

ANNEX 1

Surrey Heath Borough Council Community Infrastructure Levy: Regulation 123 List

The following list of infrastructure projects may be funded or part funded through the Community Infrastructure Levy (unless otherwise stated).



- 1) Shared Suitable Accessible Natural Greenspace (SANG) – Shared SANG includes SANG provided for development which cannot secure its own SANG solution¹.
- 2) Open Space (with the exception of Shared or On-Site SANG) which is not directly related to a development².
- 3) Local Transport Projects and Pedestrian Safety Improvements which are not directly related to a development².
- 4) Play Areas & Equipped Playing Space which are not directly related to a development².
- 5) Indoor Sports & Leisure Facilities which are not directly related to a development².
- 6) Community Facilities not directly related to a development².
- 7) Waste & Recycling not directly related to a development².
- 8) Strategic Transport Projects².

Flood Defence & Drainage Improvements which are not directly related to a development².

¹ Development sites which cannot provide their own SANG solution will contribute to shared SANG solutions by way of a CIL payment. Development which is required to provide its own bespoke SANG solution will continue to be secured by S106 obligations in line with CIL Regulations 122 & 123. Nothing in this footnote overrides the Borough Council's obligations as the competent authority for the purposes of its duties under the Conservation of Habitats & Species Regulations (2017) as amended.

² Provision, improvement, replacement, operation or maintenance to reduce the incremental impact of development on off-site infrastructure which is not provided or required as avoidance/mitigation on or near individual development sites. This Regulation 123 List excludes projects for infrastructure which are directly related to an individual site i.e. on or near site infrastructure to avoid/mitigate impact arising from that site. The Borough Council may apply CIL, continue to seek S106 obligations, or a mix of S106 and CIL, toward on or near site infrastructure in line with the Infrastructure Delivery SPD and in accordance with Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended).

NOTE: To enable delivery of new residential units that are not CIL liable but nonetheless include a net increase in residential units the Council will require such development to contribute toward the cost of the ongoing management and maintenance of SANG through a Unilateral Undertaking. This is to meet the requirements of the Conservation of Habitats and Species Regulations 2017, (or as subsequently amended).

The Council will levy a contribution of £112.50 per square metre for the residential floorspace created. This is the management and maintenance cost of SANG.

The types of development affected include:

- Change of use to Residential use through the Prior Approval process under the General Permitted Development Order 2015 (or as subsequently amended);
- Self / custom build homes;
- Affordable Housing and Starter Homes as defined in the National Planning Policy Framework (NPPF);
- Applications where less than 100sqm residential floor space is created;
- Conversions to residential use from other use classes (as set out in the Town and Country Planning Use Classes Order), through planning permission, where not CIL liable;
- Conversions to a C2 use where the development may be considered to give rise to likely significant effect to the SPA.

For residential conversions within use class C3 (Residential) and C4 (Houses of Multiple Occupation), where no additional floorspace is created but the overall number of units increases, avoidance measures must also be provided through the allocation of SANG, with contributions charged as set out in paragraphs 6.7-6.10 of the Thames Basin Heaths Special Protection Area Avoidance Measures Supplementary Planning Document (2019).

The development types above may not form an exhaustive list of residential developments providing net additional units that are not CIL liable. The Council will seek appropriate SANG contributions for any other residential development types that are not CIL liable but are required to provide avoidance measures for their impact on the Thames Basin Heaths Special Protection Area.