the items listed below may change. In future, some items may be considered not required, whilst some new items may be added to subsequent versions of the infrastructure plan. The Infrastructure Plan should therefore be considered a “living document” subject to regular reassessment.



## Mid Devon Infrastructure Plan (2013-33)

Settlement / area	Infrastructure Item	Type	Strategic Priority	Delivery Phasing	Total Estimated Cost	Secured Funds	Funding Gap	CIL Eligible Funding Gap	Delivery Partners and possible sources of funding
Strategic provision	Improvements to M5 J27 to support development in existing plans.	Transport	(1) Critical	2014-19	£1.5m	£1.5m	£0	£0	HA. Funding secured through HA Pinch Point scheme.
Strategic provision	Community transport	Transport	(3) Desirable	Throughout plan	£8.8m	£0	£8.8m	TBC	DCC. Developer contributions / CIL / bus operator.
Strategic provision	Primary education improvements (exclusive of strategic site provision) for whole district	Education	(1) Critical	2014-19 and onwards	£2.89m	£0	£2.89m	£2.89m	DCC. Developer contributions / CIL / academy / free school provider.
Strategic provision	Secondary education improvements (exclusive of strategic site provision) for whole district	Education	(1) Critical	2014-19 and onwards	£1.09m	£0	£1.09m	£1.09m	DCC. Developer contributions / CIL / academy / free school provider.

Settlement / area	Infrastructure Item	Type	Strategic Priority	Delivery Phasing	Total Estimated Cost	Secured Funds	Funding Gap	CIL Eligible Funding Gap	Delivery Partners and possible sources of funding
Strategic provision	Upgrades to or new waste water treatment facilities. Adequate capacity to accommodate growth to 2020 in terms of sewage treatment and potable water (though some localised improvements subject to discussions with developers on specific sites). Post 2020 capacity to be reviewed in subsequent South West Water Business Plans.	Water	(1) Critical	2020-25	Unknown	Unknown	Unknown	Unknown	Expected to be funded by SWW and developer contributions.
Strategic provision	Public open space/green infrastructure		(2) Important	Throughout plan	TBC			£0	MDDC. Funded by developer contributions.
Strategic provision	New recycling centre (replacement for Ashley)	Waste	(2) Important	TBC	£2.5m	£0	£2.5m	£2.5m	DCC. Funded through developer contributions and DCC funding.
Strategic	Criminal Justice Centre	Emergency services	(2) Desirable	TBC	£1.05m	£0	£1.05m	£1.05m	Police. Funded by police / developer contributions / CIL.

Settlement / area	Infrastructure Item	Type	Strategic Priority	Delivery Phasing	Total Estimated Cost	Secured Funds	Funding Gap	CIL Eligible Funding Gap	Delivery Partners and possible sources of funding
Tiverton	Tiverton Eastern Urban Extension Access on to A361 including new junction and highway link from this to Blundell's Road	Transport	(1) Critical	2014-19	£16m	£1.55m (from Waddeton Park app*)	£14.5m	£0	DCC. To be funded by developers and possibly Local Transport Fund (LEP)
Tiverton	Public realm improvements/traffic calming to Blundell's Road	Transport	(1) Critical	2014-19	£2m	£434k (from Waddeton Park app*)	£1.566m	£0	DCC/Developers. To be funded by developer contributions.
Tiverton	Works to increase capacity at Blundell's Road / Heathcoat Way roundabout	Transport	(1) Critical	2014-19	£0.13m	£28k (from Waddeton Park app*)	£102k	£0	DCC/Developers. To be funded by developer contributions.
Tiverton	Works to increase capacity at Lowman Way / Heathcoat Way / Lea Road roundabout	Transport	(1) Critical	2014-19	£0.42m	£91k (from Waddeton Park app*)	£329k	£0	DCC/Developers. To be funded by developer contributions.
Tiverton	Enhanced public transport to serve development.	Transport	(1) Critical	In phase with development	£1.65m	£238k (from Waddeton Park app*)	£1.65m	£1.41m	DCC. To be funded by developer contributions/ bus operator.
Tiverton	New / enhanced pedestrian / cycle facilities to serve development	Transport	(1) Critical	In phase with development	£750k	£162k (from Waddeton Park app*)	£588k	£0	DCC. To be funded by developer contributions.

Settlement / area	Infrastructure Item	Type	Strategic Priority	Delivery Phasing	Total Estimated Cost	Secured Funds	Funding Gap	CIL Eligible Funding Gap	Delivery Partners and possible sources of funding
Tiverton	New 420 place primary school at EUE.	Education	(1) Critical	2014-19	£5.75m	£1.25m (from Waddeton Park app*)	£4.5m	£0	DCC / Free School / Academy. Fully funded by developer contributions.
Tiverton	Secondary school expansion to accommodate the needs arising from EUE development	Education	(1) Critical	2014-19 onwards	£3m	£675k (from Waddeton Park app*)	£2.325m	£0	DCC. Fully funded by developer contributions.
Tiverton	Energy from waste plant with the potential for a district heat network.	Waste	(3) Desirable	£30m	£0	£0	£30m	£0	Private sector waste management company.
Tiverton	Expansion of Fire Service capacity to support growth of the town. Includes cost of response vehicle, small fire engine and garaging construction and 5 year leasing period.	Emergency services	(2) Important	2020-25	c. £0.38m	£0	£0.38m	£0.38m	DSFS. To be funded through CIL / developer contributions.
Tiverton	GP surgery	Health facilities	(2) Important	TBC	c. £3.2m	£0	£3.2m	£3.2m	NHS funded via local GP partnerships (Clinical Commissioning Groups) and CIL.
Tiverton	Community hall/provision	Community facilities	(3) Desirable	TBC	c. £0.55m	£0	£0.55m	£0.55m	MDDC. Funded by CIL / voluntary sector grant.

Settlement / area	Infrastructure Item	Type	Strategic Priority	Delivery Phasing	Total Estimated Cost	Secured Funds	Funding Gap	CIL Eligible Funding Gap	Delivery Partners and possible sources of funding
Tiverton	Development of Tiverton Youth and Community Centre as a youth hub – subject to DCC review of provision.	Community facilities	(3) Desirable	TBC	TBC	TBC	TBC	TBC	DCC. Funded by developer contributions / DCC.
Tiverton	Children’s centre facilities - subject to DCC review of provision.	Community facilities	(3) Desirable	TBC	TBC	TBC	TBC	TBC	DCC. Funded by developer contributions / DCC.
Tiverton	Library reconfiguration to Devon Centre model.	Libraries	(3) Desirable	TBC	TBC	TBC	TBC	TBC	DCC. Funded by developer contributions / DCC.
Cullompton	Improvements to J28 of the M5 to provide signals to accommodate development in existing plans.	Transport	(1) Critical	2014-19	£1.3m	£1.3m	£0	£0	DCC. Funded through developer contributions and other sources.
Cullompton	Improvements to J28 of the M5 to accommodate development in new Local Plan (may or may not include ERR)	Transport	(1) Critical	Throughout plan period	£50-55m	£0	£50-55m	£0	DCC / MDDC / HA. Funded by developer contributions/LEP/HC A funding.
Cullompton	Secondary school expansion	Education	(1) Critical	TBC	£5.1m not incl. land	TBC	£5.1m (TBC)	£0	DCC. Fully funded by developer contributions.

Settlement / area	Infrastructure Item	Type	Strategic Priority	Delivery Phasing	Total Estimated Cost	Secured Funds	Funding Gap	CIL Eligible Funding Gap	Delivery Partners and possible sources of funding
Cullompton	New 420 place primary school within North West Cullompton allocation	Education	(1) Critical	2014-19	c. £5.5m not incl. land	£0	£5.5m	£0	DCC / Free School / Academy. Cost dependent on final development strategy. Funded by developer contributions and DCC.
Cullompton	New 650 place primary school within East Cullompton (or two schools of equivalent capacity).	Education	(1) Critical	TBC	c. £11m not incl. land	£0	£8.6m	£0	DCC / Free School / Academy. Cost dependent on final development strategy. Fully funded by developer contributions.
Cullompton	Bus improvements to service new development to the north west of Cullompton	Transport	(1) Critical	In phase with development	£1.3m	£0	£1.3m	£0	DCC. Funded by developer contributions / bus operator.
Cullompton	Bus improvements to service new community options at East Cullompton.	Transport	(1) Critical	In phase with development	£1.3m	£0	£1.3m	£0	DCC. Funded by developer contributions / bus operator.
Cullompton	New / enhanced pedestrian / cycle facilities to serve development (NW Cullompton & East Cullompton)	Transport	(1) Critical	In phase with development	TBC	£0	TBC	£0	DCC. Funded by developer through direct provision.

Settlement / area	Infrastructure Item	Type	Strategic Priority	Delivery Phasing	Total Estimated Cost	Secured Funds	Funding Gap	CIL Eligible Funding Gap	Delivery Partners and possible sources of funding
Cullompton	Railway station reopening	Transport	(2) Important	TBC	£6m	£0	£6m	£0	DCC. Funded by developer contributions.
Cullompton	Air quality improvements	Transport	(2) Important	Throughout plan	£2.1m	TBC	TBC	TBC	MDDC. Funded by developer contributions.
Cullompton	Expansion of Fire Service capacity to support growth. Includes cost of response vehicle, small fire engine and garaging construction costs (including some costs for leasing based over 5 year period).	Emergency services	(2) Important	2020-25	c. £0.38m	£0	£0.38m	£0.38m	DSFS. To be funded through developer contributions. Trigger point would be half total housing target in Local Plan for Cullompton.
Cullompton	Children's centre facilities (potentially including East Cullompton) - subject to DCC review of provision.	Community facilities	(3) Desirable	TBC	TBC	TBC	TBC	TBC	DCC / alternative provider.
Cullompton	Community hall/provision	Community facilities	(3) Desirable	2014-19	Unknown	Provided by developer	£0	£0	Developer.
Cullompton	Extra Care provision of 50 units	Health facilities	(3) Desirable	TBC	c.£7m	£0	£7m	£7m	DCC / Private sector provider. Funded through developer contributions / private sector.
Crediton	Crediton Link Road	Transport	(1) Critical	2014-19	£7.75m	£7.75m	£0	£0	DCC. Fully funded via various sources.

Settlement / area	Infrastructure Item	Type	Strategic Priority	Delivery Phasing	Total Estimated Cost	Secured Funds	Funding Gap	CIL Eligible Funding Gap	Delivery Partners and possible sources of funding
Crediton	Bus improvements to service new development	Transport	(1) Critical	In phase with development	£0.65m	TBC	£0.65m	£0	DCC. Funded by developer contributions / bus operator.
Crediton	New / enhanced pedestrian / cycle facilities to serve development	Transport	(1) Critical	In phase with development	TBC	£0	TBC	TBC	DCC. Funded by developer through direct provision.
Crediton	Crediton air quality. Relates to link road. Will require further testing to define impact and need for further mitigation/works.		(2) Important	Throughout plan	£0.5m	TBC	TBC	TBC	MDDC. Funded by developer contributions.
Crediton	Children's centre facilities - subject to DCC review of provision.	Community facilities	(3) Desirable	TBC	TBC	TBC	TBC	TBC	DCC.
Crediton	Extra Care provision of 58 units	Health facilities	(3) Desirable	TBC	c.£8m	£0	£8m	£8m	DCC / Private sector provider. Funded through developer contributions/ private sector.



Settlement / area	Infrastructure Item	Type	Strategic Priority	Delivery Phasing	Total Estimated Cost	Secured Funds	Funding Gap	CIL Eligible Funding Gap	Delivery Partners and possible sources of funding
Crediton	Library reconfiguration to Devon Centre model  DCC Consultation ongoing re review of libraries - suggested that Crediton become Devon Centre	Libraries	(3) Desirable	TBC	TBC	TBC			DCC. Funding from developer contributions / DCC.
Rural	Community asset transfer and 5 year running costs for Kennerleigh Village Shop	Community facilities	Local	2014-19	£25k	£0	£25k	£25k	Kennerleigh Parish Council/confederation of parish councils. Funding from CIL.

\*Waddeton Park application within Tiverton Eastern Urban Extension has a resolution to grant planning permission subject to consent being granted on two other applications

Total infrastructure cost: £147m

Secured funds: £9m

Total gap: £135m

CIL eligible: £20m

## Acronyms

CIL	Community Infrastructure Levy
CCG	Clinical Commissioning Group
DCC	Devon County Council
DCLG	Department for Communities
DfT	Department for Transport
DSFS	Devon and Somerset Fire Service
EUE	(Tiverton) Eastern Urban Extension
GP	General Practitioner
HA	Highways Agency
HCA	Homes and Communities Agency
LEP	Local Enterprise Partnership
MDDC	Mid Devon District Council
NHS	National Health Service
S106	Section 106 Planning Contribution
SWW	South West Water

## Annex A: Draft Regulation 123 List

Types of infrastructure to be funded in whole or part by CIL	Specific infrastructure items excluded from the Regulation 123 list to be funded via developer contributions (i.e. s106/s278 agreements)
Education and youth facilities;	<p>Excluding any provision required due to the development of Tiverton Eastern Urban Extension</p> <p>Excluding any provision required due to the development of East Cullompton</p> <p>Excluding any provision required due to the development of North West Cullompton</p>
Leisure facilities (sports facilities defined as publicly owned leisure centres, gyms and swimming pools)	<p>Excluding open space provision (publicly accessible open space, allotments, other green infrastructure and sports pitches with associated changing facilities)</p> <p>Excluding any provision required due to the development of Tiverton Eastern Urban Extension</p> <p>Excluding any provision required due to the development of East Cullompton</p> <p>Excluding any provision required due to the development of North West Cullompton</p>
Transport improvements;	<p>Excluding specific improvements needed to make the development acceptable in planning terms. These can include (but are not limited to) highways crossovers to access the site and local road junctions, deceleration and turning lanes, measures to facilitate pedestrian and cyclist access, lighting and street furniture needed to mitigate the impact of a particular development. They may also include mitigation works remote from the development site where the need for such works is identified in a Transport Assessment or Junction Capacity Study.</p> <p>Excluding any provision required due to the development of Tiverton Eastern Urban Extension</p> <p>Excluding any provision required due to the development of East Cullompton</p> <p>Excluding any provision required due to the development of North West Cullompton</p>
Health and Emergency Services facilities;	<p>Excluding any provision required due to the development of Tiverton Eastern Urban Extension</p> <p>Excluding any provision required due to the development of East</p>

	<p>Cullompton</p> <p>Excluding any provision required due to the development of North West Cullompton</p>
Library services;	<p>Excluding any provision required due to the development of Tiverton Eastern Urban Extension</p> <p>Excluding any provision required due to the development of East Cullompton</p> <p>Excluding any provision required due to the development of North West Cullompton</p>
Community Care facilities (social care institutions providing for older people and people with mental health or learning disabilities);	<p>Excluding any provision required due to the development of Tiverton Eastern Urban Extension</p> <p>Excluding any provision required due to the development of East Cullompton</p> <p>Excluding any provision required due to the development of North West Cullompton</p>
Community facilities and social infrastructure (community centres and meeting places but excluding places of worship; voluntary sector meeting places and centres; and public cultural facilities);	<p>Excluding any provision required due to the development of Tiverton Eastern Urban Extension</p> <p>Excluding any provision required due to the development of East Cullompton</p> <p>Excluding any provision required due to the development of North West Cullompton</p>
Carbon offsetting and air quality improvements; and	<p>Excluding any provision required due to the development of Tiverton Eastern Urban Extension</p> <p>Excluding any provision required due to the development of East Cullompton</p> <p>Excluding any provision required due to the development of North West Cullompton</p>

## **Annex B: Draft Policy on use of Section 106 for infrastructure**

Upon implementation of the Mid Devon Community Infrastructure Levy, the Council will also implement the “Regulation 123 List” which sets out the items of infrastructure which will be wholly or partly funded by Community Infrastructure Levy. After that time, it will not be possible to use Planning Obligations under Section 106 to fund infrastructure items on that list. Accordingly, there will be a scaling back of Section 106 use and it is proposed that this policy will provide a guide to the use of Section 106. The following four sections indicate the areas which may still be subject to planning obligations under Section 106.

### **1 Non – Infrastructure Requirements**

The funding and provision of items which are not defined as infrastructure, such as affordable housing.

Other non-infrastructure requirements such as development phasing, the implementation of travel plans and construction management.

### **2 Infrastructure for Urban Extensions**

The provision of infrastructure within, directly related to or required as a result of development within the defined areas of the North West Cullompton, East Cullompton and East Tiverton urban extensions allocated in the adopted Local Plan Review. This reflects the fact that these sites are proposed to be zero-rated for CIL. All of the remainder of this policy should be read with this exception in mind.

### **3 Site – Specific Transport Improvements**

Generally, transport provision is included within the Regulation 123 List as a type of infrastructure to be funded wholly or partly by Community Infrastructure Levy. However, excluded from this general limitation are site – specific improvements needed to make a development acceptable in planning terms. These can include (but are not limited to) highways crossovers to access the site and local road junctions, deceleration and turning lanes, measures to facilitate pedestrian and cyclist access, lighting and street furniture needed to mitigate the impact of a particular development. They may also include mitigation works remote from the development site where the need for such works is identified in a Transport Assessment or Junction Capacity Study.

### **4 Other Infrastructure Provision**

Infrastructure provision which meets the necessity, relatedness and fairness tests set out in the CIL Regulations (often referred to as the “CIL Tests”) but which is not included on the Regulation 123 list to be funded by CIL may be sought through the use of Planning Obligations. A full list of infrastructure to be sought through planning obligations is not included, since much would depend on the specific development put forward, but the following forms of infrastructure are specifically referred to within the Local Plan.

- Public Open Space - the provision of public open space (publicly accessible open space, allotments, other green infrastructure and sports pitches with associated changing facilities) in accordance with the adopted policies of the Local Plan Review including where necessary replacement provision as a result of the loss of an existing facility.

- Sustainable Urban Drainage Systems
- Wildlife protection, enhancement and mitigation
- Measures related to pollution and contaminated land.

## Appendix 5 – Amendments to Local Plan Policies

Local Plan Policy	Amendment
S3 Meeting Housing Needs	<p>Within the policy replace '25%' in criterion (b) to '28%'.</p> <p>Within supporting text paragraph 2.28 replace the sentence:</p> <p>'Viability assessment work undertaken for the Council in relation to the Community Infrastructure Levy (CIL) has established that the targets of 30% affordable housing in rural areas and a target in the towns of 25% a CIL charge of £60 per square metre is viable'</p> <p>With:</p> <p>'Viability assessment work undertaken for the Council in relation to the Community Infrastructure Levy (CIL) has established that for the targets of 30% in rural areas and a target in the towns of 28% CIL charges of £60 and £40 respectively are viable'.</p>
<p>TIV7 Town Hall / St Andrew Street  TIV12 Phoenix Lane  TIV13 Tidcombe Hall  TIV14 Wynnards Mead  CU1 North West Cullompton  CU7 East Cullompton  CU14 Ware Park &amp; Footlands  CU15 Land at Exeter Road  CU21 Colebrooke  CRE1 Wellparks  CRE2 Red Hill Cross  CRE3 Cromwells Meadow  CRE5 Pedlerspool  CRE6 Sports fields  CRE7 Stonewall Lane  CRE8 Land at Barn Park  CRE9 Alexandra Close</p>	<p>Delete requirement for 25% affordable housing and replace with 28%. Make appropriate amendment to supporting text where a percentage is specified.</p>