



**Draft Infrastructure Plan,  
Regulation 123 list  
and Section 106 policy**

**February 2015**

## **1. Introduction**

1.1 The National Planning Policy Framework requires local planning authorities to work with other authorities and providers to assess the quality and capacity of existing infrastructure and to set strategic policies regarding the delivery of new infrastructure. In doing so the local planning authority is required to plan positively for the development of the following types of infrastructure: transport, telecommunications, waste, management, water supply, wastewater, flood risk and coastal change management, provision of minerals and energy (including heat), health, security, community and cultural infrastructure.

## **2. Planning for Infrastructure in Mid Devon**

2.1 At the current time Mid Devon is currently in the process of preparing a new Local Plan for the district, which will cover the period 2013-33. The purpose of this document is to identify what further infrastructure requirements are required over the 20 year period of the plan. The document sets out what infrastructure improvements will be needed to support the additional development set out in the plan, the timescale for when these will be needed, and who will provide them. It also sets out the level of resources needed to deliver the improvements, and how much will be sought from development. Ensuring development is supported by adequate infrastructure is fundamental to delivering the vision as set out in the new Local Plan.

2.2 The plan has been prepared by consulting key infrastructure providers across the district and the wider area. Preparation of this document is an iterative process involving ongoing discussions with a number of infrastructure providers.

2.3 This document reflects the development strategy in the proposed submission Local Plan, but will need to be kept updated both as the plan goes through various stages of development after that, and after the Local Plan has been adopted to reflect changing resources, priorities and information.

## **3. Priority of infrastructure**

3.1 A key element of infrastructure planning is ensuring that the importance of various infrastructure schemes is clear. This enables decision makers to prioritise resources and funding towards those schemes that create the greatest benefit for the area, and unlock development in the most appropriate manner. It is important to note that these priorities relate to the delivery of built development and the Local plan objectives, rather than the over-arching objectives of the local authorities or organisations named as delivery partners.

3.2 The following infrastructure priority criteria have been used:

**(1) Critical:**

Infrastructure required to deliver the strategic vision and objectives of the Local Plan. Critical requirements contribute to delivering the wider strategic aims of the Plan, and may also mitigate the impacts of development schemes. The plan may fail without the delivery of this infrastructure.

**(2) Important:**

Infrastructure required to deliver specific schemes and provide services and facilities to meet the needs of new residents. The delivery of an allocated site may fail without the delivery of this infrastructure.

**(3) Desirable:**

Infrastructure required that would enhance the effectiveness, efficiency and quality of infrastructure or services, creating a better place to live and work.

**Local Priority**

Identified as desirable or beneficial to the local community through Parish and Town Council consultation.

#### **4. Status of this infrastructure plan, Regulation 123 list and Section 106 Policy.**

- 4.1 As with all infrastructure plans, this document represents a ‘snapshot’ of an ever-changing and constantly evolving situation. This infrastructure plan and associated regulation 123 list (Annex A) and Section 106 Policy (Annex B) are in a draft format at present and open to consultation. It is possible and indeed quite likely, that as further assessment is undertaken, the costs, timescales and the priority of the items listed below may change. In future, some items may be considered not required, whilst some new items may be added to subsequent versions of the infrastructure plan. The Infrastructure Plan should therefore be considered a “living document” subject to regular reassessment.

## Mid Devon Infrastructure Plan (2013-33)

Settlement / area	Infrastructure Item	Type	Strategic Priority	Delivery Phasing	Total Estimated Cost	Secured Funds	Funding Gap	CIL Eligible Funding Gap	Delivery Partners and possible sources of funding
Strategic provision	Improvements to M5 J27 to support development in existing plans.	Transport	(1) Critical	2014-19	£1.5m	£1.5m	£0	£0	HA. Funding secured through HA Pinch Point scheme.
Strategic provision	Community transport	Transport	(3) Desirable	Throughout plan	£8.8m	£0	£8.8m	TBC	DCC. Developer contributions / CIL / bus operator.
Strategic provision	Home to School Transport	Transport / Education	(2) Important	Throughout plan	TBC	TBC	TBC	TBC	DCC. Developer contributions / CIL
Strategic provision	Primary education improvements (exclusive of strategic site provision and cost of new Crediton primary school) for whole district including early years	Education	(1) Critical	2014-19 and onwards	£1.79m	£0	£1.79m	£1.79m	DCC. Developer contributions / CIL / academy / free school provider.
Strategic provision	Secondary education improvements (exclusive of strategic site provision) for whole district	Education	(1) Critical	2014-19 and onwards	£1.3m	£0	£1.3m	£1.3m	DCC. Developer contributions / CIL / academy / free school provider.

Settlement / area	Infrastructure Item	Type	Strategic Priority	Delivery Phasing	Total Estimated Cost	Secured Funds	Funding Gap	CIL Eligible Funding Gap	Delivery Partners and possible sources of funding
Strategic provision	Upgrades to or new waste water treatment facilities. Adequate capacity to accommodate growth to 2020 in terms of sewage treatment and potable water (though some localised improvements subject to discussions with developers on specific sites). Post 2020 capacity to be reviewed in subsequent South West Water Business Plans.	Water	(1) Critical	2020-25	Unknown	Unknown	Unknown	Unknown	Expected to be funded by SWW and developer contributions.
Strategic provision	Public open space/green infrastructure		(2) Important	Throughout plan	TBC			£0	MDDC. Funded by developer contributions.
Strategic provision	New recycling centre (replacement for Ashley)	Waste	(2) Important	TBC	£2.5m	£0	£2.5m	£2.5m	DCC. Funded through developer contributions and DCC funding.
Strategic	Criminal Justice Centre	Emergency services	(2) Desirable	TBC	£1.05m	£0	£1.05m	£1.05m	Police. Funded by police / developer contributions / CIL.
Tiverton	Tiverton Eastern Urban Extension Access on to A361 including new junction and highway link from this to Blundell's Road	Transport	(1) Critical	2014-19	£16m	At least £6.65m (from LEP and Waddeton Park app* )	£9.35m	£0	DCC. Funded by developers and Local Transport Board funding (LEP)

Settlement / area	Infrastructure Item	Type	Strategic Priority	Delivery Phasing	Total Estimated Cost	Secured Funds	Funding Gap	CIL Eligible Funding Gap	Delivery Partners and possible sources of funding
Tiverton	Public realm improvements/traffic calming to Blundell's Road	Transport	(1) Critical	2014-19	£2m	£434k (from Waddeton Park app*)	£1.566m	£0	DCC/Developers. To be funded by developer contributions.
Tiverton	Works to increase capacity at Blundell's Road / Heathcoat Way roundabout	Transport	(1) Critical	2014-19	£0.13m	£28k (from Waddeton Park app*)	£102k	£0	DCC/Developers. To be funded by developer contributions.
Tiverton	Works to increase capacity at Lowman Way / Heathcoat Way / Lea Road roundabout	Transport	(1) Critical	2014-19	£0.42m	£91k (from Waddeton Park app*)	£329k	£0	DCC/Developers. To be funded by developer contributions.
Tiverton	Enhanced public transport to serve development.	Transport	(1) Critical	In phase with development	£1.65m	£238k (from Waddeton Park app*)	£1.412m	£0	DCC. To be funded by developer contributions/ bus operator.
Tiverton	New / enhanced pedestrian / cycle facilities to serve development	Transport	(1) Critical	In phase with development	£750k	£162k (from Waddeton Park app*)	£588k	£0	DCC. To be funded by developer contributions.
Tiverton	New 420 place primary school at EUE including early years provision.	Education	(1) Critical	2014-19	£5.6m + land	£1.25m (from Waddeton Park app*)	£4.35m	£0	DCC / Free School / Academy. Fully funded by developer contributions.
Tiverton	Secondary school expansion to accommodate the needs arising from EUE development	Education	(1) Critical	2014-19 onwards	£4.2m	£675k (from Waddeton Park app*)	£3.525m	£0	DCC. Fully funded by developer contributions.

Settlement / area	Infrastructure Item	Type	Strategic Priority	Delivery Phasing	Total Estimated Cost	Secured Funds	Funding Gap	CIL Eligible Funding Gap	Delivery Partners and possible sources of funding
Tiverton	Energy from waste plant with the potential for a district heat network.	Waste	(3) Desirable	2014-19 onwards	£30m	£0	£30m	£0	Private sector waste management company.
Tiverton	Expansion of Fire Service capacity to support growth of the town. Includes cost of response vehicle, small fire engine and garaging construction and 5 year leasing period.	Emergency services	(2) Important	2020-25	c. £0.38m	£0	£0.38m	£0.38m	DSFS. To be funded through CIL / developer contributions.
Tiverton	GP surgery	Health facilities	(2) Important	TBC	c. £3.2m	£0	£3.2m	£3.2m	NHS funded via local GP partnerships (Clinical Commissioning Groups) and CIL.
Tiverton	Flood defence measures on the Rivers Lowman (Alms Houses), Exe (Hospital and adjacent industrial site) and Cottey Brook	Flooding	(2) Important	2015-20	Unknown	Unknown (bid of £1.2m submitted)	Unknown	Unknown	EA. Central Government grant money (Flood Defence Grant in Aid).
Tiverton	Community hall/provision	Community facilities	(3) Desirable	TBC	c. £0.55m	£0	£0.55m	£0.55m	MDDC. Funded by CIL / voluntary sector grant.
Tiverton	Development of Tiverton Youth and Community Centre as a youth hub	Community facilities	(3) Desirable	TBC	TBC	TBC	TBC	TBC	DCC. Funded by developer contributions / DCC.
Tiverton	Children's centre facilities	Community facilities	(3) Desirable	TBC	TBC	TBC	TBC	TBC	DCC. Funded by developer contributions / DCC.

Settlement / area	Infrastructure Item	Type	Strategic Priority	Delivery Phasing	Total Estimated Cost	Secured Funds	Funding Gap	CIL Eligible Funding Gap	Delivery Partners and possible sources of funding
Tiverton	Enhancement of library facilities	Libraries	(3) Desirable	2014-19	35,000	0	35,000	0	DCC. Funded by developer contributions / DCC.
Tiverton	Extra Care provision of 50 units	Health facilities	(3) Desirable	TBC	c.£7m	£0	£7m	£7m	DCC / Private sector provider. Funded through developer contributions / private sector.
Cullompton	Improvements to J28 of the M5 to provide signals to accommodate development in existing plans.	Transport	(1) Critical	2014-19	£1.3m	£1.3m	£0	£0	DCC. Funded through developer contributions and other sources.
Cullompton	Transport Improvements to alleviate M5 Junction 28 (may or may not include Eastern Relief Road depending on final option chosen)	Transport	(1) Critical	Throughout plan period	£50-55m	£0	£50-55m	£0	DCC / MDDC / HA. Funded by developer contributions/LEP/HCA funding.
Cullompton	Secondary school expansion	Education	(1) Critical	TBC	£7.01m not incl. land	TBC	£7.01m (TBC)	£0	DCC. Fully funded by developer contributions.
Cullompton	New 420 place primary school within North West Cullompton allocation including early years provision	Education	(1) Critical	2014-19	c. £5.6m + land	£0	£5.6m	£0	DCC / Free School / Academy. Cost dependent on final development strategy. Funded by developer contributions and DCC.



Settlement / area	Infrastructure Item	Type	Strategic Priority	Delivery Phasing	Total Estimated Cost	Secured Funds	Funding Gap	CIL Eligible Funding Gap	Delivery Partners and possible sources of funding
Cullompton	New 650 place primary school within East Cullompton including early years provision (or two schools of equivalent capacity).	Education	(1) Critical	TBC	c. £8.7m not incl. land	£0	£8.7m	£0	DCC / Free School / Academy. Cost dependent on final development strategy. Fully funded by developer contributions.
Cullompton	Minor expansion of St Andrew's and Willowbank to accommodate background growth. May be temporary.	Education	(3) desirable	2015-2019	TBC	£0	TBC	£0	DCC. Funded by DCC budgets and potentially s106.
Cullompton	Bus improvements to service new development to the north west of Cullompton	Transport	(1) Critical	In phase with development	£1.3m	£0	£1.3m	£0	DCC. Funded by developer contributions / bus operator.
Cullompton	Bus improvements to service new community options at East Cullompton.	Transport	(1) Critical	In phase with development	£1.3m	£0	£1.3m	£0	DCC. Funded by developer contributions / bus operator.
Cullompton	New / enhanced pedestrian / cycle facilities to serve development (NW Cullompton & East Cullompton)	Transport	(1) Critical	In phase with development	TBC	£0	TBC	£0	DCC. Funded by developer through direct provision.
Cullompton	Railway station reopening	Transport	(2) Important	TBC	£6m	£0	£6m	£0	DCC. Funded by developer contributions.
Cullompton	Air quality improvements	Transport	(2) Important	Throughout plan	£2.1m	TBC	TBC	TBC	MDDC. Funded by developer contributions.

Settlement / area	Infrastructure Item	Type	Strategic Priority	Delivery Phasing	Total Estimated Cost	Secured Funds	Funding Gap	CIL Eligible Funding Gap	Delivery Partners and possible sources of funding
Cullompton	Expansion of Fire Service capacity to support growth. Includes cost of response vehicle, small fire engine and garaging construction costs (including some costs for leasing based over 5 year period).	Emergency services	(2) Important	2020-25	c. £0.38m	£0	£0.38m	£0.38m	DSFS. To be funded through developer contributions. Trigger point would be half total housing target in Local Plan for Cullompton.
Cullompton	Children's centre facilities (potentially including East Cullompton) - subject to DCC review of provision.	Community facilities	(3) Desirable	TBC	TBC	TBC	TBC	TBC	DCC / alternative provider.
Cullompton	Community hall/provision	Community facilities	(3) Desirable	2014-19	Unknown	Provided by developer	£0	£0	Developer.
Cullompton	Expansion of Library to accommodate needs of new development	Community facilities	(3) Desirable	2014-19	Unknown	£0	Unknown	Unknown	DCC / Developer contributions.
Cullompton	Extra Care provision of 50 units	Health facilities	(3) Desirable	TBC	c.£7m	£0	£7m	£7m	DCC / Private sector provider. Funded through developer contributions / private sector.
Crediton	Bus improvements to service new development	Transport	(1) Critical	In phase with development	£0.65m	TBC	£0.65m	£0	DCC. Funded by developer contributions / bus operator.
Crediton	New / enhanced pedestrian / cycle facilities to serve development	Transport	(1) Critical	In phase with development	TBC	£0	TBC	TBC	DCC. Funded by developer through direct provision.

Settlement / area	Infrastructure Item	Type	Strategic Priority	Delivery Phasing	Total Estimated Cost	Secured Funds	Funding Gap	CIL Eligible Funding Gap	Delivery Partners and possible sources of funding
Crediton	Crediton air quality. Relates to link road. Will require further testing to define impact and need for further mitigation/works.		(2) Important	Throughout plan	£0.5m	TBC	TBC	TBC	MDDC. Funded by developer contributions.
Crediton	New 210 place primary school including early years provision	Education	(1) Critical	In phase with development	c. £2.8m + land	£0	£2.8m	£2.8m	DCC / Free School / Academy. Cost dependent on final development strategy. Funded by developer contributions and DCC.
Crediton	Minor expansion to Haywards and Landscore Primary Schools to accommodate background growth. May be temporary.	Education	(3) desirable	2015-2019	TBC	£0	TBC	£0	DCC. Funded by DCC budgets and potentially s106.
Crediton	Children's centre facilities - subject to DCC review of provision.	Community facilities	(3) Desirable	TBC	TBC	TBC	TBC	TBC	DCC.
Crediton	Extra Care provision of 50 units	Health facilities	(3) Desirable	TBC	c.£7m	£0	£7m	£7m	DCC / Private sector provider. Funded through developer contributions / private sector.
Rural	Community asset transfer and 5 year running costs for Kennerleigh Village Shop	Community facilities	Local	2014-19	£25k	£0	£25k	£25k	Kennerleigh Parish Council/confederation of parish councils. Funding from CIL.

Settlement / area	Infrastructure Item	Type	Strategic Priority	Delivery Phasing	Total Estimated Cost	Secured Funds	Funding Gap	CIL Eligible Funding Gap	Delivery Partners and possible sources of funding
Rural	Improvements to library service in Bampton	Libraries	Local	TBC	TBC	TBC	TBC	TBC	DCC and Bampton library community pilot group, developer contributions.

\*Waddeton Park application within Tiverton Eastern Urban Extension has planning permission but is awaiting issue of decision notice.

Totals\*

Total infrastructure cost: £190.5m

Secured funds: £12.3m

Total gap: £175.6m

CIL eligible: £28m

\*Figures calculated exclude unknown costs (including land where this is required). If item cost expressed as a range, lower figure used in total calculations.

## Acronyms

CIL	Community Infrastructure Levy
CCG	Clinical Commissioning Group
DCC	Devon County Council
DCLG	Department for Communities
DfT	Department for Transport
DSFS	Devon and Somerset Fire Service
EA	Environment Agency
EUE	(Tiverton) Eastern Urban Extension
GP	General Practitioner
HA	Highways Agency
HCA	Homes and Communities Agency
LEP	Local Enterprise Partnership
MDDC	Mid Devon District Council
NHS	National Health Service
S106	Section 106 Planning Contribution
SWW	South West Water

## Draft Regulation 123 List

Types of infrastructure to be funded in whole or part by CIL	Specific infrastructure items excluded from the Regulation 123 list to be funded via developer contributions (i.e. s106/s278 agreements)
Education, early years,youth and children’s centre facilities;	<p>Excluding any provision required due to the development of Tiverton Eastern Urban Extension</p> <p>Excluding any provision required due to the development of East Cullompton</p> <p>Excluding any provision required due to the development of North West Cullompton</p>
Home to School Transport (and vice versa)	<p>Excluding any provision required due to the development of Tiverton Eastern Urban Extension</p> <p>Excluding any provision required due to the development of East Cullompton</p> <p>Excluding any provision required due to the development of North West Cullompton</p>
Leisure facilities (sports facilities defined as publicly owned leisure centres, gyms and swimming pools)	<p>Excluding open space provision (publicly accessible open space, allotments, other green infrastructure and sports pitches with associated changing facilities)</p> <p>Excluding any provision required due to the development of Tiverton Eastern Urban Extension</p> <p>Excluding any provision required due to the development of East Cullompton</p> <p>Excluding any provision required due to the development of North West Cullompton</p>
Transport improvements;	<p>Excluding specific improvements needed to make the development acceptable in planning terms. These exclusions can include (but are not limited to) highways access to the site and local road junctions, deceleration and turning lanes, measures to facilitate pedestrian and cyclist access, lighting and street furniture needed to mitigate the impact of a particular development. They may also include mitigation works remote from the development site where the need for such works is identified in a Transport Assessment or Junction Capacity Study.</p> <p>Excluding any provision required due to the development of Tiverton Eastern Urban Extension</p> <p>Excluding any provision required due to the development of East</p>

	<p>Cullompton</p> <p>Excluding any provision required due to the development of North West Cullompton</p>
Health and Emergency Services facilities;	<p>Excluding any provision required due to the development of Tiverton Eastern Urban Extension</p> <p>Excluding any provision required due to the development of East Cullompton</p> <p>Excluding any provision required due to the development of North West Cullompton</p>
Library services;	<p>Excluding any provision required due to the development of Tiverton Eastern Urban Extension</p> <p>Excluding any provision required due to the development of East Cullompton</p> <p>Excluding any provision required due to the development of North West Cullompton</p>
Community Care facilities (social care institutions providing for older people and people with mental health or learning disabilities);	<p>Excluding any provision required due to the development of Tiverton Eastern Urban Extension</p> <p>Excluding any provision required due to the development of East Cullompton</p> <p>Excluding any provision required due to the development of North West Cullompton</p>
Community facilities and social infrastructure (community centres and meeting places but excluding places of worship; voluntary sector meeting places and centres; and public cultural facilities);	<p>Excluding any provision required due to the development of Tiverton Eastern Urban Extension</p> <p>Excluding any provision required due to the development of East Cullompton</p> <p>Excluding any provision required due to the development of North West Cullompton</p>
Carbon offsetting and air quality improvements; and	<p>Excluding any provision required due to the development of Tiverton Eastern Urban Extension</p> <p>Excluding any provision required due to the development of East Cullompton</p> <p>Excluding any provision required due to the development of North West Cullompton</p>

## **Draft Policy on use of Section 106 for infrastructure**

Upon implementation of the Mid Devon Community Infrastructure Levy, the Council will also implement the “Regulation 123 List” which sets out the items of infrastructure which will be wholly or partly funded by Community Infrastructure Levy. After that time, it will not be possible to use Planning Obligations under Section 106 to fund infrastructure items on that list. Accordingly, there will be a scaling back of Section 106 use and it is proposed that this policy will provide a guide to the use of Section 106. The following four sections indicate the areas which may still be subject to planning obligations under Section 106.

### **1 Non – Infrastructure Requirements**

The funding and provision of items which are not defined as infrastructure, such as affordable housing.

Other non-infrastructure requirements such as development phasing, the implementation of travel plans and construction management.

### **2 Infrastructure for Urban Extensions**

The provision of infrastructure within, directly related to or required as a result of development within the defined areas of the North West Cullompton, East Cullompton and East Tiverton urban extensions allocated in the adopted Local Plan Review. This reflects the fact that these sites are proposed to be zero-rated for CIL. All of the remainder of this policy should be read with this exception in mind.

### **3 Site – Specific Transport Improvements**

Generally, transport provision is included within the Regulation 123 List as a type of infrastructure to be funded wholly or partly by Community Infrastructure Levy. However, excluded from this general limitation are site – specific improvements needed to make a development acceptable in planning terms. These can include (but are not limited to) highways crossovers to access the site and local road junctions, deceleration and turning lanes, measures to facilitate pedestrian and cyclist access, lighting and street furniture needed to mitigate the impact of a particular development. They may also include mitigation works remote from the development site where the need for such works is identified in a Transport Assessment or Junction Capacity Study.

### **4 Other Infrastructure Provision**

Infrastructure provision which meets the necessity, relatedness and fairness tests set out in the CIL Regulations (often referred to as the “CIL Tests”) but which is not included on the Regulation 123 list to be funded by CIL may be sought through the use of Planning Obligations. A full list of infrastructure to be sought through planning obligations is not included, since much would depend on the specific development put forward, but the following forms of infrastructure are specifically referred to within the Local Plan.

- Public Open Space - the provision of public open space (publicly accessible open space, allotments, other green infrastructure and sports pitches with associated changing facilities) in accordance with the adopted policies of the Local Plan Review including where necessary replacement provision as a result of the loss of an existing facility.



- Sustainable Urban Drainage Systems
- Wildlife protection, enhancement and mitigation
- Measures related to pollution and contaminated land.