



Draft CIL Regulation 123 List (2019)

Explanation of Changes

Havant Borough Council's [current Regulation 123 List](#) has been in effect since 1st August 2013¹.

When a Charging Authority wishes to revise its Regulation 123 List (Reg123), the changes should be clearly explained and subject to appropriate consultation. A review of the Reg123 List is needed due to changing circumstances, in part arising from the preparation of the Havant Borough Local Plan 2036. This note therefore provides an explanation and forms part of the evidence subject to public consultation alongside the Draft CIL Charging Schedule.

Current Reg123 List	Consideration	Outcome
Local and strategic transport improvements	In spending rounds, bids for schemes are considered 'critical' or 'essential' and therefore successfully gain CIL funding in accordance with the Council's spending protocol. Site specific matters needed to mitigate the impact of the development to make it acceptable in planning terms are not affected by the presence of this category on this list. The Southleigh Strategic Site is to be 'zero rated' therefore all transport related requirements will be provided by the development directly or through S106.	Keep on Reg123 list.
Provision of new, or improvements to existing, open spaces	Spending Bids are made for this, but they always lose out to flood risk or transport bids. Securing contributions via S106 will ensure that funding is definitely used for open space purposes, which cannot be guaranteed if linked to CIL. Havant Borough Local Plan (HBLP) 2036 Policy E9 requires residential developments of 50 dwellings or more to provide open space on site however supporting text indicates that where this is not feasible the Council will accept a financial contribution towards the improvement of nearby open space.	Remove from Reg123 list and secure through S106, where necessary.

¹ The Explanatory Notes were updated on 8 July 2015

Current Reg123 List	Consideration	Outcome
Flood and Coastal Erosion Risk Management Measures	In spending rounds these have been considered 'critical' and therefore successfully gained CIL funding. While the Eastern Solent Coastal Partnership has been successful in securing external funding for projects these require match funding from other sources such as CIL.	Keep on Reg123 list.
Provision of additional primary school places	Securing contributions via S106 will ensure that funding is definitely used for education purposes, which cannot be guaranteed if linked to CIL. Exclusions in the current Reg123 List mean that S106 contributions are required for new primary school places in all areas of the Borough, except for developments in Leigh Park because of low viability. However, the Local Plan and CIL Viability Study (January 2019) has not identified this as an issue.	Remove from Reg123 list and secure through S106.
Mitigation measures identified through Solent Disturbance and Mitigation Project	Following further work by the Solent Recreation Mitigation Partnership the Solent Recreation Mitigation Strategy (SRMS) has been approved by the Council. HBLP 2036 Policy E16 requires mitigation through either a financial contribution consistent with the SRMS or a developer provided package of measures (or combination of the two). The SRMS sets out a sliding scale of developer contributions based on dwelling size (number of bedrooms). Funding is therefore collected through a separate contribution.	Remove from Reg123 list and continue with SRMS funding regime.
Library improvements	In spending rounds these are considered as 'desirable' (as opposed to critical or essential), so have a lower priority and bids have not gained funding through CIL.	Remove from Reg123 list.
Community and cultural facilities	In spending rounds are considered as 'desirable' (as opposed to critical or essential), so bids have not been successful when judged against transport or flood management schemes. However, several community facility projects have gained funding from the Neighbourhood Portion of the CIL. Removing items from the list does not mean that CIL can't be used to fund such projects but they do not score so well compared to items on the list in accordance with the current Funding Decision Protocol.	Remove from Reg123 list and amend Funding Decision Protocol.