1.1 The Community Infrastructure Levy (CIL) Regulations restrict the use of Section 106 agreements so that when a Charging Authority (the Council) introduces the CIL, it is expected that the use of Section 106 agreements will be significantly scaled back and limited to those matters that are directly related to a specific site.

1.2 Therefore, as the Council has adopted a CIL charge, developers and applicants for planning consent require clarity about the types of infrastructure that the Council intends to use CIL receipts for so that any other matters, that may be secured through a Section 106 agreement, are apparent and transparent. The list is a requirement of CIL Regulation 123 and is therefore known as the ‘Regulation 123 list’.

1.3 This document is the first West Lancashire Borough Council Regulation 123 List and must be published on the Council’s Website. The list sets out what infrastructure is expected to be partly or wholly funded through the CIL. However, inclusion of any type of infrastructure in this list does not signify a commitment from the Council to deliver or fund, either in whole or in part, this type of infrastructure through CIL. Nor does the order of the table imply any order of preference or weighting of one particular type of infrastructure. The process of governance for CIL expenditure will be carried out separately whilst having regard to the Regulation 123 list.

1.4 It should be noted that, payment of CIL does not remove the need for Section 278 agreements (under Section 278 of the Highways Act 1980). The need to enter into a S278 (between the developer and Highways Authority) usually arises as a result of a planning application and will be a condition of a planning consent. Examples of works delivered through a S278 agreement include construction of a new access junction, improvement of an existing junction or safety related works. However, funds from both CIL and S278 agreements may be used to fund improvements to the highway network.

1.5 This is a ‘living’ document and will be the subject of ongoing monitoring and future updates. The following table sets out the types of infrastructure currently considered likely to benefit from CIL funding:
Regulation 123 List

Strategic transport and highways improvements or provision to include:
- cycle network provision and improvements
- footpaths
- bus stops

but excluding any works that should form part of a Section 278 agreement.

Strategic Green Infrastructure including improvements to and provision of:
- parks
- amenity open space
- play areas
- outdoor sports facilities and playing pitches
- semi natural open space

but excluding:
- delivery of the Burscough to Ormskirk Linear Park
- delivery of a New Town Park directly associated with the Yew Tree Farm Strategic Development Site, Burscough
- any other onsite green infrastructure required by the most up to date planning policy in order to meet the needs of larger development sites

Community facilities including:
- libraries
- health facilities
- community centres
- public realm
- leisure centres

The Council has updated the Open Space Supplementary Planning Document to ensure it reflects the introduction of CIL. This can be found on the Council website at westlancs.gov.uk/planning policy.

For information, the following items will continue to be secured on a site by site basis through either Section 106 obligations or planning conditions:

- Affordable Housing
- Education provision
- Onsite open space and future maintenance (as set out above)
- Flood alleviation measures