

Foreword

A Planning Obligation Strategy was adopted as Supplementary Planning Guidance by the City Council on 9 July 2002. It was intended that the document would be reviewed annually. Reports on the review of the Strategy were presented to Environment Scrutiny Committee on 1 July 2003 and 27 April 2004. This revised version of the Planning Obligation Strategy was adopted by the City Council as Supplementary Planning Guidance in April 2004. Information on the consultation carried out in respect of the revised Strategy can be found in the Statement on Consultation for Supplementary Planning Guidance adopted April 2004 available from the City Council's Planning Reception.

1.0 INTRODUCTION AND KEY AIMS OF THE STRATEGY

- 1.1 Cambridge is experiencing increased pressure from the development of land for housing, commercial and other uses. These development pressures and the increase in density of new development schemes are trends which are likely to continue into the foreseeable future.
- 1.2 A consequence of this development is increased pressure on the physical and social infrastructure of the city. For example, new residential development can increase demand for school places and community facilities, and add to the number of people using open space and recreational facilities. New commercial development will increase the number of people travelling into and around the city and significantly add to congestion and pressure on public transport, car and cycle parking, air quality and public safety.
- 1.3 The use of planning obligations (also known as S.106 Agreements) has become a key mechanism in the planning system for addressing the impact new development can have on the infrastructure of a city. The government has recognised the benefits of the planning obligation system and also the need to reform it and in December 2001 produced its consultation paper '*Planning Obligations: Delivering a Fundamental Change*'. A further consultation paper 'Contributing to sustainable communities – a new approach to planning obligations' was produced in November 2003.
- 1.4 The City Council has been instrumental in using planning obligations as a means of securing improvements to infrastructure through contributions from new developments, to help ameliorate both their immediate impact on the environment and their strategic impact on the wider city infrastructure. In negotiating planning obligations for development proposals, the City Council is guided by government guidance set out in Circulars and Planning Policy Guidance Notes, and Local Plan policies. The Planning Obligation Strategy is intended to provide clarity and enable a more comprehensive approach to the negotiation of and use of planning obligations.

- 2.7 The new Structure Plan has been influenced by the Implementation Study for the Sub Region produced by Roger Tym and Partners. This study predicts a £2 billion infrastructure cost associated with future new development in the Cambridge Sub-Region and identifies the need to create a robust mechanism for delivering it in tandem with new development. An Infrastructure Partnership has been set up to deliver the scale of growth envisaged in the Cambridge sub-region along with supporting infrastructure.
- 2.8 Any future reviews of this Planning Obligation Strategy will take account of any relevant guidance adopted in relation to meeting the cost of providing sub-regional infrastructure.
- 2.9 Chapter 15 of the **Cambridge Local Plan 1996** sets out the role of planning obligations in providing resources to achieve the objectives of the Local Plan and to meet as far as possible the infrastructure costs arising from development. Paragraph 15.16 identifies the benefits sought from planning obligations in the context of the Local Plan:
- (a) affordable housing;
 - (b) meeting infrastructure costs, especially open space, education, transport, social services and community facilities;
 - (c) those required to meet policy objectives, such as the protection of wildlife and percentage for art; and
 - (d) measures required to make a development take place in an acceptable way, such as agreed phasing.
- 2.10 Paragraph 15.17 states that planning obligations will only be sought where it is appropriate to the needs of the site or land use proposed. However, the development of small sites should not escape the infrastructure costs resulting from cumulative increases in demand, e.g. education and open spaces. Therefore, while the City Council will consider the impact of each development proposal on the physical and social infrastructure of the city, it will seek to use pro-rata payments where appropriate.
- 2.11 Paragraph 15.18 sets out priorities for seeking benefits through planning obligations and states that these will follow the priorities of the Local Plan as a whole. Therefore the priorities for seeking planning obligations are as follows:
- housing
 - transport
 - open space/environment
 - other local services and amenities
- Paragraph 15.18 also makes clear that the circumstances of individual sites and localities may require some flexibility in this approach.
- 2.12 The following Local Plan policies are relevant to the provision of specific community and transportation facilities:

SUBJECT	POLICY NUMBER	POLICY TITLE
Affordable housing	H07	Negotiation from housing development proposals
	H08	Restriction of occupation to persons in need

Transport	TR2 /TR3	Development of transport mitigation measures
	TR4	Significance of public transport
	TR5/TR6	Improvement of park & ride services
	TR15/TR16	Improvement of pedestrian accessibility
	TR18/TR19 /TR20	Improvements to cycle accessibility
	TR23	Contributions to measures to assist public transport, cycling & walking
Open space/recreation	RL3	Provision within new housing and other development
	RL4	Play space for children
Education	CS6	Educational facilities within the communities they serve and which meet local needs
	CS9	Contribution from residential development to the provision of school places
Community development	CS3	Provision with new residential development
Public realm & Public Art	E08	Contributions towards enhancement of environment
	EO10	Removal or improvement of eyesores
	EO11	Improvements through urban redevelopment and regeneration
	ET7	Environmental improvement and regeneration in Special Policy Zones
	CS5	Policies relating to Addenbrooke's Hospital
	BE15	Designing for a safer community
	RL26	Works of art in new development
	TO10	Visitor developments and infrastructure

2.13 The Cambridge Local Plan is currently under review and a first deposit draft Plan was the subject of a consultation exercise in summer 2003. A second deposit draft Plan will be produced in summer 2004. This review of the Planning Obligation Strategy is influenced by policies in the current Cambridge Local Plan. However any future reviews of the Planning Obligation Strategy will be influenced by the new Local Plan as it proceeds to adoption.

2.14 **Sustainable development** seeks to ensure a better quality of life for all – now and in the future. It is described in *Our Common Future 1987* as development that meets the needs of the present without compromising the ability of future generations to meet their own needs. The government is keen that the principles of sustainable development are applied across all areas of policy making, and the promotion of sustainable development is a major aim set out in PPG1 'General Policy and Principles'.

- 3.3.3 Policy RL3 goes on to identify three exceptions where open space may not have to be included as part of a development and these include instances where a planning obligation is secured for a contribution to meet the provision of new or improved open space on-site or nearby; or the development is for student residential purposes only and adequate open space for recreation is provided nearby.
- 3.3.4 The need for adequate open space and recreation provision is established through the Cambridge Local Plan. Map 1 in Appendix 5 of the Local Plan shows that substantial parts of the city are located more than 400m from the entrance to a public open space. The unshaded areas of the map which are within 400m of the entrance to public open space does not necessarily mean that they are well served – no account is taken of the quantity or quality of the open space, nor the size of the population within their catchments. Therefore, there may still be a need for further provision of or improvements to public open space in these areas also. New residential development, unless it provides sufficient open space as an integral element, can exacerbate the pressure on existing open spaces in Cambridge. The City Council will normally expect all appropriate development to contribute to meeting the additional demand for open space it creates – either on site, or through a commuted payment to provide new open space or improve existing open space in the vicinity of the development site.
- 3.3.5 A research study *An Assessment of Open Space in Cambridge* was published in 1999. This considered the three types of open space defined above and concluded that there is: (i) a serious deficiency of formal open space in secure public use in the city, (ii) a marked uneven distribution of informal open space, and (iii) that large areas of the city lie beyond the catchments of an appropriate children's play areas.
- 3.3.6 *Guidance for Interpretation and Implementation of the Open Space Standards* was originally adopted by Planning Sub-Committee in January 2000 and was reviewed and updated in January 2001 and July 2002. . Where relevant, the details of this Guidance has been incorporated into this Strategy. The Guidance is based on the requirements of Policy RL3 and the Council's open space standards and is designed to ensure a consistent approach to the provision of open space as part of new developments, either on site or through a contribution made towards the provision or improvement of open space elsewhere.
- 3.3.7 The *Guidance for Interpretation and Implementation of Open Space Standards* seeks to ensure that all new residential developments (and other forms of development as appropriate) contribute in some way to the provision or improvement of public open space either through its provision on site as part of the development or through the payment of a financial contribution to the City Council to use in the improvement or provision of public open space across the city. This approach recognises the impact that even small developments can have incrementally on open space and recreation facilities.
- 3.3.8 Other relevant background documents to open space in Cambridge includes *'Parks for Cambridge People: A Strategy for Parks, Play and Open Spaces managed by the City Council'* 2003 which includes an audit of open spaces and vision for their improvement to meet the needs of the city. An *'Open Space, Sport and Recreation Strategy'* is currently under preparation by the

Type of open space	Approach to expenditure
Formal open space projects	On a city wide basis to benefit residents across the city unless a pressing need for improvement of formal open space facilities within the locality of the development site is identified
Informal open space projects	Within 1.5km of the boundaries of the development site if possible or on schemes which will benefit residents across the city
Children's play areas	Within 600m of the boundaries of the development site or on schemes which will benefit residents across the city

3.3.17 A list of projects to potentially be delivered using developer contributions has been identified and is set out in Appendix B of this Strategy. The list will be reviewed and updated periodically to take account of new or different priorities and development pressures, and any additional strategic guidance adopted by the City Council in relation to open space. The projects identified are in addition to those identified in the previous Planning Obligation Strategy. It will be important to be able to demonstrate that any contribution for open space received in connection with a particular new development will be used to mitigate the impact of that development.

3.3.18 The projects listed in Appendix B relate to the improvement of existing open spaces and recreational facilities in order that they can cope with the additional usage and pressure resulting from new developments in the city. However the City Council will also seek to identify opportunities where new public open space can be created in order to mitigate the impact of new residential development in the city. As some of the larger projects identified may require contributions from a number of developments in order to bring them to fruition, in some cases a expenditure period of 10 years will be specified in planning obligations in order that sufficient funds can be built up to fund projects.

3.4 EDUCATION

Policy framework and establishing the impact of new developments

- 3.4.1 Policy CS9 of the Cambridge Local Plan states that where residential development creates extra demand for school places but there is insufficient capacity to meet it, that developers will be expected to contribute to meeting this additional demand. Additionally Policy CS2 requires residential development, where relevant, to provide for appropriate community facilities to meet the needs of future residents. Community facilities to which this policy relates include educational and caring facilities.
- 3.4.2 Within Cambridge, there are forty state schools, a significant number of private schools, facilities for pre-school childcare, in addition to libraries and other facilities which facilitate life-long learning.
- 3.4.3 Additional house building taking place within the city as well as a recent increase in the childbirth rate particularly among women over 30, has

increased the demand for school places and for pre-school provision. On average every 100 new dwellings is likely to generate 25 pre-school aged children, 25 primary school aged children and 20 secondary school aged children (source: County Council Education Department).

Methodology for calculating contributions and their application to development proposals

- 3.4.4 The additional pressure new residential developments will place on educational facilities is assessed by the County Council. With respect to school places, the capacity of educational establishments is calculated in relation to the permanent accommodation available in light of modernisations and rationalisations that are in progress. The additional space requirements of children with special needs are also taken into account. The capacity in the local area is compared with the commitments for space derived from pupils coming from existing residential areas and previously approved housing developments. If a shortfall in accommodation is anticipated, then an appropriate contribution is sought from the developer to fund the shortfall in places.
- 3.4.5 With pre-school facilities, demand significantly exceeds current provision on a citywide basis, and this situation can be exacerbated by new residential development across the city. Additionally new residential development can increase demand on libraries and other facilities which facilitate life-long learning, particularly in regard to equipment and space available.
- 3.4.6 In view of the number of smaller residential developments currently taking place in the city and their incremental impact on the capacity of educational facilities, the following methodology will be applied in calculating contributions towards mitigating their impact.
- 3.4.7 **Primary school and secondary school provision** – planning applications for residential development of four or more dwelling units will be assessed in terms of their impact on the capacity of primary and secondary schools in the local area. Where it is considered that there is insufficient capacity to meet the demand for school places arising from the development, a contribution will be required towards the creation of additional school places as set out below:

Primary education contribution where no capacity	£1350 per dwelling unit
Secondary education contribution where no capacity	£1520 per dwelling unit

- 3.4.8 **Pre-school facilities** – in view of the lack of capacity of pre-school facilities in the city, planning applications for residential development of four or more dwelling units will be assessed in terms of their impact on the capacity of pre-school facilities. Where it is considered that there is insufficient capacity to meet the likely demand arising from the development, a contribution will be required towards the creation or improvement of pre-school facilities as set out below:

Pre-school contribution	£810 per dwelling unit
-------------------------	------------------------

4.0 MONITORING AND REVIEW OF PLANNING OBLIGATIONS AND EXPENDITURE OF CONTRIBUTIONS

- 4.1 In view of the significance of planning obligations to the development control process, it is important that the negotiation of obligations and expenditure of any contributions received from developers are carefully monitored in a public and accountable way.
- 4.2 The following measures are therefore proposed:
- Reports on planning proposals presented to Planning Committee and Area Committees for decision will clearly identify the key aspects of any planning obligations recommended by the planning officer.
 - A copy of each planning obligation will be placed on the public planning register in association with the planning decision notice to which it relates.
 - Compilation of an annual report to Environment Committee providing details on planning obligations negotiated in the previous year; extant planning obligations where development has not yet commenced; details of expenditure from planning obligations in the previous year; and details of expenditure planned for the coming year. The report will also review implementation of the Planning Obligations Strategy and make recommendations for any suggested improvements. It may also be appropriate to prepare a brief interim monitoring report for Environment Committee 6 months after the annual report.
 - Provision of information on the City Council's web site relating to planning obligations.

5.0 PRACTICAL POINTS FOR PREPARING AND COMPLETING PLANNING OBLIGATIONS

- 5.1 The completion of planning obligations is often perceived as a lengthy and time-consuming process which adds delay to the implementation of developments. The City Council is keen to ensure that planning obligations are completed as quickly and effectively as possible to ensure that target times for determining planning applications are met. For major applications, the target time for determination is 13 weeks, and for minor applications, 8 weeks. In order to meet these targets, the City Council has recently reviewed its procedures for dealing with planning obligations and guidance on this can be found on the web site (www.cambridge.gov.uk/planning/dcappfrm.htm) or in planning application packs for non house-holder development.
- 5.2 In each case, the applicant will be informed of the time period within which it is intended to complete the planning obligation and determine the application and advised that the case will be reviewed if not completed within the specified time period and that planning permission may be refused
- 5.3 In order to enable the completion of planning obligations to take place quickly and effectively, the following points should be borne in mind:
- Standard clauses should be used where possible.

METHODOLOGY FOR SELECTING & APPLYING PLANNING OBLIGATION CONTRIBUTIONS TO POTENTIAL PROJECTS

1.0 Introduction

- 1.1 In accordance with the Planning Obligation Strategy, developers can in certain circumstances, make financial contributions to the City or County Councils for the provision or improvement of infrastructure rather than directly providing such infrastructure as part of new development on site.

2.0 Purpose

- 2.1 The Planning Obligation Strategy sets out where possible, details of the potential projects towards which the City or County Council may allocate contributions received. The main purpose of this appendix is to provide more information on how the lists of projects are compiled and how contributions from individual development sites are allocated to specific projects on the lists.

3.0 Key elements of monitoring planning obligation contributions

- 3.1 Where financial contributions are made by developers in lieu of providing infrastructure on site, they are usually submitted to the City Council upon implementation of development schemes. This means that the timing of submission of contributions is dependent on the developers timescale for starting work on site and bringing forward development.
- 3.2 The level of contributions submitted can vary greatly from a few thousand pounds to hundreds of thousands of pounds. In many cases, contributions from individual developments need to be pooled to pay for the cost of larger projects.
- 3.3 In order to register and keep track of planning obligation contributions submitted to the Council, the Council has developed a database specifically to monitor the submission and use of planning obligation contributions. When a contribution is received from a particular development site, it is allocated to a specific cost centre set up for the relevant planning application, the details of which are then logged onto the Planning Obligation Database. When contributions are spent or transferred for example to the Parks & Recreation department to pay for an open space project, such expenditure of the contribution is logged on the database so that the use of contributions from receipt to expenditure can be clearly traced. When the contributions received from a particular development have been spent, the developer is notified of the projects which the contribution has been used to fund.

	<p>Projects for expenditure of commuted parking payments</p> <p>Financial contributions submitted to the City Council in lieu of providing car parking on site are mainly used to implement projects set out in the City Council's Walking and Cycling Strategy. Additionally up to £25,000 per year may be spent on transport studies. The City Council's Transport Policy Section identifies projects that will go towards implementing the Cycling & Walking Strategy that will benefit from planning obligation contributions. Transport studies may be identified by the Head of Development Services or Policy and Projects. The list of projects towards which planning obligation contributions will be allocated is considered and agreed by the City Council's Environment & Planning Working Group.</p>
<p>Recreation and open space</p>	<p>The list of projects identified in the Planning Obligation Strategy was compiled in the following way:</p> <p>An initial list of potential projects was compiled using the following sources:</p> <ul style="list-style-type: none"> - Schedule of Projects identified by Recreation Services and agreed by the City Council's Community Development and Leisure Committee on 31 January 2002; - City Wide Arboricultural Strategy 2000 – 2007 approved by the City Council's Environment Committee on 6 November 2001; - Suggestions from Parks and Recreation Officers using knowledge and experience. <p>The following criteria was used in selecting these projects:</p> <ul style="list-style-type: none"> - Projects must provide or improve open space to cater for increased usage and needs arising from residents of new developments; - Provision of a range of projects of different types and sizes across the city so that funding arising from development sites can be used locally where possible; - Projects should be capable of delivery in next 12-18 months if possible; - Planning obligation funding for projects should not replace or substitute existing Council funding; <p>The four City Area Committees were consulted on the list of potential projects in January/February 2004 and asked to prioritise or suggest alternative projects. Using feedback from the Area Committees, a smaller</p>

