

APPENDIX 2 – DRAFT REGULATION 123 LIST



Dacorum Borough Council – Regulation 123 List

Under Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) the Council is expected to publish a list of infrastructure projects that may benefit from CIL funding.

The purpose of the list is to differentiate between those types of infrastructure that the authority intends to fund through CIL and those areas where a planning obligation under S.106 of the Town and Country Planning Act 1990 (as amended) or another source of funding may be pursued to deliver the relevant infrastructure item.

The list below sets out those projects or types of infrastructure that Dacorum Borough Council intend will be, or may be, wholly or partially funded by CIL. In accordance with Regulation 123, developer contributions to the projects listed will not be sought through planning obligations under S.106 of the Town and Country Planning Act 1990 (as amended)

Infrastructure Project or Type (to be secured through CIL)	Exclusions (to be secured through S.106 or alternative measures)
Early Years Education and Childcare facilities	Except where Early Years Education and Childcare Facilities are provided within a new school building secured under S.106
Primary Education Facilities	<p>Primary Education facilities associated with the development of land at West Hemel Hempstead (LA3) and Spencers Park</p> <p>The provision of a school on the Hemel Hempstead Hospital site.</p> <p>Any new primary education facilities arising from developments of 500 new homes or more.</p>

Secondary Education Facilities	
Further Education	
<p>Health Facilities including,</p> <ul style="list-style-type: none"> - the provision of replacement hospital facilities on the hospital zone site - new GP facilities - mental healthcare 	<p>GP facilities associated with the development of land at West Hemel Hempstead (LA3) and Spencers Park</p>
<p>Other Social and Community Facilities including,</p> <ul style="list-style-type: none"> - community halls, - youth facilities - libraries, - Indoor Sports and Leisure Facilities 	<p>Except the provision of community space and facilities directly associated with the development of Strategic and Local Allocations. (Reference is made in the CS to contributions towards community facilities)</p>
Strategic and Local Transport Proposals	<p>Any works necessary to directly access any site identified in the Site Allocations Development Plan Document (these may be secured through S.278 agreements, S.106 agreements or planning conditions)</p> <p>Transport proposals directly resulting from any site requiring a Transport Assessment¹.</p> <p>The provision of junction improvements relating to the junctions of Kings Road/Shootersway/Kingshill Way, Berkhamsted and Durrants Lane/High Street, Berkhamsted (SS1 and LA4)</p> <p>The provision of Sustainable Transport measures associated with the development of land at West Hemel Hempstead (LA3) and Spencers Park</p>

¹ As set out within the County Council publication 'Roads in Hertfordshire'

Green Infrastructure and Open Space	<p>The provision and maintenance of public open space, LAP's, LEAP's and NEAP's on Strategic and Local Allocations</p> <p>The extension of Shrubhill Common Nature Reserve (LA3)</p> <p>The provision of allotments at LA4 (Hanbury's)</p>
Burial Space	
Waste Services	Sustainability Off-setting Measures (CS30)
Public Realm Improvements	Public Realm improvements within the East Hemel Area Action Plan and Maylands Masterplan area.

The inclusion of a project or type of infrastructure in the list does not signify a commitment from the Council to fund (either in whole or part) the listed project or type of infrastructure through CIL. Nor does the order of the table imply any order of preference for CIL funding. The Council may seek to secure contributions towards other projects not recorded in the list of exclusions where it is satisfied that the need is appropriate and not subject to CIL.

The Council will review the list to ensure that it accurately reflects the need for infrastructure as part of its annual review of CIL and will make any necessary alterations to the Regulation 123 list.

The Council considers that in most cases the preferred route for securing infrastructure improvements associated with large sites, particularly the development of Strategic and Local Allocations, will be through the use of S.106 agreements. Where such S.106 agreements would exceed the CIL Liability of the site it may be possible to gain relief from CIL through use of the Exceptional Circumstances Relief policy.