

Appendix 3 - Relationship between CIL and Section 106 – Examples from other authorities

Oxford City Council – Draft Affordable Housing and Planning Obligations SPD – April 2013 – proposed mechanisms for the delivery of various types of infrastructure

Type	Infrastructure and other items to be delivered through S106 Agreements; S278 of the Highways Act; or through Planning Conditions	Infrastructure to be funded or part funded through CIL
Affordable Housing	On-site provision and financial contributions towards affordable housing. Section 2 of this SPD sets out the arrangements that will apply in respect of the delivery of affordable housing through planning obligations.	CIL will not be used to pay for affordable housing
Biodiversity	On-site habitat creation or enhancement ; relocation of protected species to a suitable alternative site; some minor off-site mitigation, for instance where measures are required to mitigate identified impacts upon a nearby area of high biodiversity interest	Any off-site measures (other than those specified in the previous column)
Community Facilities	<i>Only where there is a specific requirement for the facility to be located on that site. In exceptional circumstances, where granting planning permission leads to the loss of community facilities, the City Council will secure alternative provision of equivalent or improved benefit to the community in terms of size, utility and access. This may be through contributions towards replacement/improvement of facilities or direct provision on an alternative site.</i>	<i>Most community buildings/facilities</i>
Day-care provision for adults	Not provided under S106	All day-care provision
Education	Only where there is a specific requirement for the facility to be located on that site.	Most provision of new schools or expansion of existing schools including early years,
Environmental Improvements	Only where there is a specific requirement for environmental improvements to be undertaken on that site.	Off site provision or enhancement, including public realm improvements
Flood Defence	On-site measures which an FRA identifies as a requirement	Flood defence works

Type	Infrastructure and other items to be delivered through S106 Agreements; S278 of the Highways Act; or through Planning Conditions	Infrastructure to be funded or part funded through CIL
Indoor sports facilities	Only where there is a specific requirement for facilities to be provided on that site. In exceptional circumstances, where granting planning permission leads to the loss of indoor sports facilities, the City Council will secure alternative provision of equivalent or improved benefit to the community in terms of size, utility and access. This may be through contributions towards replacement/improvement of facilities or direct provision on an alternative site.	Most indoor sports provision including swimming pools, gyms and indoor sports halls
Libraries	Not provided under S106	All library provision
Maintenance	Infrastructure provided under S106 agreements and transferred to the local authority will require a contribution towards future	
Outdoor sports facilities, public open space/children's play areas, allotments	Only where there is a specific requirement for facilities to be provided on that site. In exceptional circumstances, where granting planning permission leads to the loss of outdoor sports facilities, public	Most outdoor sport and play provision, including outdoor sports pitches, courts and greens, recreational open space, allotments
Public art	Where on-site public art is required, it should preferably be considered as part of the design process and incorporated into the submitted planning application. The public art would then be secured by	Off-site provision
SUDS	SUDS provision will normally be on-site and may require a maintenance payment	CS11
Transfer of land	In-kind payments under CIL regulations	Transfer of land
Waste recycling centre	Not provided under S106	All provision of waste recycling/waste management facilities
Youth services	Not provided under S106	All aspects of the Youth Service

Chelmsford City Council – Draft Planning Obligations SPD, June 2013 – Guide to infrastructure covered by S.106 and CIL

Infrastructure Type	CIL	S.106
Affordable Housing		√
Recreation and Leisure		
Improvements to existing Strategic or Local Open Space	√	
Provision of new Strategic or Local Open Space		√
Highways, Access and Transport		
Strategic Highway or Transportation Projects	√	
Site Specific Infrastructure		√
Education		
Additional Primary and Pre-School Provision	√	
Additional Secondary Provision	√	
New Primary or Pre-School Provision		√
Environmental Mitigation		
Strategic Mitigation Measures	√	
Site related Mitigation Measures		√
Public Realm and Public Art		
Strategic Public Realm Projects	√	
On site Public Realm and Public Art		√
Health and Well-being		
Improvements to existing Primary Healthcare Provision	√	
Provision of new Primary Healthcare Facilities		√
Community Facilities		
		√
Flood Protection and Water Management		
Strategic Flood Alleviation Measures	√	
Site Related Flood Protection Measures		√

Bolton Council – Infrastructure and Planning Contributions Draft SPD April 2013

Infrastructure Type	Planning Condition	Section 106 Agreement	Community Infrastructure Levy
Affordable housing	X	√	X
Open Space	√	√ <i>relating to policy CG1.4 development</i>	√ <i>relating to policy CG1.4 development</i>
Health and Well being	X	X	√
Education (Outside vicinity of HLW)	X	X	√
Education (within vicinity of HLW)	X	√	X
Community and cultural facilities	X	X	√
Public Realm	√	X	√
Public Art	√	X	√
Transport	√	√ <i>relating to paragraph 4.26 projects</i>	√ <i>relating to paragraph 4.26 projects</i>
Other mitigation	√	X	√

Hertsmere Regulation 123 List – July 2013

Hertsmere Borough Council

Draft CIL Regulation 123 List

Hertsmere Borough Council's Regulation 123 draft list of infrastructure that it intends will be partly or in whole funded through Community Infrastructure Levy is as follows:

- Education facilities (with the exception of those in the relation to the Elstree Way Corridor)
- Transport improvements (with the exception of those in the relation to the Elstree Way Corridor)
- Publically accessible Leisure facilities (including children play areas and outdoor/indoor facilities)
- Publically accessible open space provision and allotments. Health care facilities
- Library services
- Emergency services

Unless the need for the infrastructure arises directly from five or fewer developments, where section 106 arrangements may continue to apply if the infrastructure is required to make the development acceptable in planning terms.

Huntingdonshire District Council Regulation 123 List

Development Specific (Non-CIL funded) infrastructure	Remaining Infrastructure (CIL funded)
Local site-related road / transport requirements	Remaining Roads and other transport facilities
Large scale major ⁽¹⁾ development specific school provision contributions	Remaining Schools and other educational facilities
Large scale major ⁽¹⁾ development specific health provision contributions	Remaining Health facilities
Large scale major ⁽¹⁾ development specific sport and recreational facilities contributions	Remaining Sport and recreational facilities
Development specific provision of informal and formal green space land requirements	Remaining Green infrastructure open spaces / facilities
Large scale major ⁽¹⁾ development specific library provision and community facilities contributions	Remaining Social infrastructure
Local site-related economic inclusion requirements	Remaining Economic regeneration
Large scale major ⁽¹⁾ development specific police provision contributions	Remaining Emergency services
Local site-related utility requirements	Remaining Utilities
Local site-related flood risk solutions requirements	Remaining Flood defences
<p>⁽¹⁾ Residential development of 200 or more dwellings or ,where the residential units is not given, a site area of 4 hectares or more, or any other development where the floor space to be built is 10,000 sq m or more or where the site is 2 hectares or more (DCLG Development Control PS 1/2 statistical definition 2007/8)</p>	

East Cambridgeshire District Council Regulation 123 List

- Littleport Secondary School
- Ely Leisure Centre
- Soham Railway Station