

## **COMMUNITY INFRASTRUCTURE LEVY**

### **DRAFT REGULATION 123 LIST**

Regulation 123 provides for the Council to set out a list of those projects or types of infrastructure that we intend to fund, or part fund, through the Community Infrastructure Levy (CIL). To make sure that individual developments are not charged for the same infrastructure items through both Section 106 Agreements and the CIL, we cannot use or secure S106 funds for an item listed on the Regulation 123 list.

This draft Regulation 123 List is provided as part of the consultation on the Draft Charging Schedule.

The list of projects has been identified in the Infrastructure Development Plan (IDP). The IDP forms a key part of the evidence base for the Birmingham Development Plan (BDP). While the BDP sets out the spatial planning framework for the city up to 2031, the IDP identifies the key infrastructure projects necessary to support our growth aspirations. The IDP has been produced in consultation with statutory consultees and external stakeholders and organisations.

Please note that although we have listed number of projects below, this list is not a commitment from the Council to fund these projects, either in total or in part, and the projects are not listed in any particular order.

This list will be reviewed at least once a year, and any amendments will be subject to consultation. Any changes will be published as part of the CIL monitoring and reporting process.

- Snow Hill Phase 1
- Smithfield Masterplan – including relocation of wholesale markets, access improvements and public realm
- Birmingham Ring Road
- Snow Hill Line Enhancements
- City Centre Wayfinding, Signing and Information
- Metro Extension – Centenary Square to Edgbaston
- Metro Extension – Eastside/HS2 Station
- Greater Icknield Leisure Centre
- Greater Icknield Secondary School
- Dudley Road/Spring Hill Corridor Highway Improvement Works

- Aston Newtown and Lozells Area Action Plan Housing Regeneration Programme
- Aston Regional Investment Site – Advanced Manufacturing Hub Economic Zone (including HA pinch point scheme at Salford Circus)
- Food Hub, Perry Barr
- Perry Barr Highway Improvement Works and Public Realm
- Perry Barr Public Transport Hub
- Sutton Boulevard (Birmingham Road)
- Sutton Coldfield Relief Road
- Sutton Coldfield Highway and Transportation Improvements: 3 schemes
- Tamworth/Sutton Park Line/Camp Hill Chords and diversion of Leicester services and Camp Hill line local services/Enhanced local service provision/Moor Street Increased Passenger Handling Capacity
- Increased Park and Ride Capacity on Cross City Line
- Sutton Public Transport Interchange
- Iron Lane, Stechford
- Meadway – Highway Works, Lea Hall Station Improvements and Recreation Ground Improvements
- Life Sciences Campus, Edgbaston/Selly Oak (Economic Zone)
- Selly Oak New Road Phase 1B
- University Station Improvements
- Longbridge Area Action Plan – a new Local Centre, Education Provision, Housing Growth, ITEC Park (Economic Zone)
- Longbridge Connectivity Package
- Longbridge Highway Improvements (inc HA pinch point scheme to M5, j4)
- City wide schemes to address flooding
- Energy from Waste Infrastructure
- Landscape – Scale Biodiversity Enhancement Delivery Plan (Nature Improvement Area programme plus extension)
- Extending the City Centre and Citywide Combined Heat and Power / tri-generation network, includes Energy Centre and CHP pipework
- Allotment Improvement Programme
- Parks Infrastructure Growth Schemes which are not required as a direct result of a development
- Reservoir Work to Park Pools
- Canalside Improvements which are not required as a direct result of a development
- Heritage Assets at Risk
- New Early Years Education Infrastructure for Nursery Provision which is not required as a direct result of a development
- Additional Mainstream Primary Places to meet population which are not required as a direct result of a development

- Additional Mainstream Secondary Places to meet population growth which are not required as a direct result of a development
- Additional Special School Places to meet population growth and growth in demand which is not required as a direct result of a development
- Planned Maintenance Investment in the existing Schools Estate
- New Education Provision 18-25 years which is not required as a direct result of a development
- Full Participation (18-25 years) – initiatives to ensure young people remain in education and training leading to meaningful employment / general training and employment initiatives to improve access to jobs and training for Birmingham Residents
- Kings Norton 3 Estates Regeneration
- Natural Health Improvement Zones
- Birmingham's Food Charter and Food Council – new A-Z of Food and Growing Programme, Birmingham Healthy Eating and Community Growing Programme
- People, Place and Purpose Intelligent Health SMART Routes
- City Wide Sport and Leisure Provision (including Active Parks Programme) which is not required as a direct result of a development
- Support for Core Employment Areas including access improvements, site assembly and branding. Business relocations and mitigating the impact of HS2. The Battery Way Extension is recognised as a key project which includes the completion of a Link Road between Warwick Road and Reddings Lane
- Tyseley Environmental Enterprise District (Economic Zone) and Tyseley Bridge
- Local Centres Programme including environmental improvements/traffic management works (e.g. Acocks Green, Edgbaston, Erdington, Glebe Farm, Harborne, Kingstanding, Sparkbrook, Parry Barr and Sutton Coldfield) which are not required as a direct result of a development
- Major road corridors developed as key gateways and green corridors, including A45, A34, A41, A47. Delivery of individual sites, support to core employment areas and highway/environmental improvements.
- Highgate Road Improvements (road widening scheme)
- Birmingham – Hagley Road SPRINT
- Birmingham – A34 SPRINT
- Smart Network, Smarter Choices Growth Areas – Phase 2
- Open Access Ducting Infrastructure (digital connectivity)
- Soho House Visitor Centre and Garden
- The Drum Arts Centre

The Council will work with local communities and councillors to agree local priorities for spend. The 'meaningful proportion' held by local communities does not need to be spent on items within the Regulation 123 List, but local communities should work closely with the City Council to agree priorities for spending the neighbourhood funding element.

### ONGOING USE OF SECTION 106 AGREEMENTS

When we introduce the CIL, S106 requirements should be scaled back to those matters that are directly related to a specific site, and are not listed in the Regulation 123 list. For clarity, the list below provides an outline of the matters which will continue to be addressed through S106 Agreements.

- Affordable housing in line with Birmingham Development Plan policies
- Employment and skills agreements e.g. local employment or apprentice contracts
- Site specific matters needed to make the development acceptable in planning terms, which could include:
  - New bus connections or services and cycle/pedestrian routes and connections if directly required by the development
  - Local junction improvements and access into the site
  - Travel plans and monitoring fee / co-ordinator posts
  - New schools/extensions as a direct result of large developments
  - On-site public open space and public realm improvements where this is required in line with Birmingham Development Plan policies
  - On-site drainage and flooding solutions
  - On site sustainable energy requirements

Where site-specific exclusions are identified, they will be subject to statutory tests set out under Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), which stipulates the following:

A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –

- a) necessary to make the development acceptable in planning terms
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development”.

With regard to the Sustainable Urban Extension (SUE) at Langley, all on site infrastructure requirements will not be funded by CIL and S106 contributions will be sought. In terms of highway infrastructure required to support Langley and the employment proposal at Peddimore the following schemes will again be funded by S106 rather than CIL:

- Direct highway improvements including Minworth Roundabout and new access from A38.

- Indirect highway improvements and traffic management schemes.
- Improvements to M42 Junction 9 and local highway improvements to mitigate traffic growth.
- Walking and cycling improvements.
- Public transport provision (including SPRINT and rail).
- Highway improvements including Kingsbury Road/Cottage Lane junction.