

Appendix A1 - South Worcestershire Council's Proposed CIL Regulation 123 List

Table 3: Types of infrastructure that may be funded, in whole or in part, by CIL

Education Facilities	The provision, expansion, improvement, or replacement of new and existing state education facilities. This excludes those items of infrastructure stated as to be provided through Section 106 obligations.
Transport	The provision, expansion, improvement, or replacement of roads, highways, traffic management, public transportation, cycling and pedestrian and other transport facilities. This excludes those items of infrastructure stated as to be provided through Section 106 obligations and/or Section 278 (Highways Act 1980) obligations.
Open Space / Green Infrastructure	The provision, expansion, improvement, or replacement of new or existing strategic green and blue infrastructure and biodiversity measures. Excludes those items of green infrastructure stated as to be provided through Section 106 obligations.
Sport and Recreation	The provision, expansion, improvement, or replacement of new and existing sports and recreation facilities both formal and informal. Excludes those items of infrastructure stated as to be provided through Section 106 obligations.
Flood Mitigation Measures	The provision, expansion, improvement, or replacement of new and existing flood mitigation measures (including flood risk management infrastructure). Excludes those items of infrastructure stated as to be provided through Section 106 obligations.
Community and Cultural Facilities	The provision, expansion, improvement, or replacement of new and existing community and cultural facilities. Excludes those items of infrastructure stated as to be provided through Section 106 obligations.
Emergency Services	The provision, expansion, improvement, or replacement of new and existing emergency service facilities. Excludes those items of infrastructure stated as to be provided through Section 106 obligations.
Health Facilities	The provision, expansion, improvement, or replacement of new and existing health facilities. Excludes those items of infrastructure stated as to be provided through Section 106 obligations.

South Worcestershire Community Infrastructure Levy - Modifications to the Regulation 123 List

Table 3 above ([Appendix A1 - the Regulation 123 list](#)) sets out the types of infrastructure that the South Worcestershire Councils including Worcestershire County Council intends ~~will be, or may~~ could be, wholly or partly funded by CIL. The inclusion of an infrastructure type on the list does not signify a commitment from any council to fund (either in whole or part) the listed project or type of infrastructure. The list order above does not imply any preference or priority.

The South Worcestershire Councils may seek planning obligations through section 106 agreements for infrastructure projects specifically related to a site. The planning obligation will be subject to the pooling limitations and the three legal tests outlined in Regulation 122 of the CIL Regulations 2010 (as amended).

Appendix A2 sets out in more detail how **Table 3** above will be applied. This accompaniment table has been informed by the detailed infrastructure requirements as set out in the SWIDP ([2014 updated July 2016](#)) (which accompanies policy SWDP 7: Infrastructure) and the viability update report January 2016. ~~Further updated information relating to infrastructure has also been gathered from current planning application negotiations during the production of the DCS.~~

Appendix A2 – Regulation 123 List Accompaniment

This list sets out how the South Worcestershire Councils will seek to apply CIL and Section 106 Planning Obligations in practice (the Regulation 123 List and this accompaniment can be amended as changes to spending / infrastructure priorities arise).

Infrastructure Type	Specific Requirements	Development Site	Infrastructure Location	SWDP Policy Reference	Delivery Mechanism	
					S106	CIL
Affordable Housing	<ul style="list-style-type: none"> See the Affordable Housing Supplementary Planning Document – Affordable Housing (SPD) (consultation draft) March-October 2016 			SWDP 15	✓	✗
Education Facilities (FE = Form of Entry ¹)	<ul style="list-style-type: none"> 1 X 2FE Primary School 	South Worcester Urban Extension (SWDP 45/1)	On site	SWDP 7 ²	✓	✗
	<ul style="list-style-type: none"> 1 X 2FE Primary School 	West Worcester Urban Extension (SWDP 45/2)	On site	SWDP 7	✓	✗
	<ul style="list-style-type: none"> 1 X 1FE Expansion 	Malvern North East Urban Extension (SWDP 56)	Schools directly related to site	SWDP 7	✓	✗

¹ Form of Entry – normally equates to 1 class of 30 pupils

² No singular policy for education exists within the SWDP. Education is covered in part five of the generic infrastructure policy SWDP 7.

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Infrastructure Type	Specific Requirements	Development Site	Infrastructure Location	SWDP Policy Reference	Delivery Mechanism	
					S106	CIL
	<ul style="list-style-type: none"> 2 X 1FE Expansions Secondary Schools <ul style="list-style-type: none"> - 1 X FE Expansion of Nunnery Wood High School - 1 X FE Expansion of Tudor Grange Academy 	South Worcester Urban Extension (SWDP45/1)	Schools directly related to site	SWDP 7	✓	✗
	<ul style="list-style-type: none"> 2 X 1FE Expansions Secondary Schools <ul style="list-style-type: none"> - 1 X FE Expansion of Christopher Whitehead Language College - 1 X FE Expansion of The Chantry High School 	West Worcester Urban Extension (SWDP 45/2)	Schools directly related to site	SWDP 7	✓	✗
	<ul style="list-style-type: none"> 1 X FE Expansion to a Primary School: <u>Either</u> Whittington CE Primary School or Redhill CE Primary School 	Swinesherd Way (SWDP 45/5)	School(s) directly related to site	SWDP 7	✓	✗

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Infrastructure Type	Specific Requirements	Development Site	Infrastructure Location	SWDP Policy Reference	Delivery Mechanism	
					S106	CIL
	<ul style="list-style-type: none"> • <u>Primary or Secondary school(s) expansions directly related to the site in the Worcester education pyramid³</u> 	<u>Crown Packaging (W0135 & W0136)</u>	<u>School(s) directly related to site</u>	<u>SWDP 7</u>	<u>✓</u>	<u>✗</u>
	<ul style="list-style-type: none"> • <u>Primary or Secondary school(s) expansions directly related to the site in the Evesham education pyramid.</u> 	<u>Cheltenham Road, Evesham (SWDP 51/1)</u>	<u>School(s) directly related to site</u>	<u>SWDP 7</u>	<u>✓</u>	<u>✗</u>
	<ul style="list-style-type: none"> • <u>Primary or Secondary school(s) expansions directly related to the site in the Malvern education pyramid.</u> 	<u>Qinetiq, Malvern (SWDP 53)</u>	<u>School(s) directly related to site</u>	<u>SWDP 7</u>	<u>✓</u>	<u>✗</u>
	<ul style="list-style-type: none"> • <u>Housing sites of a sufficient number of dwellings which in themselves generate the need for either a new school (primary or secondary) or expansion to an existing school(s) by 0.5 X FE or greater.</u> 	<u>All qualifying sites</u>	<u>School(s) directly related to site</u>	<u>SWDP 7</u>	<u>✓</u>	<u>✗</u>
	<ul style="list-style-type: none"> • Other cumulative impacts of development on nursery provision, school age provision and special education facilities. 			SWDP 7	✗	✓

³ All schools in Worcestershire are organised in to school pyramids based around major settlements and areas of Worcestershire. Currently Worcestershire is organised into 16 school pyramids.

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Infrastructure Type	Specific Requirements	Development Site	Infrastructure Location	SWDP Policy Reference	Delivery Mechanism	
					S106 / S278	CIL
Transport	<ul style="list-style-type: none"> A4440 Dualling Broomhall Way - Norton Roundabout – Whittington Roundabout. Bath Rd / Sidbury / College St / City Walls Road Corridor (Junction, Highways Works and Bus Infrastructure). A44 London Road (Bus Infrastructure). Real Time Information Systems & Variable Message Signs (for A38 Bath Rd & A44 London Road). A4440 Eastern & Northern Orbital Corridor (Junction Capacity Works) Parkway Railway Station. 	South Worcester Urban Extension (SWDP 45/1)	See Specific Requirements column	SWDP 4	✓	✗
	<ul style="list-style-type: none"> A4440 Dualling of Temeside Way from Ketch Island to Powick Island-Ketch Island – Powick Island. Improvements to bus infrastructure to include new shelters and raised kerbs on A44. Real Time Information Systems and Variable Message Signs on A44 Bromyard Road. 	West Worcester Urban Extension (SWDP 45/2)	See Specific Requirements column	SWDP 4	✓	✗
	<ul style="list-style-type: none"> A4440 Dualling of Temeside Way from Ketch Island to – Powick Island. A449 Improvements. 	Malvern North East Urban Extension	See Specific Requirements	SWDP 4	✓	✗

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Infrastructure Type	Specific Requirements	Development Site	Infrastructure Location	SWDP Policy Reference	Delivery Mechanism	
					S106 / S278	CIL
	<ul style="list-style-type: none"> Improvements to signalised junction at A449 Lower Howsell Road. Malvern Town Centre Bus Service. Malvern to Worcester Cycle Route. 	(SWDP 56)	column			
	<ul style="list-style-type: none"> Improvements to the A4440 corridor to include capacity enhancements at the A4440/A44 (Stratford Road Roundabout and A4440 to A44 London Road/Whittington Road Roundabout). Public Transport provision of bus shelter for new bus stop adjacent to Whittington Hall. New shelter, raised kerbs and pole/flag on outbound bus stop west of Whittington Roundabout. Contributions to upgrade the 550 bus service. 	Swinesherd Way (SWDP 45/5)	See Specific Requirements column	SWDP 4	✓	x
	<ul style="list-style-type: none"> <u>Shrub Hill Station improvements.</u> <u>Advanced stop line at Shrub Hill Road/Midland Road.</u> 	<u>Crown Packaging (W0135 & W0136)</u>		<u>SWDP 4</u>	<u>✓</u>	<u>x</u>
	<ul style="list-style-type: none"> <u>Introduction of MOVA signal control at the A4184 junction with Davis Road.</u> <u>Junction improvements at Vine Street / High Street / Bridge Street.</u> <u>Sustainable schemes improvements</u> 	<u>Cheltenham Road, Evesham (SWDP 51/1)</u>		<u>SWDP 4</u>	<u>✓</u>	<u>x</u>

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Infrastructure Type	Specific Requirements	Development Site	Infrastructure Location	SWDP Policy Reference	Delivery Mechanism	
					S106 / S278	CIL
	<p><u>including bus stops, crossing facilities (Cheltenham Road) and cycle signage to town centre).</u></p> <ul style="list-style-type: none"> • <u>Capacity enhancement of A46/A4184 Roundabout.</u> • <u>Capacity enhancement of A46/The Link/Millennium Way Roundabout.</u> 					
	<ul style="list-style-type: none"> • <u>Junction improvement at B4211 Barnards Green Road / B4208 Pickersleigh Road / Upper Chase Road / Court Rd / Avenue Road.</u> • <u>Junction improvements at B4208 Barnards Green Road / B4211/ Poolbrook Road.</u> 	<p><u>Qinetiq, Malvern (SWDP 53)</u></p>		<p><u>SWDP 4</u></p>	<p><u>✓</u></p>	<p><u>✗</u></p>
	<ul style="list-style-type: none"> • Site specific projects and off site directly related transport projects designed to mitigate for specific transport infrastructure and services required to make development acceptable in planning terms (e.g. site specific highway works, including localised safety improvement, reinstatement of highways and site specific works to amenity land, access roads for the specific development). 	<p>All qualifying sites</p>		<p>SWDP 4</p>	<p>✓</p>	<p>✗</p>
	<ul style="list-style-type: none"> • Site Specific Travel Plans. 	<p>All qualifying sites</p>		<p>SWDP 4</p>	<p>✓</p>	<p>✗</p>

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Infrastructure Type	Specific Requirements	Development Site	Infrastructure Location	SWDP Policy Reference	Delivery Mechanism	
					S106 / S278	CIL
	<ul style="list-style-type: none"> Strategic, county wide sustainable transport improvements for walking, cycling, public transport and highways. 			SWDP 4	x	✓

Infrastructure Type	Specific Requirements	Development Site	Infrastructure Location	SWDP Policy Reference	Delivery Mechanism	
					S106	CIL
Open Space / Green Infrastructure	<ul style="list-style-type: none"> Site specific projects and off site, directly related green infrastructure projects and small areas of open space or on-site play provision (e.g. parks, green areas, children's play space). Smaller sites may be asked to provide Local Equipped Areas of Play (LEAPs) within 400m Larger sites may be asked to provide Neighbourhood Equipped Areas of Play (NEAPs) within 1KM 	All qualifying sites		SWDP 5, 22, 23, 25, 29, 38 & 39	✓	x
	<ul style="list-style-type: none"> Site specific ecological impacts of development. 			SWDP 5, 22, 23, 25, 29, 38 & 39	✓	x

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Infrastructure Type	Specific Requirements	Development Site	Infrastructure Location	SWDP Policy Reference	Delivery Mechanism	
					S106	CIL
	<ul style="list-style-type: none"> Strategic (off site) open space / green infrastructure, including parks and open spaces, local green network, biodiversity protection / enhancements and water quality projects. 			SWDP 5, 22, 23, 25, 29, 38 & 39	x	✓
Sport and Recreation	<ul style="list-style-type: none"> Four outdoor tennis courts Multi-Use Games Area Seven senior Football Pitches Cricket Pitch Four Court Indoor Sports Hall 	South Worcester Urban Extension (SWDP 45/1)	On site	SWDP 5, 38, 37 & 39	✓	x
	<ul style="list-style-type: none"> Multi-Use Games Area Community Centre / Pavilion Six senior football pitches 	West Worcester Urban Extension (SWDP 45/2)	On site	SWDP 5, 38, SWDP 37 & 39	✓	x
	<ul style="list-style-type: none"> Multi-Use Games Area Community Centre / Pavilion Football Pitches One New Cricket Pitch 	Malvern North East Urban Extension (SWDP 56)	On site	SWDP 5, 38, SWDP 37 & 39	✓	x
	<ul style="list-style-type: none"> Strategic provision of built leisure and other sports facilities. 			SWDP 37 & 39	x	✓
	<ul style="list-style-type: none"> Site specific projects and off site directly related provision of playing fields and pavilion-style ancillary buildings to meet the sports and recreation needs of the development. 	All qualifying sites		SWDP 5, 38, SWDP 37 & 39	✓	x

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Infrastructure Type	Specific Requirements	Development Site	Infrastructure Location	SWDP Policy Reference	Delivery Mechanism	
					S106	CIL
Flood Mitigation Measures	<ul style="list-style-type: none"> Specific on site flood defences / mitigation required as a result of a site specific FRA (e.g. SUDS, drainage systems, flood risk management). 	All qualifying sites	On site	SWDP 28, 29 & 30	✓	✗
	<ul style="list-style-type: none"> Strategic flood defences / mitigation required to support development across the area. 			SWDP 28, 29 & 30	✗	✓
	<ul style="list-style-type: none"> Flood Warning Service provision (maintenance, forecasting, warning, and modelling). 			SWDP 28, 29 & 30	✗	✓
Community and Cultural Facilities	<ul style="list-style-type: none"> Site-specific community and cultural requirements <u>associated with the development</u> to be delivered on <u>an appropriate</u> site (e.g. village hall). 	All qualifying sites		SWDP <u>7</u> , 37	✓	✗
	<ul style="list-style-type: none"> Strategic provision of community and cultural facilities such as leisure centres, libraries and cultural facilities. 			SWDP 37	✗	✓
Emergency Services	<ul style="list-style-type: none"> Police Posts 	<p>South Worcester Urban Extension (SWDP 45/1)</p> <p>West Worcester Urban Extension (SWDP45/2)</p> <p>Malvern North East Urban Extension</p>	On site	SWDP 37	✓	✗

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Infrastructure Type	Specific Requirements	Development Site	Infrastructure Location	SWDP Policy Reference	Delivery Mechanism	
					S106	CIL
		(SWDP 56)				
	<ul style="list-style-type: none"> Site specific emergency service provision to ensure an acceptable level of cover commensurate with the growth proposed. 	All qualifying sites		SWDP 37	✓	✗
	<ul style="list-style-type: none"> Strategic provision of police service infrastructure to support development growth. 			SWDP 37	✗	✓
	<ul style="list-style-type: none"> Strategic provision of fire and rescue infrastructure to support development growth. 			SWDP 37	✗	✓
	<ul style="list-style-type: none"> Strategic provision of ambulance services and other emergency care infrastructure to support development growth, carried out in consultation with the Clinical Commissioning Group for south Worcestershire. 			SWDP 37	✗	✓
Health Facilities	<ul style="list-style-type: none"> <u>Directly related health provision and related infrastructure to meet the needs of development, carried out in consultation with the Clinical Commissioning Group for South Worcestershire.</u> 			<u>SWDP 37</u>	✓	✗
	<ul style="list-style-type: none"> Strategic provision of health facilities and related infrastructure to support development growth, carried out in consultation with the Clinical Commissioning Group for South 			SWDP 37	✗	✓

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Infrastructure Type	Specific Requirements	Development Site	Infrastructure Location	SWDP Policy Reference	Delivery Mechanism	
					S106	CIL
	Worcestershire.					
Public Realm	<ul style="list-style-type: none"> Site specific public realm infrastructure and assets. 	All qualifying sites		SWDP 21	✓	✗
Historic Environment	<ul style="list-style-type: none"> Site specific historic environment infrastructure and assets. 			SWDP 6 & 24	✓	✗

Section 106 agreements should not normally be sought on any specific projects unless identified in this appendix. Such site-specific contributions should only be sought where this can be justified through compliance with Regulation 122 and the associated pooling limitations. [For further information in relation to S106 contributions, please refer to the South Worcestershire Developer Contributions SPD \(October 2016\).](#)