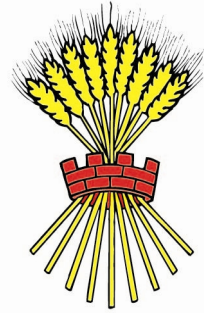


**RYEDALE
DISTRICT
COUNCIL**



**Ryedale Community Infrastructure Levy
Draft Charging Schedule**

CIL and Section 106 Contributions Statement

Ryedale District Council

July 2015

CIL and Section 106 Contributions

- 1.1. National planning guidance requires a Local Planning Authority/the council to streamline its section 106 requirements to those matters that are directly related to a specific site, and are not to be funded through CIL. This needs to be demonstrated at Examination together with the extent to which section 106 targets have been met.
- 1.2 Infrastructure that is in line to be funded in whole or in part through CIL is identified in a Regulation 123 List. This Regulation 123 List is published alongside this statement. It can be amended by the Council as and when required.
- 1.3. The Local Plan Strategy (LPS) was adopted in September 2013, and was written to reflect the application of both a CIL Charging Schedule. In particular, Policy SP22 within the LPS is concerned with Developer Contributions. This policy was written to provide a framework for the consideration of both s.106 agreements and the use of a CIL charging schedule, once it was implemented. Policy SP11, Community Facilities and Services is also written to provide on-site open space standards. With CIL taken over commuted sums for off site provision agreed once CIL is introduced, other than commuted sums for on-site maintenance.
- 1.4 It is stated on the Regulation 123 List for clarity, that the following will continue to be secured through planning conditions and/or section 106 agreements:
 - Affordable housing (including affordable housing commuted sums agreed in lieu of on-site provision)
 - Off site works to the transport network needed to accommodate a specific development in terms of capacity, safety and/or network management (otherwise through section 278 of the Highways Act 1980).
 - The provision and improvement of on-site open space and/or play space
 - Any other matter directly related to a specific site that is not set out in the Regulation 123 List.
- 1.5. Since April 2015 the restrictions on pooling of section 106 agreements has come into force. Section 106 contributions from 6 April 2010 cannot be pooled from more than five developments to fund the same infrastructure project. Similarly, measures will be established to ensure that no individual infrastructure project is funded through both section 106 and CIL.
- 1.6. There will inevitably be a transitional period once CIL is introduced when section 106 contributions will still be being paid from planning approvals approved before CIL, and will still be being spent up to 5 years from receipt.
- 1.7. The Council holds an up to date list of all S.106 details, which it will continue to maintain.

- 1.8. On adoption of CIL, the contributions required through CIL will be fixed. Unless there are particular reasons which would indicate that the Council should introduce an Exceptional Discretionary Relief policy. If there are concerns about viability the ability to reduce contributions will remain with those matters still subject to section 106, and capable of being reduced without compromising the acceptability, in planning terms, of the development. The Council will continue to apply its requirements flexibly, having regard to site specific circumstances, including viability (which will be independently scrutinised). This will continue to ensure that s.106/s 278 agreements are used to ensure that impacts of development are proportionally considered and mitigated.