

SUSTAINABLE GROWTH SCRUTINY COMMITTEE

MONDAY 18 JANUARY 2010

7.00 PM

Bourges/Viersen Room - Town Hall

AGENDA

Page No

1. Apologies for Absence

2. Declarations of Interest and Whipping Declarations

At this point Members must declare whether they have an interest, whether personal or prejudicial, in any of the items on the agenda. Members must also declare if they are subject to their party group whip in relation to any items under consideration.

3. Minutes

- | | | |
|-----|-------------------------|---------------|
| 3.1 | 16 November 2009 | 1 - 6 |
| 3.2 | 3 December 2009 | 7 - 10 |

4. Call In of any Cabinet, Cabinet Member or Key Officer Decisions

The decision notice for each decision will bear the date on which it is published and will specify that the decision may then be implemented on the expiry of 3 working days after the publication of the decision (not including the date of publication), unless a request for call-in of the decision is received from any two Members of a Scrutiny Committee or Scrutiny Commissions.. If a request for call-in of a decision is received, implementation of the decision remains suspended for consideration by the relevant Scrutiny Committee or Commission.

5. Peterborough City Services - Update on Lot 3: Various Operational Services **11 - 14**

To scrutinise the developments relating to the Lot 3 procurement for Peterborough City Services Operational Services.

6. Planning Obligations Implementation Scheme **15 - 58**

To scrutinise the draft Planning Obligations Implementation Scheme prior to its consideration by the Cabinet.

7. Forward Plan of Key Decisions **59 - 74**

To consider the latest version of the Forward Plan.

8. Work Programme **75 - 78**

To consider the latest version of the Work Programme.

9. Date of Next Meeting

Wednesday 17 February 2010



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Louise Tyers on 01733 452284 as soon as possible.

Emergency Evacuation Procedure – Outside Normal Office Hours

In the event of the fire alarm sounding all persons should vacate the building by way of the nearest escape route and proceed directly to the assembly point in front of the Cathedral. The duty Beadle will assume overall control during any evacuation, however in the unlikely event the Beadle is unavailable, this responsibility will be assumed by the Committee Chair.

Committee Members:

Councillors: M Fletcher (Chairman), S Allen (Vice-Chairman), D Day, S Day, S Lane, G Murphy and J Peach

Substitutes: Councillors: B Saltmarsh, P Winslade and S Goldspink

Further information about this meeting can be obtained from Louise Tyers on telephone 01733 452284 or by email – louise.tyers@peterborough.gov.uk

**MINUTES OF A MEETING OF THE SUSTAINABLE GROWTH SCRUTINY COMMITTEE
HELD AT THE BOURGES/VIERSEN ROOM - TOWN HALL ON 16 NOVEMBER 2009**

Present: Councillors M Fletcher (Chairman), S Allen (Vice-Chairman), S Day and J Peach and P Winslade

Also Present: Councillor N Sandford – Representing the Leader of the Liberal Democrat Group

Officers Present: Shahin Ismail, Head of Delivery
Steve Bowyer, Director of Strategic Growth – Opportunity
Peterborough
Carrie Denness, Principal Lawyer
Louise Tyers, Scrutiny Manager

1. Apologies for Absence

Apologies for absence were received from Councillors D Day, Lane and Saltmarsh. Councillor Winslade was in attendance as substitute for Councillor D Day.

2. Declarations of Interest and Whipping Declarations

No declarations of interest were made.

3. Minutes of the Meeting held on 21 September 2009

The minutes of the meeting held on 21 September 2009 were approved as a correct record.

Clarification was sought as to what the Bourges Boulevard Design Project was which had been stated in the minutes. It was confirmed that it was remodelling work which had been undertaken to examine potential ways of reducing traffic flows and possibly making Bourges Boulevard a single lane highway. The costs had proved to be prohibitive and so this was not being taken forward at this time.

4. Call In of any Cabinet, Cabinet Member or Key Officer Decisions

There were no requests for call-in to consider.

5. Progress on the Delivery of the Local Area Agreement Priority

The Committee received an update on the performance as at September 2009 of the Substantial and Truly Sustainable Growth outcomes contained within the Local Area Agreement (LAA).

Peterborough's LAA contained four priorities: Creating Strong and Supportive Communities; Creating the UK's Environment Capital; Creating Opportunities, Tackling Inequalities; Substantial and Truly Sustainable Growth. Each of those priorities had four specific outcomes, beneath which sat a diverse range of actions and interventions to deliver lasting positive change for Peterborough.

The Substantial and Truly Sustainable Growth priority was measured by four specific outcomes: Increasing Economic Prosperity; Creating Better Places to Live; Building the Sustainable Infrastructure of the Future; Creating a safe, vibrant City Centre and Sustainable Neighbourhood Centres. A Red/Amber/Green flagging system was used to indicate overall performance against each of the outcomes – red indicated that the outcome was significantly behind target, amber indicated that the outcome was experiencing difficulties, and green indicated that the outcome was on target or had achieved its objectives.

Overall the priority was reported as Amber for this period. The main issue was the ongoing red status of the economic prosperity outcome. This was largely due to the severity of the recession and its impact on the local economy, job numbers, earnings etc. The new Economic Development Team in OP was creating an economic intelligence hub for the city and this would provide up to date information on the local economy, guide future provision of business support where intervention was needed and provide an evidence base for reviewing the current target levels. A grant scheme was also in place to assist the growth of small businesses in the city. Housing delivery was very much on target at the half year point and looked set to continue for the remainder of the year. The Infrastructure outcome was also on target with regards to adapting to climate change but baseline datasets were still awaited from DfT to finalise baselines and targets. Safe, Vibrant City & Neighbourhood Centres remained at risk due to issues with data collection regarding city and district centre planning permissions although this was close to being resolved. A dynamic multi agency vacant shop fronts team had been working to bring forward initiatives such as the Destination Centre and Women's Enterprise Centre to address empty shops. Completion of Cathedral Square was anticipated to drive up footfall in the city centre in 2010.

Coordinated action was needed to support businesses in the city during the downturn to ensure the city maintained a strong and diverse economic base that was well positioned to take advantage of the recovery when it arrived and to underpin the wider growth agenda. Action to tackle vacant shop fronts was essential to maintain confidence in the city and district centres, broaden the range and quality of retail, leisure and cultural offer and consequently maintain or increase footfall for businesses.

Observations and questions were raised around the following areas:

- Was there a concern for the viability of shops in the City with the increase in online shopping? There needed to be a better spread of jobs and employment. *The Economic Development Team looked to retain existing companies in the City and attract inward investment. There were links to the skills agenda and this was a very important area which needed to be developed.*
- What was Opportunity Peterborough doing to get better value jobs and employers into the City? *The City was attracting interest from a number of government bodies and consultancy and work was ongoing to turn this interest into jobs. We were looking to expand the offer of what Peterborough can offer to businesses. Work was ongoing to try and persuade the Land Registry to remain in the City.*
- Why did the Land Registry want to leave Peterborough? *It was mainly to do with the de-centralisation of Government bodies around the country. The South West was seen as a key area for regeneration and that was why there was a focus on Plymouth in this case. We needed to make sure that there was a range of housing and offices in Peterborough to meet need.*
- The target for affordable housing in the Regional Spatial Strategy was 35%, where does our performance put us? *In recent years we had achieved the target. Construction was ahead of target and we were predicted to hit our targets.*
- What is the grant which is available to assist small businesses? *It is in three strands and amounts to £450,000 over two years. The three strands were: improving procurement costs; Business Link; and growth for eco-businesses.*
- What was the coordinated action which was being undertaken to support businesses? *The Economic Development Team had found it difficult to obtain*

economic data at any given time and work was being done to assimilate information from businesses to give a better economic profile of Peterborough. The priority was to gather data and then look to keep it fresh to give a true picture of the City.

6. Peterborough Integrated Development Programme

The Peterborough Integrated Development Programme (IDP) provided a single delivery programme for strategic capital-led infrastructure. The purpose of the IDP was to:

- Summarise key strategies and plans for Peterborough, highlight their individual roles and importantly show how they complemented one another.
- Set out what infrastructure and support Peterborough needed for the next 15 years or so, why we needed it, who would deliver it, and what it might cost. For a variety of audiences, it showed, and gave confidence to them, that we had a coordinated plan of action on infrastructure provision.
- Form the basis for bidding for funding, whether that was from: Government; Government Agencies; lottery and other grants; charities; private sector investment; and developer contributions (s106 and potentially Community Infrastructure Levy).

The IDP summarised key plans, strategies and associated targets within them, including:

- The Sustainable Community Strategy
- The Core Strategy
- Growth aspirations
- Regeneration aspirations
- Regional aspirations

To deliver the targets and aspirations of the key plans and strategies there was a need for significant amounts of infrastructure. The IDP grouped these needs into 'packages' of infrastructure requirements, under two broad headings:

- Spatial packages i.e. infrastructure needed to deliver large scale spatial initiatives such as the city centre and urban extensions.
- Thematic packages i.e. transport, environmental, utilities, etc, infrastructure needed to complement the growth.

Whilst only regarded as a 'snap shot' in time, the following illustrated the kind of financial cost of providing the infrastructure to support the growth:

Infrastructure theme	Infrastructure Cost (min estimate)	Infrastructure Cost (max estimate)
Transport	£600m	£950m
Education	£175m	£200m
Environment	£65m	£120m
Utilities / Services	£120m	£195m
Employment	£10m	£20m
Community Infrastructure (including affordable housing)	£380m	£465m
Totals (appx)	£1.350bn	£1.95bn

Peterborough was one of the first cities to have developed an IDP and it was the most comprehensive one in the region.

Observations and questions were asked around the following areas:

- There was currently no provision for young people detailed within the IDP. The poor provision for young people was one of the main issues within Peterborough and we

needed to build more assets for them. *Officers would take this issue back to colleagues and raise it during the challenge session.*

- The Eldern Pub in Orton had recently been closed again and the local community were keen to use it as a youth facility. Was the City Council able to do something about this?
- The Alconbury Airfield had recently been sold. Due to the large number of proposed housing in the City, could any of our allocation be transferred to that development?
- During the life of the Plan there may be a change of Government and it could be possible that EERA could disappear along with housing targets. What incentive was there to keep the IDP if those two things happened? *Officers were not sure how radical future changes would be. The IDP detailed what we would be looking at in the long term and as it was a live document it could be adapted very quickly.*
- The document made reference to the Community Infrastructure Levy (CIL) which was up to individual Councils to decide whether they wanted to implement it within their area. Had a decision on whether to implement the Levy in Peterborough been made? *Officers would be taking the Planning Obligations Strategy to Cabinet in February 2010 and this document would probably make a brief reference to the CIL. Endorsement from Cabinet would be sought for officers to research the CIL in detail for submission to a future Cabinet meeting towards the end of 2010/early 2011.*
- How realistic were the proposals contained within the IDP as the document appeared to contradict what was actually happening on the ground? *We needed to be realistic about what we wanted to achieve as it would not be possible to ask for the best of everything as it would not be viable. We needed to ask what as a city we wanted to see from developments such as Great Haddon. Officers had been identifying the gaps of the funding for the growth agenda and public funds would not be able to deliver all of the IDP aspirations. The IDP was a starting point and officers would be happy to bring updates to future meetings.*

RECOMMENDATIONS

The Cabinet is recommended to:

- (i) ensure that youth provision is seriously looked at within the IDP; and
- (ii) examine whether what the City Council delivers on the ground is what we aspire to within the IDP.

ACTION AGREED

To receive a further update on the Integrated Development Programme at our meeting in March 2010.

7. Forward Plan of Key Decisions

The latest version of the Forward Plan, showing details of the key decisions that the Leader of the Council believed the Cabinet or individual Cabinet Members would be making over the next four months, was received.

8. Work Programme

We considered the Work Programme for 2009/10.

It was noted that an item on the ICT Managed Service was still to be scheduled into the work programme. It was felt that this was an important item for the Committee to scrutinise to see if what was promised was being delivered and whether there were any lessons to learn from the contracting process.

ACTION AGREED

The Scrutiny Manager to clarify when a report on the ICT Managed Service could be received by the Committee.

9. Date of Next Meeting

Monday 18 January 2010 at 7pm.

CHAIRMAN
7.00 - 8.10 pm

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**MINUTES OF A MEETING OF THE SUSTAINABLE GROWTH SCRUTINY COMMITTEE
HELD AT THE FORLI ROOM - TOWN HALL ON 3 DECEMBER 2009**

Present: Councillors M Fletcher (Chairman), S Allen (Vice-Chairman), D Day, S Day, S Lane and J Peach

Also Present: Councillor N Sandford

Officers Present: Shahin Ismail, Head of Delivery
Richard Kay, Strategic Planning Manager
Harj Kumar, Senior Strategic Planning Officer
Carrie Denness, Principal Lawyer
Louise Tyers, Scrutiny Manager

1. Apologies for Absence

There were no apologies for absence.

2. Declarations of Interest and Whipping Declarations

No declarations of interest were made.

3. Request for Call-In of an Executive Decision - East of England Plan to 2031: Scenarios for Housing and Economic Growth Consultation

On 19 November 2009, the Cabinet Member for Strategic Planning, Growth and Human Resources made an executive decision relating to the East of England Plan to 2031. In accordance with the Constitution this decision was published on 20 November 2009. On 24 November 2009, Councillors Sandford, Fower and Trueman submitted a request to call-in this decision on the following grounds:

- (i) The decision is Key but it has not been dealt with in accordance with the Council's Constitution.
- (ii) The decision does not follow the principles of good decision making set out in Article 12 of the Council's Constitution, specifically that the decision maker did not:
 - (a) realistically consider all alternatives and, where reasonably possible, consider the views of the public;
 - (b) understand and keep to the legal requirements regulating their power to make decisions; and
 - (c) follow procedures correctly and be fair.

In support of the request to call-in Councillor Sandford made the following points:

- He apologised for the need to call a special meeting to consider this issue but he had been reassured in the past that procedures had been put in place to prevent this happening.

- The request to call-in was on the grounds of process and not the contents of the response. It had not been made on party political grounds but the Cabinet Member should have had oversight of the process.
- The East of England Plan was a very important document for the City and he had concerns that no members other than the Cabinet had been involved in the development of the response.
- The consultation period had been between 1 September and 24 November but the Cabinet Member Decision Notice (CMDN) had only been published on 20 November which gave no time for call-in if some Members felt that there was a problem with the response. Technically the Council could not submit its response until after the call-in period had ended.
- What had caused the delay between 27 October and 20 November?
- This had also occurred with the response to the East Midlands Plan. Councillor Sandford had raised the issue at Full Council and had been given assurances that procedures would be put in place. The Solicitor to the Council had also given similar assurances.
- The decision should be referred back to the Cabinet Member to make the point that procedures needed to be followed. A report should also be submitted to Council on what will be done to tighten procedures.
- The issue seemed to be that there needed to be a proper oversight of the process. With consultations it was important that scrutiny was involved.

In response to Councillor Sandford's points, the Head of Delivery made the following comments:

- The East of England Regional Assembly (EERA) was consulting on a revision to the Regional Plan. This was the start of EERA's process and there would be lots of opportunities to comment in the future.
- On 14 September, a public consultation event had been held in the Town Hall which had had a good turnout.
- The CMDN was first drafted on 23 October and was an evidence based response. On 26 October it was circulated for sign off by officers and the final sign off had happened on 3 November.
- On 4 November, the CMDN was sent to Councillors Croft, Hiller and Elsey and it was returned by Councillors Hiller and Elsey on 5 and 9 November. During this period Councillor Croft was on leave and it was signed on his return on 18 November. The decision was then published on 19 November.
- The Council's response had been sent to EERA on the strict understanding that it was subject to call-in.
- A proposed way forward could be to set out a time line of when we had to have responses ready for sign off, if there was an issue with time then copies could be sent to Members. The Local Development Framework Scrutiny Group could also be used as a sounding board for future consultations. This specific decision cut across three portfolios but perhaps in future there should not be a requirement to get three signatures.

On behalf of the Solicitor to the Council, the Principal Lawyer confirmed that this issue had been raised with the Solicitor to the Council at a group leaders meeting. Following that meeting Members concerns had been taken to a meeting of the Corporate Management Team on 20 October where a request was made that Directors fed back to relevant staff that a proper timetable should be put in place during the decision making process.

Comments and questions were asked around the following areas:

- Did Councillor Sandford have any particular concerns with the content of the response? *No, it was the process which caused concern.*

- Who set the process off when a decision needed to be made? *It was the responsibility of the lead officer.*
- Should it be the responsibility of officers to have in their diaries when papers needed to be returned? *The Head of Delivery advised that in this case officers did not know that Councillor Croft was not available but she accepted that officers could have been a bit more proactive in seeking a resolution.*

RESOLVED

That the decision relating to the East of England Plan should not be called-in.

RECOMMENDATIONS

Whilst the Committee did not call-in the decision, it wished to make a number of recommendations which it hoped would ensure a smoother process:

That the Leader of the Council and the Solicitor to the Council be recommended that:

- (i) the process relating to Cabinet Member Decision Notices is tightened up by ensuring that all appropriate officers are made aware of the Constitution and reminded that it must be adhered to;
- (ii) the procedures for approving Cabinet Member Decision Notices ensure that there is adequate time for scrutiny programmed in; and
- (iii) an update is provided to the Committee on who oversees the Cabinet Member Decision Notice process and how decisions within the process are tracked.

4. Date of Next Meeting

Monday 18 January 2010

CHAIRMAN
6.30 - 7.00 pm

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SUSTAINABLE GROWTH SCRUTINY COMMITTEE	Agenda Item No. 5
18 January 2010	Public Report

Report of the Commercial Services Director

Report Author – Mike Heath, Commercial Services Director
Contact Details - (01733) 425301 or mike.heath@peterborough.gov.uk

UPDATE ON LOT 3, WASTE 2020 PROGRAMME – PETERBOROUGH CITY SERVICES – VARIOUS OPERATIONAL SERVICES

1. PURPOSE

- 1.1 To keep the Sustainable Growth Scrutiny Committee updated on the developments relating to the Lot 3 procurement for PCS Operational Services.

2. RECOMMENDATIONS

- 2.1 That the Committee scrutinises the progress made to date.

3. LINKS TO THE SUSTAINABLE COMMUNITY STRATEGY AND LOCAL AREA AGREEMENT

- 3.1 Many of the services provided by City Services are measured under the CAA and LAA.

4. BACKGROUND

CONSTITUTIONAL:

- 4.1 Since the Sustainable Growth Scrutiny Committee's meeting on 21 September 2009, Cabinet at its meeting on 12 October 2009 agreed to the principles for inclusion, and the way forward, for Peterborough City Services in the Lot 3 procurement.
- 4.2 On 31 December 2009 the Deputy Leader and Cabinet Member for Environment Capital and Culture made a decision on the Lot 1: Energy from Waste Facility; Lot 2: Materials Recycling Facility and Lot 3: PCS Operational Services. With regard to Lot 3 specifically:-
- The six bidders ranked as 1, 2, 3, 4, 5 and 6 referred to in the Exempt Annex to that Cabinet Member Decision Notice are to be invited to participate in the competitive dialogue (ie. to be invited to submit outline solutions for consideration) for the reasons set out in that Exempt Annex;
 - In line with the respective consents of bidders, the names of the bidders that have been shortlisted are to be published (but this will not be done until the expiry of the call-in period to safeguard bidders' confidentiality which attaches during the call-in period).
 - Delegations have been given to the Deputy Chief Executive and/or Executive Director – Strategic Resources (in consultation with the Deputy Leader and Cabinet Member for Environment Capital and Culture and where necessary the Solicitor to the Council and/or the Waste 2020 Project Board) to determine and action:-

- (i) any issues whether or a strategic, operational or other nature that may need resolution (including any that may cross departments of the Council) during the remaining procurement process to ensure effective and timely progress to be made; and
 - (ii) whether, and if so, how many, and which bidders, are to be selected to take through to the next stages of the procurement process (including invitation to submit detailed solutions, call for final tenders and preferred bidders).
- The final decision on which bidder is to be awarded the Lot 3 contract (as well as Lots 1 and 2) subject to the usual Acatel provision (10 day standstill period required by European procurement law) are to be referred to the Deputy Leader and Cabinet Member for Environment Capital and Culture to enable a further executive decision to be made by a Cabinet Member decision notice.

PROCUREMENT:

- 4.3 Members will recall that when an update was given to the October meeting of the Committee, the Council was in the process of evaluating the prequalification questionnaires and supporting documentation that it had received from bidders which had expressed an interest in being considered for the procurement. A healthy response had been received from the market place.
- 4.4 Having concluded the evaluation of the prequalification questionnaires and supporting documentation, this gave rise to the recommendations to, and decision made on 31 December 2009 by, the Deputy Leader and Cabinet Member for Environment Capital and Culture.
- 4.5 The Council had invited interest from the market for Lot 1, Lot 2 and Lot 3 and asked bidders to indicate if they would be interested in a combination of all the Lots. The Council also indicated in its procurement notice that it envisaged that it would shortlist to take forward to competitive dialogue a minimum of 3 and a maximum of 12 by means of 3 for each of Lots 1, 2 and 3 plus 3 for a combination of all 3 Lots. Additionally, the Council reserved the right to withdrawn any of the Lots. The Council decided that it would not invite any bids in respect of combined Lots 1 - 3. The Council therefore had the option to invite more than 3 bidders for any Lot provided that the overall number of bidders does not exceed 12. It was concluded that it would be in the Council's interests to invite 6 shortlisted bidders to submit outline solutions for Lot 3: PCS Operational Services (with 3 bidders for each of Lots 1 and 2).

5. NEXT STEPS:

- 5.1 Following the decision taken on 31 December 2009 and expiry of the call in period, the bidders which have been shortlisted for Lot 3 (in alphabetical order) are:-
- Amey LG Limited;
 - Enterprise Managed Services Limited;
 - HW Martin Waste Limited;
 - Kier Limited;
 - May Gurney Limited;
 - Veolia ES (UK) Limited.
- 5.2 Invitations to participate in the competitive dialogue are due to be issued in January to those shortlisted bidders which will seek outline solutions as the first stage of the competitive dialogue process for consideration by the Council. This will be followed by the second stage which is the detailed solution stage where bidders will submit their detailed solutions to the Council and then the final stage which is the by call for final tenders. At each stage, the bids will be carefully assessed and only those that demonstrate they meet the Council's requirements in terms of content, value for money and benefits to the Council will be taken

forward to the later stages. The competitive dialogue process is used because it allows the Council and bidders flexibility to discuss and develop solutions in complex procurements such as Lot 3 where the Council is seeking innovative solutions in terms of delivery and pricing from bidders.

- 5.3 As Members will be aware, the Lot 3 contract, is in essence, the services currently provided by Peterborough City Services. Discussions on the contract encompass a wide range of services which will need to be dealt with in the competitive dialogue process. It has also been emphasised to bidders that the Council wishes to work in a collaborative and partnering style and positively wishes to see bids that combine all the necessary qualities that the Council is seeking to achieve in the procurement process. A contract period of between 9 and 30 years is to be discussed with bidders. The Transfer of Undertakings (Protection of Employment) Regulations 2006 will apply to those services that are included in the Lot 3 contract and detailed discussions will take place with bidders on protecting those PCS employees and pensions rights for those transferring PCS employees that are members of the Local Government Pension Scheme at the point of transfer.
- 5.4 The range of services offered in the Lot 3 procurement is a rather diverse one consisting of services which the Council is legally obliged to provide and others that are discretionary. Having assessed the market appetite for these services, it is clear that bidders are commercially more interested in some of the services than others. The precise scope of services is to be determined through the competitive dialogue procedure.

6. IMPLICATIONS

- 6.1 Any implications are set out in the report or will be resolved as and when they arise during the competitive dialogue process.

7. CONSULTATION

- 7.1 A number of consultations and update meetings have been held with both the trade unions and the workforce to keep them informed of progress.
- 7.2 Discussions have, and will continue to take place, across the Council on affected areas eg. Leisure Trust, Neighbourhood Councils, Strategic Property, Operations.

8. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- Contract notice published in the Official Journal of the European Communities

9. APPENDICES

None

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SUSTAINABLE GROWTH SCRUTINY COMMITTEE	Agenda Item No. 6
18 JANUARY 2010	Public Report

Report of the Executive Director of Operations

Contact Officer(s) – Simon Machen (Head of Planning), Paul Smith (Planning Delivery Team Leader) and Carrie Denness (Legal)
Contact Details – 453475, 453468 and 452536

PLANNING OBLIGATIONS IMPLEMENTATION SCHEME (POIS)

1. PURPOSE

- 1.1 To seek the Sustainable Growth Scrutiny Committee's views on the revised Planning Obligations Implementation Scheme (POIS) prior to its consideration by Cabinet (and subsequent publication thereafter).

2. RECOMMENDATIONS

- 2.1 That the Committee scrutinises the draft POIS document prior to its consideration by Cabinet and makes any appropriate recommendations.

3. LINKS TO THE SUSTAINABLE COMMUNITY STRATEGY AND LOCAL AREA AGREEMENT

- 3.1 The POIS has been devised as a corporate framework which is intended to be acceptable to landowners and developers and which meets the needs of service departments and the council's partners in its growth strategy. The current and proposed arrangements are integral to providing funding to the Sustainable Community Strategy and Local Area Agreement (LAA) priorities and outcomes. The document helps to deliver Local Plan Policy IMP1 and is consistent with the emerging policy CS11 of the draft Core Strategy.

4. BACKGROUND

- 4.1 The City Council agreed in 2007 that it needed to adopt a more detailed Section 106 (S106) framework and consultants working jointly for PCC & Opportunity Peterborough (OP) developed proposals. A report on the POIS was submitted to a Joint Scrutiny Committee on 28 July 2008 and in light of the comments made, it was agreed to reflect further on the concerns raised and therefore subsequent discussions were held with house builders, developers' representatives and others.
- 4.2 Following consultation between the City Council, its partners, stakeholders and the community the City Council resolved to approve the draft POIS at the Full Council meeting held on 10th December 2008. The POIS has been used as a material consideration in making planning decisions since that date. It was intended that the POIS would then be adopted as a Supplementary Planning Document (SPD) forming part of the Local Development Framework (LDF). In order to achieve this a 6 week consultation period was undertaken resulting in the receipt of substantial external and internal representations. These representations have been reviewed and discussed by officers. Some of the comments have been incorporated into the revised POIS thereby creating a clearer, more user friendly document.
- 4.3 The revised POIS was then sent to Counsel to review in order to assess its robustness and the risk of legal challenge. Counsel's opinion has been received and discussed between officers. Whilst some initial reservations were made about the viability studies these have been overcome and our consultants that carried out the studies are confident in standing by their results and the

recommended tariff charges outlined in the POIS (Please see Appendix 2).

- 4.4 The City Council has a Planning Obligations Policy (IMP1) in the 2005 Adopted Local Plan. As part of that policy the City Council confirmed that separate guidance would be produced to outline priorities for the provision of infrastructure and facilities within the city. This POIS document delivers on that commitment.
- 4.5 The City Council has plans to grow Peterborough, which requires new infrastructure and replacement infrastructure to ensure that the city's growth is sustainably achieved. The City Council has worked with partners to capture the infrastructure requirements which are set out in the Integrated Development Programme (IDP), which was approved by Cabinet on 14th December 2009.
- 4.6 The City Council website is located at <http://www.peterborough.gov.uk> and has a series of pages dedicated to the POIS and associated background information. These pages can be accessed via the following link.
http://www.peterborough.gov.uk/planning_and_building/other_planning_and_building/s106_planning_agreements.aspx
- 4.7 The POIS document will have a hyperlink to the IDP website when it is launched. The IDP is used as our required evidence base to justify 'charging' developers a financial contribution for wider infrastructure (via the s106 route, or potential Community Infrastructure Levy (CIL) in the future).
- 4.8 S106 contributions will only part fund the infrastructure outlined in the IDP. Funding from other sources will be used to meet the overall costs of infrastructure provision. The City Council will seek such infrastructure funding, as appropriate, on a European, national, regional and local level from both the public and private sector.
- 4.9 At a recent officer-level Growth Delivery Steering Group meeting the POIS was discussed against the background of a potential future mechanism for charging developers for infrastructure, known as the Community Infrastructure Levy (CIL). The conclusion of the Steering Group was to progress the POIS to an adopted SPD status in the interim prior to the possible introduction of CIL. The following background information provides the Scrutiny Committee with a fuller insight into CIL.

Community Infrastructure Levy

- 4.10 The Government has recently consulted on draft regulations on the CIL, which is an instrument to raise funding for local infrastructure needs. It is expected that the regulations will come into force in April 2010. The Government states that the CIL will improve predictability and will allow the cumulative impact of development to be better addressed.
- 4.11 The draft regulations indicate that Section 106 agreements (planning obligations) will become increasingly limited to mitigate impacts solely resulting from the development. This means that the POIS tariff could eventually become illegal and, therefore, only a temporary solution to help fund infrastructure provision. As such, although adoption of the CIL will be optional, it is likely that most Councils will choose to implement the CIL given the increasing limits of Section 106 agreements, the outlawing of POIS-style tariffs and the need to help fund infrastructure provision.
- 4.12 The CIL charging structure would form a new type of document within the Local Development Framework; and be subject to consultation and independent review.
- 4.13 We will request that Cabinet, at their meeting on 8 February 2010, endorses a proposal that officers research in detail the potential of implementing a CIL in Peterborough, with detailed submission to a future Cabinet meeting towards the end of 2010/early 2011.
- 4.14 Further information on CIL can be found on the following websites:

Department of Communities and Local Government:

<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyimplementation/reformplanningsystem/planningbill/communityinfrastructurelevy/>

The Planning Advisory Service:

<http://www.pas.gov.uk/pas/core/page.do?pagelid=122677#contents-1> and

<http://www.pas.gov.uk/pas/core/page.do?pagelid=109617#contents-2>

- 4.15 A copy of the POIS and IDP have been placed in the Members' Group Rooms. The POIS, once approved by Cabinet, will be published.

5. KEY ISSUES

- 5.1 The City Council has relied on policy IMP1 for its current S106 policy framework since 2005 with the adoption of the current Local Plan. This is proving unsatisfactory in that it is: -

- insufficiently detailed.
- open to different interpretations.
- open to challenge and less defensible than it could be.
- not a reliable framework on which service departments can depend in planning capital programmes.
- unreliable as a framework for assessing developer contributions.

- 5.2 For these reasons, the current S106 policy framework weakens the City Council's negotiating position with developers. In response to this the POIS has been developed and provides: -

- a link to the IDP - a costed social and physical infrastructure programme which has to be funded for the growth strategy to succeed, and to which new development needs to make a proportionate contribution.
- the principle that all significant developments including minor residential but not house extensions make a contribution to infrastructure growth because of their impact on the use of social and physical infrastructure like schools and public transport.
- contributions to neighbourhood and city-wide provision, on a phased basis in some cases and by negotiation on larger sites.
- standard contribution figures for a range of different developments which will be used to assess the S106 Obligation.
- contributions are sought for all new housing developments – including affordable
- pooled arrangements for taking funds from a series of relevant developments and banking them over a period, adding other funding until the project is fully funded and can commence implementation.
- scenarios showing the impact on new development, and a separate report which assesses this. The report's conclusion is that the new scheme's impact will vary case by case, but that it enhances transparency and consistency for developers.
- the scheme will be carefully monitored and reviewed at least annually and modified to ensure it meets its objectives. Its infrastructure costs and contributions will be indexed.
- the scheme will collect contributions for PCC and partner services.

- there will be a charge on development towards the costs of running the S106 activity which will be administered within the Planning Service and be accounted for to the Planning Committee.

5.3 As a result of the above points the POIS now provides the City Council with a much stronger position when negotiating with developers.

6. IMPLICATIONS

6.1 The POIS is intended to be adopted as an SPD and will support the emerging policy CS11 of the draft Core Strategy.

6.2 The proposed POIS will be administered corporately by the S106 Officer supported by planning case officers, and relevant staff in services and partner organisations.

6.3 The POIS will create a more efficient and consistent method of collecting S106 contributions that can be pooled and spent on the infrastructure projects outlined in the IDP. This will assist in delivering the City Council's growth agenda.

7. CONSULTATION

7.1 The POIS document has had extensive consultation internally with officers and externally with developers and other parties who have contributed to the development of the scheme, plus a 6 week statutory consultation between March and April 2009. There is not any intention to have any further public consultation on the document.

8. NEXT STEPS

8.1 The POIS is scheduled to go to Cabinet for final approval on 8th February 2010. Thereafter the document will be published and form a policy document of considerable weight for planning purposes.

9. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

9.1 The POIS refers to and has been informed by a wide range of publicly available documents, including: the Integrated Development Programme, Sustainable Communities Strategy, Local Development Framework, Local Area Agreement and regional documents, such as, the Regional Spatial Strategy for the East of England and the East of England Regional Economic Strategy. Full details are contained within Appendix 7 of the POIS document.

9.2 A sustainability appraisal report (original main report dated February 2009, plus an update report dated December 2009) are available on request and will be published with POIS.

10. APPENDICES

10.1 Appendix 1 - Revised Planning Obligations Implementation Scheme

**PETERBOROUGH
CITY COUNCIL**

**PLANNING OBLIGATIONS
IMPLEMENTATION
SCHEME**

SUPPLEMENTARY PLANNING DOCUMENT

Head of Planning Services
Stuart House East Wing
St John's Street
Peterborough
PE1 5DD

DECEMBER 2009

www.peterborough.gov.uk

Peterborough City Council

Planning Obligations Implementation Scheme Supplementary Planning Document

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1. Summary

- 1.1 Policy IMP1 of the [Peterborough Local Plan](#) requires that new development provide the associated infrastructure that it will rely upon. When it is adopted, this Planning Obligations Implementation Scheme [POIS] will be a Supplementary Planning Document [SPD], forming part of the [Peterborough Local Development Framework](#), and providing additional details on the implementation of Local Plan policy. This scheme guides contributions by developers to Peterborough's infrastructure, as the City and its surroundings grow in line with agreed expansion objectives.
- 1.2 Peterborough has a challenging and wide ranging agenda for growth through allocations in the [Regional Spatial Strategy for the East of England](#) (The East of England Plan). Delivering growth that is sustainable and benefits existing and new residents of the city is the objective of the Council and its partners and is reflected in the [Sustainable Community Strategy 2008 - 21](#), the [Statutory Development Plan](#), and the [Local Area Agreement 2008 - 2011](#).
- 1.3 Significant investment in new infrastructure is required to support the growth of Peterborough. Together with its partners, the Council has produced an **Integrated Development Programme [IDP]** that sets out the infrastructure that will be required to support the growth of the city.
- 1.4 Development in the City Council area will need and benefit from the required infrastructure. New residential and commercial development must contribute towards the costs of this new infrastructure.
- 1.5 The City Council, its partners, stakeholders and the community will need to identify and secure a range of funding sources to facilitate delivery of the required infrastructure. The City Council will seek such infrastructure funding, as appropriate, on a European, national, regional and local level from both the public and private sector.

Site Related, Neighbourhood and Strategic Infrastructure Costs

- 1.6 Three types of required infrastructure are defined in this POIS:
- Site Related
 - Neighbourhood
 - Strategic Infrastructure.

The City Council expects all developments to self fund their own site related infrastructure and, in the case of residential development, to provide affordable housing in accordance with current Council policy.

- 1.7 New development also contributes to the need for additional Neighbourhood and Strategic Infrastructure proportionate to the scale and impact of the development.
- 1.8 The City Council has three Neighbourhood Management Areas and the element of the contribution paid towards neighbourhood infrastructure will be spent on Neighbourhood Infrastructure projects in that area, reasonably related to the development.

- 1.9 Further infrastructure is required to service the whole of the Peterborough area and beyond. Such infrastructure is defined as Strategic Infrastructure and every new development should contribute to such infrastructure proportionate to its scale and impact. This will disproportionate the risk of individual developments being held back by having to bear the cost of major infrastructure alone.

Standard Contributions

- 1.10 The City Council has set standard levels of contribution towards Neighbourhood and Strategic Infrastructure for most common forms of development. The figures have been informed by local development finance studies and advice from property consultants Navigant and GVA Grimley. The figures are summarised in [Appendix 2](#). For those types of development without a standard contribution figure the City Council will continue to seek an appropriate contribution towards Neighbourhood and Strategic Infrastructure.
- 1.11 For consistency and fairness, the City Council will not normally vary the standard contributions. If there are exceptional circumstances for a particular development then following evaluation of a full social, economic and environmental appraisal on an “open book” basis the City Council may agree to vary the standard contribution for that development. For example, if a developer elects to provide Neighbourhood or Strategic Infrastructure rather than the standard contribution then the standard contribution will be reduced by the value of the Neighbourhood or Strategic Infrastructure provided.

How will the Contributions be spent?

- 1.12 The contributions received will be pooled together and kept in separate funds for Strategic Infrastructure and each Neighbourhood. Pooled contributions are planning obligations that are pooled together from more than one development in order to address impacts across developments. Pooled contributions can enable developments to take place that would otherwise be unacceptable in planning terms by grouping contributions together to address the cumulative impact arising from a number of developments. Together with its partners, the Council has produced an **Integrated Development Programme** [IDP] that sets out the infrastructure that will be required to support the growth of the city which POIS contributions can part fund.

Division of Neighbourhood and Strategic Infrastructure Funds

- 1.13 The estimated cost of the Strategic Infrastructure projects exceeds the cost of the identified Neighbourhood Infrastructure. Many factors can be considered when seeking to decide how to divide the funds generated between the identified strategic and neighbourhood projects. Initially it is proposed to divide the standard contributions received with 65% for Strategic and 35% for Neighbourhood Infrastructure projects. These percentages will be reviewed each year

Ten Year Return

- 1.14 These growth plans are ambitious for our community and depend upon the receipt of funds to promote the delivery of the required Neighbourhood and Strategic Infrastructure. Nevertheless it is reasonable to expect to see the benefit of a development contribution within a reasonable period and so if funds provided by a developer have not been spent or committed upon Neighbourhood projects in their area or Strategic Infrastructure within ten

years from payment then the relevant part of the payment will be returned with any interest accrued.

Monitoring and Review

- 1.15** The City Council will keep this POIS under review. A detailed annual report will be presented to the City Council.

Impact Assessment

- 1.16** The charges on which this POIS is based were drawn up by GVA Grimley in 2007 / 2008 and they reflected the land values prevailing in Peterborough at the time. The Council is concerned that in the time of difficult market conditions for the development industry that POIS does not undermine the viability of new development in the City. It has therefore assessed the likely impact at [Appendix 3](#) of this Scheme. This shows that the effect on development, which would have attracted the POIS contributions before the POIS was used, will not be worse off under the POIS Impact Assessment, although the changes affect alternative land uses differently.

2. Introduction

- 2.1. This Planning Obligations Implementation [POIS] Scheme sets out Peterborough City Council's approach to the negotiation of planning obligations in association with the grant of planning permission. A planning obligation is a legal agreement made under Section 106 of the Town & Country Planning Act 1990 (as amended by Section 12(1) of the Planning and Compensation Act 1991) and usually relates to an aspect of the proposed development that cannot be secured by imposing a planning condition or by statutory controls.
- 2.2. [Circular 05/2005](#) paragraph B3 states that "*Planning obligations are intended to make acceptable development which would otherwise be unacceptable in planning terms*". Obligations can be secured by unilateral undertakings by developers. The reasons for planning obligations are that most developments have an impact beyond the boundary of the site, some times across the whole City, with social, economic and physical impacts which need to be considered.
- 2.3. This Scheme contains guidance by which the Council will assess the impact of development in order to secure planning contributions for the city's growth and to mitigate the impact of new development upon existing infrastructure.
- 2.4. Recognising that planning obligations will only provide a proportion of the funds necessary for new city infrastructure, the City Council will seek to use a range of other approaches such as 'prudential borrowing', or contributions from other private or public bodies or funds, to ensure delivery of the infrastructure.
- 2.5. The aim of planning obligations is to enable development by solving planning problems or dealing with any pressures associated with development which might otherwise make it unacceptable in planning terms. The Council does however recognise development viability issues and will seek to draw in and co-ordinate funding from other sources to deliver its infrastructure programme
- 2.6. This Scheme provides land owners, developers and inward investors with clarity on the level of Neighbourhood and Strategic Infrastructure contribution required from developments while also recognising that additional funds from other sources will be necessary to deliver the required infrastructure. It does not expect new development to fund the total cost of new infrastructure.
- 2.7. The proportion of infrastructure costs borne by the developer will vary from time to time and place to place. Evidence suggests that a significant proportion of infrastructure costs have been, and will continue to be, borne by public bodies.
- 2.8. The City Council, its partners, stakeholders and the community will need to explore the widest possible range of further funding sources at European, national, regional and local level, from both the public and private sector.
- 2.9. For Peterborough to develop in a balanced and sustainable way, the Council must ensure that developments provide adequate infrastructure, including housing, education, community facilities and transport.
- 2.10. Peterborough forms part of the London-Stansted - Cambridge - Peterborough Growth Area, which is defined by the [Government's Sustainable Communities Plan](#). A key part of this Plan is to ensure that this growth is supported by

investment in economic, social and environmental infrastructure, to create sustainable and balanced communities.

- 2.11. This theme is repeated in the [Regional Spatial Strategy for the East of England](#) (The East of England Plan), which envisages at least 25,000 new homes and 20,000 net additional jobs in Peterborough over the twenty-year period 2001 – 2021, along with economic, environmental and community developments to support these.
- 2.12. To create successful communities, new housing and employment space will need to be supported by investment in local facilities – from schools and healthcare to community, leisure and cultural facilities, waste management facilities and open space. It will also be necessary to invest in existing city-wide and city centre infrastructure, which is liable to sustainably support the scale of further growth required.
- 2.13. Some existing infrastructure in Peterborough is near to its capacity or the end of its current lifespan. Investment to renew this will help to create the conditions for the City’s continued expansion and prosperity.
- 2.14. This Scheme aims to address these planning challenges, by contributing to and promoting the provision of new infrastructure and the improvement of existing facilities.
- 2.15. This will be achieved in a fair and proportional way by requiring those who develop in Peterborough to pay a share towards the real costs of development. The Council’s approach will create a transparent, efficient and streamlined framework for planning obligations and will give developers and landowners clarity as to the level and scope of contributions for any type of development and the infrastructure that will result from their own and other’s contributions. This will allow them to advance their plans with confidence.
- 2.16. [Sustainable Community Strategy 2008 - 2021](#) sets out a vision for
- *A bigger and better Peterborough that grows the right way and through truly sustainable development and growth.*
 - *Improves the quality of life of all its people and communities and ensures that all communities benefit from growth and the opportunities it brings.*
 - *Creates a truly sustainable Peterborough, the urban centre of a thriving sub-regional community of villages and market towns, a healthy, safe and exciting place to live, work and visit, famous as the environment capital of the UK.*
- 2.17. The [Peterborough Local Plan](#) (First Replacement) 2005, together with the [Cambridgeshire and Peterborough Waste Local Plan 2003](#), the [Cambridgeshire Aggregates \(Minerals\) Local Plan 1991](#) and [Regional Spatial Strategy for the East of England](#) and the City Council’s emerging [Local Development Framework \[LDF\]](#) set out the current spatial framework for delivering this vision. The Council, together with Opportunity Peterborough, commissioned an [Integrated Growth Study](#) which considered the future growth of Peterborough. This Study has influenced Peterborough’s emerging LDF Core Strategy, which will eventually supersede the current Local Plan.

Planning Policy Framework

- 2.18. The authority for this Planning Obligations Implementation Scheme is derived from the adopted Peterborough Local Plan (First Replacement) 2005 and the provisions of. [Circular 05/2005](#)
- 2.19. Government advice as set out in [Circular 05/2005](#) and case law, gives further guidance as to how planning agreements are to be used.

Obligations are used to:

- prescribe the nature of development (such as in the requirement for delivery of affordable housing)
- mitigate the impact of development (such as through supporting provision of necessary infrastructure and facilities or improved public transport provision)
- Compensate for loss or damage (such as of open space or rights of way).

East of England Regional Economic Strategy

- 2.20. The [East of England Regional Economic Strategy](#) (RES) was adopted in 2008 and identifies Greater Peterborough as an engine of growth. This provides the preconditions for growth and regeneration of the City which informs the LDF process, the Opportunity Peterborough Business Plan and the [Sustainable Community Strategy 2008 - 2021](#). This Scheme seeks to support that vision.

Adopted Local Plan

- 2.21. Peterborough City Council's [Local Plan](#) 2005, provides the policy basis to this Supplementary Planning Document [SPD]. Policy IMP1 states that:

“Planning permission will not be granted for any development unless provision is secured for all additional infrastructure, services, community facilities, and environmental protection measures, which are necessary as a direct consequence of the development and fairly and reasonably related to the proposal in scale and in kind.

The provision of such requirements shall be secured as part of development proposals or through the use of conditions attached to planning permissions, or sought through planning obligations.

Where provision on an application site is not appropriate or feasible, provision elsewhere, or a contribution towards provision, will be sought where necessary.

Where a planning application is for part of a larger area planned for development, a pro rata provision of any necessary facilities, services or infrastructure, or a contribution towards them, will be sought”.

- 2.22. The [Local Plan](#) states that Peterborough City Council will provide separate guidance (this Scheme) which will outline priorities for the provision of infrastructure and facilities through Section 106 Agreements. It explains that this will specify the size of development for which provision may be sought and explain how commuted payments will be calculated. Also that it will act as a basis for negotiation of planning obligations, but the specific details of each

site and the viability of development will also be taken into account in preparing agreements. It confirms that the scheme is to be reviewed periodically to take account of changing circumstance.

- 2.23.** Under the [Planning and Compulsory Purchase Act 2004](#), Peterborough City Council is preparing a LDF which will supersede the Local Plan. This LDF will include a Core Strategy. The Council's [Preferred Options Core Strategy 2009](#) includes a draft policy on planning obligations. However, Policy IMP1 of the Local Plan has been 'saved' under a Direction from the Secretary of State and will continue to provide the statutory basis for this Supplementary Planning Document until it is formally replaced by the Core Strategy policy.
- 2.24.** Other strategies and policy statements produced by Peterborough City Council and partner organisations will be material considerations in determining planning applications and will inform Section 106 negotiations
- 2.25.** A developer's preparedness to pay the infrastructure contribution indicated by this Scheme does not replace or relax the need for each development to conform to the Development Plan policies and other material planning considerations.

Affordable Housing

The specific requirements for securing affordable housing are part of this Scheme. Affordable housing is a cost to development and reduces the land value. Therefore this cost has been taken into account in the impact assessment and in the formulation of the standard contribution figures. Information regarding the provision of affordable housing is set out in Policy H21 of the [Local Plan](#) although in due course this will be replaced by a revised policy in the LDF Core Strategy. The approach to planning obligations in this Scheme will be applied to developments comprising affordable housing in the same way as they will be applied to developments comprising market housing.

Peterborough Core Strategy

- 2.26.** When the Peterborough LDF Core Strategy is adopted, it is anticipated that it will include a policy on developer contributions to infrastructure provision which will replace Local Plan policy IMP1. This Scheme will still remain appropriate as a SPD, stemming from the new policy

3. Integrated Development Programme

- 3.1. Peterborough City Council, together with Opportunity Peterborough, has produced its **Integrated Development Programme [IDP]** which recognises the need for new and the replacement of existing infrastructure as an essential part of the sustainable growth of the City.
- 3.2. The IDP sets out a summary of the Strategic and Neighbourhood Infrastructure projects proposed for future years. The scale and expense of the infrastructure projects shows the extent of the challenge faced by the City, emphasising that new development must make a contribution towards the overall cost of the expansion of Peterborough in accordance with Government advice and legislation. ([Model planning obligation \(section 106\) agreement](#)).
- 3.3. This infrastructure requirement will be reviewed and reported annually and modified as the growth develops.

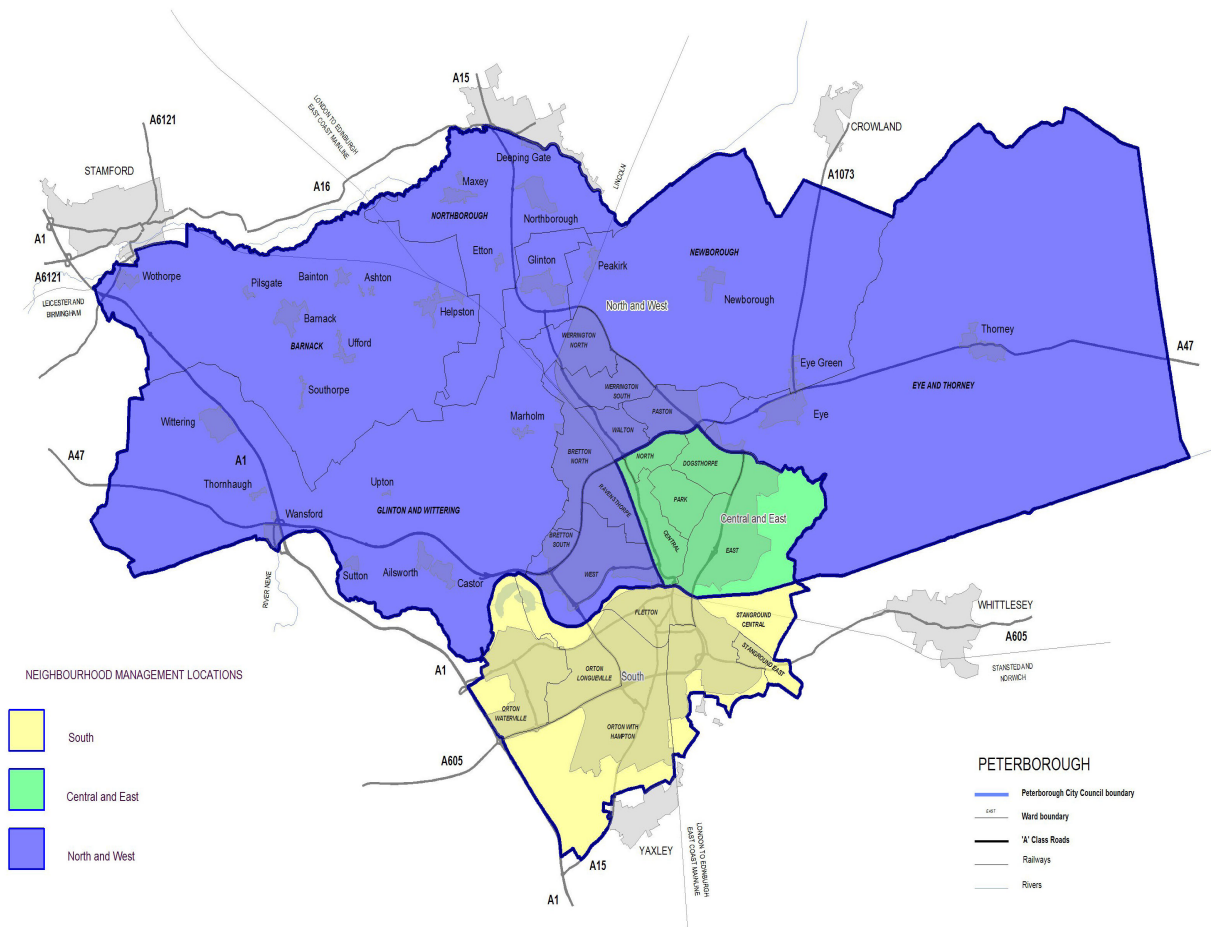
Site related, Neighbourhood and Strategic Infrastructure

- 3.4. Three types of required infrastructure are defined in this Scheme:
 - Site Related
 - Neighbourhood
 - Strategic Infrastructure

The City Council expects all developments to self fund their own site related infrastructure and in addition, residential developments should provide affordable housing.

- 3.5. New development creates the need for both Neighbourhood and Strategic Infrastructure. This Scheme ensures fair contributions by all new development towards the cost of providing Neighbourhood and Strategic Infrastructure. This is based on Neighbourhood Management Areas shown over leaf. Some contributions will be in-kind and others a financial contribution.

PLAN SHOWING NEIGHBOURHOODS AND CITY CENTRE



Definitions of each type of infrastructure:

Infrastructure	Means of Delivery
<i>Site Related Infrastructure and other inclusions (e.g. Affordable Housing) required as a direct result of the impact which a development scheme places on its site and surroundings.</i>	<i>Provided by the developer as part of the development proposal, although the scale is subject to negotiation.</i>
<i>Neighbourhood Infrastructure arising from the impact of development and growth on the surrounding neighbourhood facilities</i>	<i>Pooled Standard Charges / Direct Provision by the developer and/or commuted payments/additional sources of funding (GAF/CIF etc)</i>
<i>Strategic Infrastructure arising from the impact of development and growth across the City as a whole.</i>	<i>Pooled Standard Charges/ Direct Provision by the developer and/or commuted payments/additional sources of funding (GAF/CIF etc)</i>

Site Related Infrastructure

- 3.6.** This is defined as land or development, works or facilities which are required as part of the development proposal either on-site or within its immediate vicinity, normally on land controlled by the promoter. This will vary depending on the type, scale and location of proposal and can include, but is not limited to:
- Affordable housing, including Lifetime Homes & Wheelchair Housing
 - Standards of construction and building performance to meet specified minimum requirements contained within documents making up the LDF
 - Local open space & landscaping (including maintenance contributions)
 - Sustainable transport and travel plans, enhanced transport contributions, footpath, cycleway provision and highway improvements
 - Provision of land and funding for new schools to be provided as part of the development
 - Environmental Improvements
 - Securing restoration or enhancement of historic buildings and spaces
 - Sustainable drainage systems
 - Health provision and promotion, and public safety e.g. CCTV
 - Protection and enhancement of biodiversity
 - Site-related flood mitigation
- 3.7.** Developers will be expected to provide directly all necessary site-related infrastructure associated with their development. Planning obligation requirements will vary according to the type and scale of the development proposed and the costs of the site development.
- 3.8.** Provision of affordable housing on site by residential developers will normally be as stipulated by Council policy (currently 30% of all dwellings) and form part of Section 106 requirements. Enabling people who cannot afford to buy or rent a home on the open market to amass affordable housing important to create sustainable, mixed communities. This will often be achieved through the provision of affordable homes on site by developers, but the Council recognises that innovative alternative solutions may also be appropriate.
- 3.9.** In appropriate cases, the Council will be prepared to negotiate on the level of contributions to Neighbourhood and Strategic Infrastructure on sites where a proportion of affordable housing above the Council's requirement is proposed, or an equivalent financial contribution to an affordability scheme is made
- 3.10.** When a financial contribution towards an affordability scheme is accepted, the Council considers that it should be based on a number per unit equal to the cost of providing the land that would be required for the equivalent amount of affordable dwellings as set out in its Policy. This principle will also apply where on-site open space is less than the Council's expected standards.

Neighbourhood Infrastructure

3.11. These are works or facilities which are required to deal with the wider movement, social, recreational, leisure and cultural impacts arising from development within a neighbourhood. The City Council area is divided into three Neighbourhood Management Areas. For every development the element of the contribution paid towards Neighbourhood Infrastructure will be spent on Neighbourhood Infrastructure projects in that development's Neighbourhood Management Area. The intention will be to ensure that these projects benefit the occupiers or users of the development

3.12. Appropriate Neighbourhood Infrastructure includes, but is not limited to:

- Transport & communications – walking and cycling network, public transport enhancement, local highway schemes and area traffic management
- Education, Learning and Children's Services public place provision – early years, childcare, primary and secondary schools, youth provision for the local area
- Cultural and leisure facilities – for example arts, heritage and libraries
- Primary Health and adult social care facilities for the local area
- Police, fire and other public service facilities
- Environmental improvements serving the neighbourhood
- Neighbourhood facilities and village halls
- Public open space and recreation facilities
- Protection and enhancement of biodiversity

3.13. Pooled contributions will be expected to partly fund the provision of Neighbourhood Infrastructure where direct on-site provision is not made.

Strategic Infrastructure (City Centre and City Wide)

3.14. These are major land or development, works or facilities which are required to enable development to proceed. Such infrastructure includes but is not limited to:

- Transport & communications - including major road and/or public transport improvements
- Education, Learning and Children's Services including university and skills, new primary and secondary schools provision serving the city
- Major Cultural and leisure facilities including strategic arts, heritage, theatres, libraries, play, sport and open space serving the city
- Environmental facilities including waste management facilities, burial grounds, and crematoria
- Flood mitigation and alleviation to protect the city
- Emergency Services including police facilities serving the city as a whole

- Protection and enhancement of biodiversity

Development Baseline for Growth

3.15. For the purposes of quantifying the impact of development in the period 2001-2021 the IDP will define the baseline costs for this Scheme which justifies PCC requiring contributions in line with the Local Plan and emerging LDF Core Strategy.

Key Service Providers

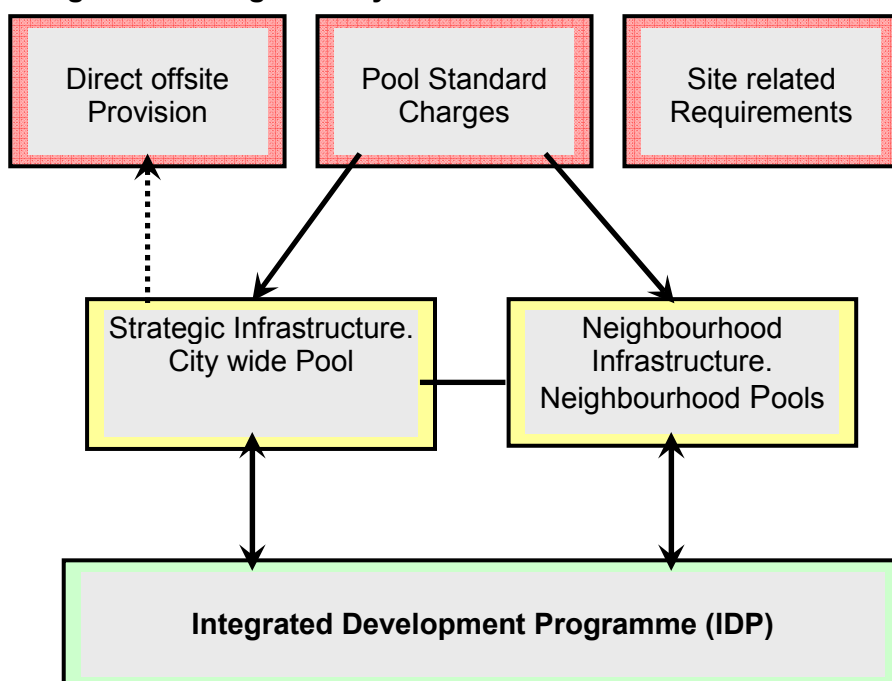
3.16. The scope of infrastructure provision set out in this Scheme is led by a number of service providers which are acting in unison to ensure timely comprehensive provision. These are shown in the table summarised here:

Service Provider	Infrastructure Element
PCC	Education & Children Services
PCC, Highways Agency	Highways and Transportation
PCC	Leisure, Recreation and Cultural facilities
PCC	Environment & Public Realm Improvements
PCC	Local and Strategic Open space
PCC	Public art
Peterborough Housing RSL	Affordable Housing
Greater Peterborough Partnership	Other services
Opportunity Peterborough	Growth Strategy
Primary Care Trust (PCT)	Health and Adult Social Care
Cambridgeshire Constabulary	Police Services
Cambridgeshire Fire & Rescue Service	Emergency Services

Delivery Mechanism

3.17. The Scheme sets out a comprehensive structure for collecting planning contributions for delivering infrastructure. This can be diagrammatically shown as set out below

Diagram showing Delivery Framework and connection with S106



4. Determination of Contributions

- 4.1. Site related infrastructure, including affordable housing, will be funded directly by development. In addition, developments will make standard contributions to Neighbourhood and Strategic Infrastructure.
- 4.2. The impact of this Scheme is universal in that all new residential and commercial development is expected to contribute to the Scheme where it has impacts on the City. For single houses and smaller developments this is measured as a standard contribution to make it simple and fair. For larger sites, where completely new infrastructure is essential before a development starts, the responsibility lies with the developer to provide the heads of terms for a Section 106 agreement preferably as part of the pre-application discussions which includes the mitigations as measured under this Scheme. Where there is some existing infrastructure available, or for smaller developments, the Council will seek a fair contribution to the cost of additional infrastructure or upgrading existing infrastructure.
- 4.3. Planning obligation contributions received in place of on-site provision will generally be pooled with other similar contributions in order to fund timely delivery of new infrastructure. Equally, contributions may be used to upgrade existing facilities to increase capacity to accommodate growth. Contributions can also be received from subsequent developers where the infrastructure has already been provided by the Local Authority or a third party in advance of development.
- 4.4. The Council has prepared a simple "[S106 Calculator](#)", which will give an immediate guide to your Planning Obligation in all but the largest or most complex cases.

Standard Contributions

- 4.5. The detailed standard contribution figures are set out in [Appendix 2](#). Individual development proposals can only make a partial contribution to the Strategic and Neighbourhood Infrastructure required. In determining the standard contribution figures rather than looking at the overall infrastructure costs, emphasis has been placed upon the capacity of residential and commercial development in Peterborough to viably achieve the standard contribution figures. [Viability testing](#) has been undertaken to establish the standard contribution figures. As such this scheme should leave a development viable and therefore should not be a deterrent to undertaking development in Peterborough.
- 4.6. Standard contributions for non-residential development are calculated per square metre (Gross Internal Area). Different rates per square metre will apply to each category of non-residential development to reflect the wide variation in the viability of such schemes. Less common forms of development will continue to be negotiated 'case by case'.
- 4.7. The standard contribution for houses and flats is based on size measured by the number of bedrooms, to broadly reflect the impact on infrastructure.
- 4.8. To avoid discouraging larger houses, for which there is an acknowledged need in the city, there will be no additional contribution after the fifth bedroom.

- 4.9. Where a developer provides Neighbourhood or Strategic Infrastructure beyond the obligated needs of their actual development, subject to agreement with the Council, it may be set against the expected standard contribution for Neighbourhood and Strategic Infrastructure
- 4.10. For “major” residential development applications which would result in the creation of at least 10 residential units or residential development of a site of 0.5 hectares or more, the Council recognises that some Neighbourhood Infrastructure might be provided on-site, that a level of affordable housing might be provided which is above the Council’s minimum policy requirement, and that in some exceptional circumstances, Strategic Infrastructure may be provided by developers. As the Council wishes to encourage direct infrastructure provision, in these circumstances it may negotiate a reduced standard contribution, i.e. off-set the cost of direct infrastructure against the standard tariff.
- 4.11. The Council’s presumption is that the standard contributions will apply. Where applicants wish to seek to negotiate lower amounts to reflect direct provision of additional infrastructure, or difficulties with the viability of the proposal, the Council will expect applicants to submit a statement of their proposed obligations, providing a detailed justification for this, alongside the planning application. Normally a full development appraisal on an “open book” basis, for audit by the Council, will be required to substantiate the position. This will be treated as commercially confidential by the Council. The submission of an open book appraisal does not guarantee that the Council will approve a development with an inadequate contribution to infrastructure but where a robust appraisal has been submitted it will be treated as a material consideration as part of the negotiations process.
- 4.12. Only where exceptional and objective social, environmental or economic factors or on site costs justify reduced infrastructure provision will part or all of the standard contribution for a development be waived. Failure to accept the standard contribution figures in the absence of such exceptional factors will lead to refusal of the application on the basis of contravention of Policy IMP1 of the Local Plan.

Details of the [Viability Testing](#) can be found on the council’s web site under the Planning Obligations Scheme web pages.

- 4.13. The Council seeks to capture a proportionate contribution from both residential and non-residential development schemes. This includes some types of smaller schemes which have previously made little or no contribution to infrastructure provision. These still make use of and benefit from infrastructure and services provided, adding cumulative pressures to existing infrastructure. The Council will monitor and resist proposals designed to avoid contributing to common infrastructure.
- 4.14. For development below the ‘trigger points’ set out in [Appendix 2](#), no contribution will be sought. At or above the trigger point, a contribution will be sought for the total development

Residential Development

- 4.15. At this stage, the Council will not seek a contribution from minor extensions to homes, where the Planning Obligation would be small and where it is satisfied that there is no likelihood that the resultant dwelling could be subdivided or extended immediately after practical completion thereby creating a separate

planning unit. For this Scheme, a bedroom is defined as any room within a dwelling that may be primarily used for sleeping and consists of the following elements:

- Provides privacy to the occupants
- Provides one or more windows or doors suitable for emergency escape
- Provides one or more interior methods of entry or exit

Minor Non-residential Extensions

4.16. The Council will not seek a contribution from minor non-residential extensions, where it is satisfied that the scale of development has not been specifically designed to avoid a contribution, for example - the addition of a small front reception area to an industrial property. Minor includes developments falling below the trigger points indicated in [Appendix 2](#).

Phasing and Indexing Payments

4.17. Urban extensions and large developments may incorporate phased completion, in which case the infrastructure contributions may also be phased if forward provision is not appropriate. As development can take place over several years, inflation can eat into any agreed payment. Financial obligations therefore will be increased in line with an agreed 'index'.

4.18. Contribution figures will be reviewed every April to take into account development viability (capturing land values and construction costs) and the dynamics of the local property market, together with the evolving infrastructure requirements set out in the Council's IDP. For clarity, any changes to the Standard Charge Rates will not apply to negotiations already taking place or those that have been completed.

4.19. Financial contributions will normally be linked to the Royal Institute of Chartered Surveyors (RICS) Building Cost Information Service (BCIS) indices. This will reflect the inflation costs between the negotiation of a Section 106 agreement and payment.

4.20. Financial contributions arising from agreements will normally be payable upon commencement of development.

4.21. For large commercial schemes, or phased residential schemes of 15 dwellings or more, the Council will consider requests from developers for phased payments made at the start of each phase.

4.22. In circumstances where the developer agrees to pay any cost immediately prior to the grant of planning permission a Unilateral Undertaking may be used as evidence of such payment. This does not of course preclude the use of Unilateral Undertakings in other circumstances but the Council strongly encourages the use of agreements for the benefit of both sides.

“Claw-back”

- 4.23.** While the City Council plans and expects to use all contributions for the agreed infrastructure, where it fails to deliver, the money will be repaid.
- 4.24.** In some cases it will be necessary to accumulate financial contributions over a number of years before infrastructure is delivered. However it is not reasonable for developers' money to be held indefinitely and so, where appropriate, agreements will include a provision for the Council only to retain financial contributions for a period of 10 years from the date of the last payment of the money in respect of any particular contribution. After this time, any contributions that have not been spent or committed will be repayable to the developer, with any interest accrued.
- 4.25.** Contributions collected on behalf of third parties, including Cambridgeshire Constabulary and Peterborough Primary Care Trust are not normally subject to these 'claw-back' arrangements as these involve decisions and resources beyond the council's control. However the Council intends to enter into a Service Level Agreement (SLA) with third parties to provide 'claw-back' arrangements.
- 4.26.** Where redevelopment of a site is proposed contributions will only be sought where there is additional impact from the new proposal compared with the previous development.

5. Pooling and Allocation of Contributions

Division between Neighbourhood and Strategic “Pools”

- 5.1. Pooled contributions, augmented by other funding, will be expected to fund provision of Strategic and Neighbourhood Infrastructure where direct provision is not made. In accordance with Government guidance there will be a clear audit trail between the contribution made and the infrastructure provided. The Council will ensure that allocation of a particular contribution is made to appropriate schemes that relate to the development, to ensure legitimacy.
- 5.2. On the basis of the known and predicted infrastructure requirements in the IDP and known and assumed infrastructure provision/funding from other sources, it is proposed to divide contributions received to 65% for Strategic Infrastructure and 35% for Neighbourhood Infrastructure.

Division between Delivery Services

- 5.3. A proportion of each ‘pool’ will go to agreed schemes from under the headings – Transport & Communications, Community and Leisure, Education and Learning, Emergency Services, Environment, Health and Adult Social Care.
- 5.4. The proposed expenditure breakdown for each pool is shown in the table below. This will be used as a basis for planning expenditure within pools during the first annual cycle.

Infrastructure Type	Strategic ‘Pool’	Neighbourhood ‘Pools’
Transport & Communications	25%	5%
Community & Leisure	7%	7%
Education & Learning	10%	10%
Emergency Services	8%	
Environment	15%	5%
Health & Adult Social Care		8%
Total	65%	35%

- 5.5. Recognising the critical need to provide school places in step with development, and the lead role that Children’s Services are currently playing in developing sustainable school buildings and extensions, in addition to contributions identified for Education & Learning, they will have first call on 10% of all contributions in the Planning Obligation pools identified for Environment.

6. Monitoring and Annual Review

Fund Management

- 6.1.** All financial contributions made under the Scheme will be managed by Peterborough City Council, which will also be responsible for their distribution as agreed. This Scheme will be monitored by Peterborough City Council to ensure that it achieves its objectives and is transparent and accountable to all parties.

Audit and Annual Review

- 6.2.** The Scheme will be internally audited and reviewed at least annually.
- 6.3.** The Council's Planning & Environmental Protection Committee will ensure the scheme complies with the requirements for entering into planning agreements and will propose modifications where necessary.
- 6.4.** The Council's Cabinet will consider the overall working of the Scheme in its contributions to real costs incurred by those delivering infrastructure for the Growth Strategy. Recommendations will be made on changes to the Scheme by the Council
- 6.5.** Such review will be informed by the following:-
- The Council's Corporate Planning Obligations Database – which details all Planning Obligations and the relevant commitments made. It is accessible to officers of the Council and its partners. This Database is the mechanism through which individual Obligations are recorded, invoiced and the funds allocated to spending heads for each service. These are monitored for compliance. Such monitoring includes physical site checks and checks against deposited project plans as necessary and appropriate.
 - The value of Planning Obligation receipts and the respective pools into which such funds have been allocated.
 - The extent of expenditure made by services and projects. Any funds which are within a specific pool and which are due to be returned to the contributor(s) as a result of one or more infrastructure projects having been delayed, or abandoned or otherwise not being delivered in the stated time.
 - The delivery of Strategic and Neighbourhood Infrastructure.
 - The plans for, costs of and timescales for delivery of Strategic and Neighbourhood Infrastructure and in particular Peterborough's IDP and the Council's Medium Term Financial Strategy [MTFS].
 - Experience of the effect of meeting the standard contributions upon Peterborough's development and property market.
 - Relevant changes in policy and legislation
 - Public, developer and stakeholder views upon the Scheme.

Review of the Scheme

The review may but not exclusively consider:-

- The impact of the scheme upon development and the market in Peterborough and its relative performance based on comparable Growth Centres
- Whether the percentage allocation between Strategic and Neighbourhood Infrastructure pools should be changed;
- Whether the percentage allocation between the specific themes within both the Strategic and Neighbourhood Infrastructure pools should be changed;
- The scope of standard contributions and whether any revisions are required
- The level of standard contributions
- Whether any further changes to the Scheme or its management are required.

Method and Reporting Review

- 6.6.** The Annual Report will be made to the Council as explained above and this will consider the workings of the Scheme and introduce modifications. This will be reported in the Council's Annual Report. It will include an annual statement on the receipt of standard charges and their distribution across the contribution pools and any reassessment necessary. It will include the recognition of abortive projects and the use of unspent balances. In reviewing the expenditure under the Scheme the Council will review the impact and effectiveness of the standard charges.
- 6.7.** Minor administrative variations to the Scheme will be dealt with by the Head of Planning. Any policy, formulaic or financial changes will be referred to the [Council's Executive](#), which consists of the Cabinet and individual Cabinet members, for approval.
- 6.8.** The annual review and major changes to the Scheme will be subject to the Council's decision-making process. The IDP will be updated with partners.

Fees and Charges

- 6.9.** In administering and monitoring this Scheme the Council will incur costs. As a result, the Council will make a charge of 2% for the first £3m and 1% thereafter on the total sum of all S106 contributions.
- 6.10.** Developers will be expected to pay their own legal costs and those of the Council on entering into the Section 106 Agreement. The Council's Legal Service will require a solicitor's undertaking to meet these fees before they start substantial work. This guarantees that the developer's solicitors will pay for the work Legal Services has done even if the agreement is never signed.

Process Structure

- 6.11.** This is outlined at [Appendix 4](#) .

7. Application of the Standard Contributions

- 7.1.** Detailed provisions regarding the application of the standard contributions are set out at [Appendix 5](#) together with case study examples to illustrate how the standard contribution will be calculated in practice.
- 7.2.** The scenarios have been created to illustrate a number of examples of how Peterborough City Council's Implementation Scheme will be applied in practice. All scenarios will include an appropriate S106 monitoring fee.

Appendix 1 - National and Regional Planning Policy

National

1. England's planning system aims to deliver sustainable development and create sustainable communities. National planning policies are set out in Planning Policy Statements (PPSs) and Planning Policy Guidance (PPGs). The government, in the Sustainable Communities Plan (2003), has also identified four 'growth areas' in which significant increases in levels of housing development is planned. Peterborough sits within the London-Standed-Cambridge-Peterborough growth corridor which is intended to deliver over 180,000 new homes between 2001 and 2016.
2. The statutory framework for planning obligations is established in section 106 of the Town and Country Planning Act 1990 as amended. Section 106(1) provides that anyone with an interest in land may enter into a planning obligation enforceable by the local planning authority. Obligations, which relate to the land, may restrict its development or use; require operations to be carried out in, on, under or over it; require that the land is used in a specified way; or require payments to be made to the planning authority either in a single sum or periodically. S106 contributions can be made 'in kind' or as a financial contribution.
3. Circular 05/2005 – Planning Obligations provides revised guidance to local authorities in the use of planning obligations. It emphasises the fundamental principle that planning obligations should not legitimise unacceptable development (i.e. developers should not be able to 'buy' planning consents) or be used purely as a means of extracting a share in the profits of development. It indicates that local authorities should negotiate planning obligations according to five tests, of being:
 - (i) **relevant** to planning;
 - (ii) **necessary** to make the proposed development acceptable in planning terms;
 - (iii) **directly related** to the proposed development;
 - (iv) fairly and reasonably **related in scale and kind** to the proposed development; and
 - (v) **reasonable** in all other aspects.
4. The circular promotes a plan-led system by which planning authorities set out policies relating to the scope of planning obligations sought, and levels of contributions expected. It recommends that in future the overarching policy framework should be established in Development Plan Documents (DPDs), with detailed policies, such as matrices setting out the size and types of contributions sought, to be provided in Supplementary Planning Documents (SPDs). The publication and use of standard heads of terms agreements/undertakings or model agreements is also promoted.
5. The Circular encourages use of formulae and standard charges where appropriate, as part of their framework for negotiating and securing planning obligations. This should include charges to be applied in preparing and completing the S106 agreement.

6. This approach aims to provide greater certainty to developers regarding likely contributions required and reduce the time spent in negotiating agreements.

Regional

7. The [Regional Spatial Strategy](#) [RSS] for the East of England sets a framework for the growth of Peterborough. It identifies Peterborough as a Priority Area for Regeneration (Policy SS5), Regional Centre and Transport Node (E5), a Regionally Significant Employment Location (E3), and a Key Centre for Development and Change (PB1). Policy PB1 aims to deliver an increase of at least 20,000 additional jobs in the period 2001-2021 together with strong housing growth, sustainable transport improvements and the provision of social, community and green infrastructure. Objectives, targets and sub-regional apportionment for the management of waste in Cambridgeshire and Peterborough are set out in policies WM1 – WM8. Key policies include:
 - development and regeneration of the city centre to create an improved range of services and facilities including retailing, housing, leisure, cultural and green infrastructure provision;
 - the regeneration of inner urban areas;
 - delivery of a significant and sustained increase in housing;
 - maximising on its credentials as an Environment City;
 - improving access to locally-based further and higher education facilities through a strategy to establish and expand provision of higher education and work towards the provision of a university;
 - providing improved transport choices both within the urban area and between the town and hinterland.
 - waste disposal authorities should ensure that 'bring sites' and household waste recycling sites are widely available.
8. The [RSS](#) defines a minimum housing target of 25,000 dwellings for the city over the 2001-21 plan period, equal to a requirement to deliver at least an average of 1,420 dwellings per year over the period from April 2006 – March 2021 (Policy H1). It is expected that 35% of new housing will be affordable (Policy H3).
9. Planning obligations will help to meet this package of objectives to achieve the sustainable growth of the City.

Appendix 2 – The Standard Contribution Figures

Land use	Type	Standard Charge Rate	Trigger Point
A1 Shops	<i>Shops, post offices, travel and ticket agencies, sandwich shops. Hairdressers, funeral directors, domestic hire shops, dry cleaners, internet cafes</i>	£75 per m ² GIA	500 m ²
A1 Supermarkets		£125 per m ² GIA	500 m ²
A2 Financial and Professional Services	<i>Professional and financial services (other than health or medical services), betting shops. Banks, building societies, estate and employment agencies</i>	£75 per m ² GIA	500 m ²
A3 Restaurants and Cafes	<i>Sale of food and drink for consumption on the premises</i>	£20 per m ² GIA	250 m ²
A4 Drinking Establishments	<i>Public houses, wine-bars or other drinking establishments</i>	£20 per m ² GIA	250 m ²
A5 Hot Food	<i>Sale of hot food for consumption off the premises</i>	£20 per m ² GIA	250 m ²
Exceptions	<i>Retail warehouse clubs, shops selling and/or displaying motor vehicles, laundrettes, taxi or vehicle hire businesses, amusement centres, petrol filling stations</i>	Negotiated case by case	
B1 Business	<i>Offices not within Class A2 Research and development of products or processes, laboratories, light industry</i>	£10 per m ² GIA	500 m ²
B2 General Industry	<i>General Industry</i>	£8 per m ² GIA	500 m ²
B8 Storage or Distribution	<i>Use for storage or as distribution centre</i>	£8 per m ² GIA	500 m ²
Exceptions	<i>Use for any work registerable under the Alkali, etc Works regulation Act 1906</i>	Negotiated case by case	
C1 Hotels	<i>Hotels, boarding or guest houses where no significant element of care is provided</i>	£500 per bedroom	50 beds
C2 Residential Institutions	<i>Residential schools and colleges, hospitals and convalescent/nursing homes</i>	Negotiated case by case	

Appendix 2 – The Standard Contribution Figures

Land use	Type	Standard Charge Rate	Trigger Point
C3 Dwelling Houses	Flats: Studio Flat	£2,000	1 dwelling
	1 Bedroom	£3,000	
	2 Bedroom	£4,000	
	3+ Bedroom	£5,000	
	Houses: 1 Bedroom	£3,000	
	2 Bedroom	£4,000	
	3 Bedroom	£6,000	
	4 Bedroom	£8,000	
	5+ Bedroom	£9,000	
Exceptions	Hostels	Negotiated case by case	
D1 Non-residential Institutions	Places of worship, church halls	Negotiated case by case	
	Clinics, health centres, crèches, day nurseries, day centres. Consulting rooms, museums, public halls, libraries, art galleries, exhibition halls		
	Non-residential education and training centres		
D2 Assembly and Leisure	Cinemas, concert halls, dance halls, sport halls. Swimming baths, skating rinks, gymnasiums	£8 per m ² GIA	500 m ²
	Other indoor and outdoor sports and leisure uses, bingo halls, casinos		
Exceptions	Theatres, nightclubs	£8 per m ² GIA	500 m ²
Mineral Extraction, Restoration and Afteruse		Negotiated case by case	
Waste Management Facilities		Negotiated case by case	

GIA = Gross Internal Area

Change of Use applications will be assessed on a case by case basis in order to determine whether POIS is applicable due to a net impact on infrastructure.

Appendix 3 – Impact Assessment

Peterborough S106 A comparison between current assessment of S106 obligations and Implementation Plan 2008 formula

Analysis of previous consultation

Background:

Two separate consultancies were engaged by Peterborough City Council to help the Authority put together the Planning Obligations Strategy. In a letter to the S106 officer, dated 21 December 2007, one of the consultants proposed a change to the original consultancy paper, to switch from using habitable rooms to either using Gross External Area (GEA) or to using bedrooms for the purposes of assessing S106 contributions on dwellings.

The December 2007 proposal was as the table below shows.

	Per dwelling	Per habitable room	Per bedroom	GEA Per m ²
2 bed flat	£3,900	£4,000	£1,950	£53
3 bed house	£9,999	£6,000	£3,333	£97
4 bed house	£14,000	£8,000	£3,500	£80

The view was expressed that there were difficulties in using GEA as a measure and that using a charge per dwelling or per habitable room was preferable, a methodology that Brent was using. It then appeared that Brent was using a charge per bedroom and in a second letter dated 11 January 2008, the consultancy expanded this concept by first trying to define a bedroom as there is no planning definition for a bedroom.

Rates for residential dwellings, taking into account (a) a level of affordable housing at 35% and (b) the requirement to build all affordable housing to Code Level 4 were proposed. These rates are below and were based on an assessment of the impact that S106 has on residual land values. The consultancy felt that cutting land values by more than 20-25% would inhibit development and so proposed the following for residential:

		Suggested rate	Suggested maximum payment per dwelling
Flats	Studio	£1,200 per bedroom	£2,000
	1 bed	£1,200 per bedroom	£3,000
	2 bed	£1,200 per bedroom	£4,000
	3 bed	£1,200 per bedroom	£5,000

		Suggested rate	Suggested maximum payment per dwelling
Houses	2 bed	£1,750 per bedroom	£4,000
	3 bed	£1,750 per bedroom	£6,000
	4 bed	£1,750 per bedroom	£8,000
	5 bed or more	£9,000 per dwelling	£9,000

At a meeting on 14 January 2008 between Peterborough City Council and Opportunity Peterborough it was decided to accept the maximum values per dwelling.

Comparison between current S106 methodology and Consultancy Tariffs

A review was then undertaken of 11 applications that have S106 agreements either still in negotiation or now complete. 7 were residential applications with 3 purely commercial and 1 of mixed development. The comparison was made between the current S106 negotiated settlements and the consultancy tariff rates as per Appendix 2 of the Planning Obligations Strategy.

The residential results were as follows:

		Current	Consultant
Site A			
	Per 100 dwellings (79 flats, 21 houses)	£1,220,817	£406,779
Site B			
	7 flats	£14,210	£28,000
Site C			
	1 (4 bed) house	£7,920	£8,000
Site D			
	4 (1 bed) flats, 60 (2 bed) flats, 5 (2 bed) houses, 38 (3 bed) houses	£604,628	£500,000
Site E			
	1 (1 bed) flat		
	Unilateral	£620	£3,000
Site F			
	1 (3 bed) house	£7,060	£6,000
Site G			
	(2005 app) 12 (2 bed) flats, 12 (5 bed) townhouses	£38,780	£156,000

NB These sums do not include affordable housing

Site A is an outline application and assumptions were made that the flats would be a combination of 1 and 2 bed flats and the houses would be 3 bed. This site is still under negotiation and the data has been modified to illustrate the changes for 100 properties.

Site G is an application dating from 2005 and so was assessed under the S106 obligation process current at the time.

The commercial and mixed site results appear below:

	M ²	Current	New
Site N			
B1	992		
B2	2314		
		£48,000	£28,432
Site O			
A1	4849		
B8	7174	£329,552	£421,067
Site P Mixed			
B1	2335		
6 (1 bed) flat			
8 (2 bed) flat		£117,779	£73,350
Site Q			
B1	3590	£46,576	£35,900

Note, it was time consuming to research each file for current S106 assessments, whilst calculating the new financial obligation required very little time and effort.

Conclusion re the findings

The limited research showed that there were both winners and losers. Many of the larger sites were subject to specific negotiations, for example, about highways improvements which are included where applicable in the current totals. Under the new system, they may see a reduction but in general, there were no direct conclusions to draw from such a small sample except to note that whatever was previously charged would be different under the new system.

While for the large developments, there appeared to be a significant drop in costs, for smaller developments, the picture was mixed.





The main difference is consistency in the methodology, where currently there is none, that the new process will be much more efficient and easier to operate and that it will be much more transparent to developers.

Conclusion re affordability of S106

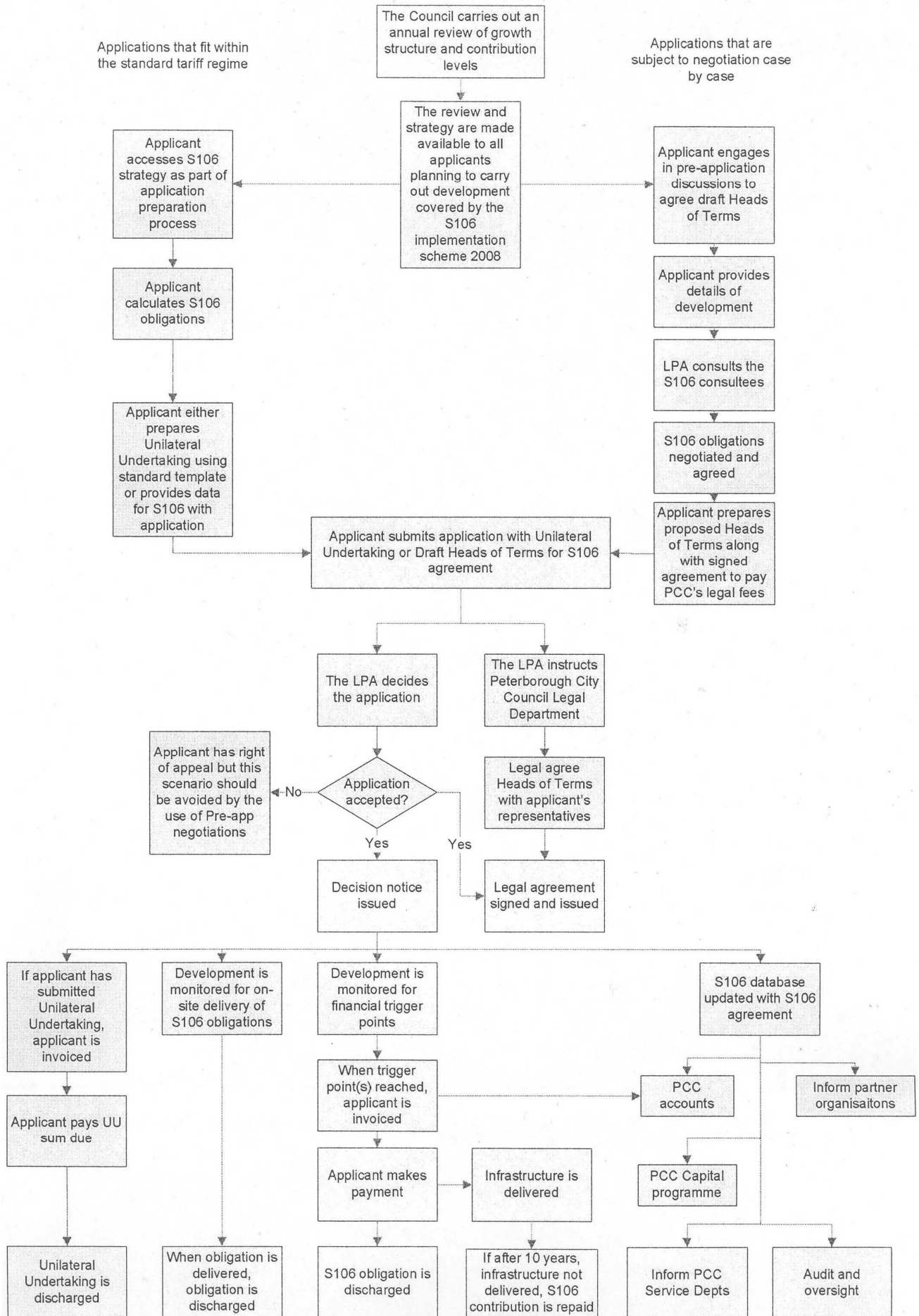
As the consultancy points out in their letter dated 11th January 2008 and events since have proved correct, the property market is weakening and the case can now be easily made for a further discount. It was suggested that if the Council wished to pursue this option, the members should reconsider the affordable housing strategy first and look to reduce the affordable housing contribution, currently standing at 35% based on regional guidance and the Housing Needs study, either by cutting it from 35% to say 30% or alternatively reducing the social rent element of the total. The affordable housing is split 70% social rent, 30% market rent/shared ownership and by changing the mix to 50%:50%, this should yield more profit for the developer, thereby somewhat mitigating the impact of lower land values.

Furthermore whilst reducing the tariffs as they appear in Appendix 2 of the Planning Obligations Strategy might be directly appealing in terms of reducing the S106 burden, in practise it will create other problems as the off-site infrastructure will have to be paid for when the development is built and the monies for this infrastructure will have to come from somewhere, if not from the development itself. Since in the current environment, funding from other sources is likely to be much more difficult to obtain, reducing these tariffs will probably otherwise compromise the ability of the Council to deliver the additional infrastructure needed to make the developments viable.

The final recommendation was that further modelling should be undertaken of the possible changes that can be made to affordable housing to enable developments to remain viable in this difficult and challenging environment.

 Letter 1 dated 211207.pdf	Letter dated 21 November 2007
 GVA Grimley Letter 1 data.pdf	GVA Grimley Letter 1 data
 Letter 2 dated 110108.pdf	Letter 2 dated 11 January 2008
 GVA Grimley Letter 2 data.pdf	GVA Grimley Letter 1 data

Appendix 4 – Process Structure



Appendix 5 – Case Studies

Scenario A

A developer submits an application to build five, four bedroom houses on an infill site or the edge of the city with good road access directly to the site. It complies with existing planning policy. S106 Approach:

Site specific –	Planning Officer will need to liaise with Highways re on-site provision of footpaths and travel plans etc								
Open Space –	Local Plan Policy trigger of nine dwellings not met so no contribution is required								
Affordable Housing –	Local Plan trigger of 15 dwellings not met so no contribution is required								
Neighbourhood Infrastructure –	Pooled contribution accepted								
Strategic Infrastructure –	Pooled contribution accepted								
Total Contribution	<table> <tr> <td>Site specific works</td> <td></td> </tr> <tr> <td>+ 5 dwellings x £8,000 per dwelling</td> <td>£40,000</td> </tr> <tr> <td>+ monitoring fee</td> <td>£ 800</td> </tr> <tr> <td>TOTAL</td> <td>£40,800</td> </tr> </table>	Site specific works		+ 5 dwellings x £8,000 per dwelling	£40,000	+ monitoring fee	£ 800	TOTAL	£40,800
Site specific works									
+ 5 dwellings x £8,000 per dwelling	£40,000								
+ monitoring fee	£ 800								
TOTAL	£40,800								

Scenario B

A large retailer wishes to develop a new retail unit on the edge of an existing business park. Once completed the building will comprise 1500m² (16,140sq feet) Net Internal Floor space. S106 Approach:

Site specific -	Planning officer will liaise with Highways/Transport to agree provision of highways and transport infrastructure including travel plans etc								
Neighbourhood Infrastructure -	Pooled contribution accepted								
Strategic Infrastructure -	Pooled contribution accepted								
Total Contribution:	<table> <tr> <td>Site specific works</td> <td></td> </tr> <tr> <td>1500m² x £75/m²</td> <td>£112,500</td> </tr> <tr> <td>+ monitoring fee of</td> <td>£ 2,250</td> </tr> <tr> <td>TOTAL</td> <td>£114,750</td> </tr> </table>	Site specific works		1500m ² x £75/m ²	£112,500	+ monitoring fee of	£ 2,250	TOTAL	£114,750
Site specific works									
1500m ² x £75/m ²	£112,500								
+ monitoring fee of	£ 2,250								
TOTAL	£114,750								

Scenario C

An industrial developer seeks consent for a 3200m² (34,432 sq feet) unit. S106 Approach:

Site specific -	Planning officer will liaise with Highways/Transport to agree provision of highways and transport infrastructure including travel plans etc	
Neighbourhood Infrastructure -	Pooled contribution accepted	
Strategic Infrastructure -	Pooled contribution accepted	
Total Contribution:	Site specific works	
	+3200m ² x £8/m ²	£25,600
	+ monitoring fee of	£ 512
	TOTAL	£26,112

Scenario D

A developer submits an application to construct 30, one bedroom flats in the city centre. The plot is very tight and the developer cannot provide open space on site. The scheme is therefore contrary to planning policy. S106 Approach:

Site Specific-	Planning Officer to liaise with Highways to agree provision of footpaths and road infrastructure needs including travel plans	
	Affordable Housing – Local Plan Policy trigger is met and the developer is required to provide 30% affordable units	
	Open Space – Local Plan Policy open space requirements cannot be met on-site and a clear need to upgrade the local park is identified. The developer will be required to make an additional contribution “in-lieu” based on PCC’s established formula of £4,302 per dwelling	
Neighbourhood Infrastructure -	Pooled contribution accepted	
Strategic Infrastructure -	Pooled contribution accepted	
Total contribution:	Site Specific inc. open space calculated by reference to formula	
	+Pooled Contribution 30 dwellings	
	x £3,000	£90,000
	+Monitoring fee of	£ 1,800
	TOTAL	£91,800

Scenario E

A developer works together with a Registered Social Landlord to build a small estate of 25 three bedroom houses comprising 15 affordable units and 10 market dwellings. S106 approach:

Site Specific	Planning Officer to liaise with Highways to agree provision of footpaths, travel plans and on-site roads etc. Open space – On-site provision to be made, no financial contribution required in accordance with Local Plan Policy Affordable Housing – 30% Affordable Housing equates to eight dwellings (rounding up), therefore there is an over provision of seven affordable units. The strategy would encourage delivery of on-site infrastructure and Planners/S106 Officer would be willing to negotiate with developers regarding the remaining S106 standard contribution in recognition of this over-provision
Neighbourhood Infrastructure -	Negotiated Pooled contribution accepted
Strategic Infrastructure -	Negotiated Pooled contribution accepted

Scenario F

RSL submits application to build 50 affordable units. S106 Approach:

Site Specific	Planning Officer to liaise with Highways to agree provision of travel plans, footpaths and on-site roads etc. Open space – On-site provision to be provided on-site in accordance with Local Plan policy Affordable Housing – Scheme is for 100% Affordable Housing therefore Local Plan policy is met.
Neighbourhood Infrastructure -	Pooled contribution accepted
Strategic Infrastructure -	Pooled contribution accepted

The Council recognises that this is an RSL application and so funding constraints may significantly impact on the ability of the developer to make a financial contribution. The Council will consider an “open book” negotiation.

Scenario G

A developer submits an application to demolish a small terrace of 10 two bedroom dwellings and build 10 brand new, two bedroom dwellings. S106 Approach:

No contribution anticipated. This development is unlikely to place any additional demand on the city's infrastructure and services and circular 05/2005 is not satisfied.

Scenario H

Developer proposes a development of 750 dwellings on the edge of the city as part of a new township. S106 Approach:

Full consultation with the s106 Officer's Group to agree the infrastructure that the developer will be expected to provide directly will inform subsequent negotiations with the developer. The POIS anticipates that on a development of this size, some city-wide infrastructure contributions will be pooled, for example waste management facilities. Other infrastructure may be provided directly on-site by the developer, for example, a new primary school. The nature and level of on-site infrastructure that a developer agrees to provide will be reflected in the negotiations for contributions towards pooled contributions.

Appendix 6 – Glossary of Terms

Business Plan

A document that sets out the detailed rationale, costings, phasing, funding regime and delivery contingencies for identified Infrastructure

Contributions Framework

A framework outlining the mechanisms by which planning contributions will be sought

DCLG

Department for Communities and Local Government

Delivery Framework

The overarching structure for securing planning contributions and coordinating, planning and managing the delivery of infrastructure

Infrastructure

All aspects of land or development, works and facilities required to support new development

Infrastructure Layer

The definition of infrastructure types within broad groups

Legal Agreement

A legally binding agreement to secure contributions through a Planning Obligation

Local Delivery Mechanism

A partnership of key service delivery authorities and agencies established to co-ordinate, plan and manage the delivery of infrastructure

Planning Contributions:

Contributions secured through the planning system for necessary infrastructure to mitigate the impact of, and support, new development.

Planning Obligation

A commitment made by a landowner, usually to secure necessary infrastructure, in conjunction with a grant of planning permission

Service Level Agreement (SLA)

A contractual arrangement with a third party to deliver an agreed service.

Appendix 7 – Website addresses for the hyperlinks contained within the POIS

The council website is located at <http://www.peterborough.gov.uk> and has a series of pages dedicated to the POIS and associated background information. These pages can be accessed via the following link.

http://www.peterborough.gov.uk/planning_and_building/other_planning_and_building/s106_planning_agreements.aspx

Details of the **Cambridgeshire Aggregates (Minerals) Local Plan 1991** are located at <http://www.cambridgeshire.gov.uk/environment/planning/policies/minerals+local+plan.htm>

Details of the **Cambridgeshire and Peterborough Waste Local Plan 2003** are located at <http://www.cambridgeshire.gov.uk/environment/planning/policies/waste+local+plan.htm>

Details of **Circular 05/2005** are located at <http://www.communities.gov.uk/documents/planningandbuilding/pdf/147537.pdf>

Details of the **Council Corporate Plan 2007 – 2010** are located at <http://www.eastofengland.uk.com/res/>

Details of the **East of England Regional Economic Strategy RES** are located at <http://www.eastofengland.uk.com/res/>

Details of the **Government's Sustainable Communities Plan** are located at <http://www.communities.gov.uk/communities/sustainablecommunities/sustainablecommunities/>

Details of the **Integrated Development Programme [IDP]** are located at ***To follow when launched***

Details of the **Integrated Growth Study** are located at <http://www.opportunitypeterborough.co.uk/keydocuments.aspx>

Details of the **Local Area Agreement 2008 – 2011** are located at <http://www.peterborough.gov.uk/pdf/LAA.pdf>

Details of the **Local Development Framework [LDF]** are located at http://www.peterborough.gov.uk/planning_and_building/planning_policy/local_development_framework.aspx

Details of the **Model planning obligation section 106 agreements** are located at <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyimplementation/planningobligations/modelplanningobligation/>

Details of the **Peterborough Local Development Framework [LDF]** are located at http://www.peterborough.gov.uk/planning_and_building/planning_policy/local_development_framework.aspx

Details of the **Peterborough Local Plan** are located at http://www.peterborough.gov.uk/planning_and_building/planning_policy/peterborough_local_plan.aspx

Details of the **Planning and Compulsory Purchase Act 2004** are located at http://www.opsi.gov.uk/acts/acts2004/ukpga_20040005_en_1

Details of the council's **Preferred Options Core Strategy 2009** are located at http://www.peterborough.gov.uk/planning_and_building/planning_policy/local_development_framework/core_strategy.aspx

Details of the **Regional Spatial Strategy** [East of England Plan] are located at http://www.gos.gov.uk/goeast/planning/regional_planning/regional_spatial_strategy/

Details of the “**S106 Calculator**” are located at http://www.peterborough.gov.uk/ufs/ufsmain?esessionid=3&formid=PCC_PLAN_SECTION_106_CALCULATOR&PAGEID=640

Details of the **Statutory Development Plan** are located at http://www.peterborough.gov.uk/planning_and_building/planning_policy/statutory_development_plan.aspx

Details of the **Sustainable Community Strategy 2008 – 21** are located at <http://www.peterborough.gov.uk/pdf/SustainableCommunityStrategySummary.pdf>

Details of the **Viability Testing** are located at http://www.peterborough.gov.uk/planning_and_building/other_planning_and_building/s106_planning_agreements.aspx

SUSTAINABLE GROWTH SCRUTINY COMMITTEE	Agenda Item No. 7
18 JANUARY 2010	Public Report

Report of the Solicitor to the Council

Contact Officer – Louise Tyers, Scrutiny Manager

Contact Details – 01733 452284 or email louise.tyers@peterborough.gov.uk

FORWARD PLAN – JANUARY TO APRIL 2010

1. PURPOSE

- 1.1 This is a regular report to the Sustainable Growth Scrutiny Committee outlining the content of the Council's Forward Plan.

2. RECOMMENDATIONS

- 2.1 That the Committee identifies any relevant items for inclusion within their work programme.

3. BACKGROUND

- 3.1 The latest version of the Forward Plan is attached at Appendix 1. The Plan contains those key decisions, which the Leader of the Council believes that the Cabinet or individual Cabinet Member(s) will be making over the next four months.
- 3.2 The information in the Forward Plan provides the Committee with the opportunity of considering whether it wishes to seek to influence any of these key decisions, or to request further information.
- 3.3 If the Committee wished to examine any of the key decisions, consideration would need to be given as to how this could be accommodated within the work programme.

4. CONSULTATION

- 4.1 Details of any consultation on individual decisions are contained within the Forward Plan.

5. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

None

6. APPENDICES

Appendix 1 – Forward Plan of Executive Decisions

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**PETERBOROUGH CITY
COUNCIL'S FORWARD PLAN
1 JANUARY 2010 TO 30 APRIL 2010**

FORWARD PLAN OF KEY DECISIONS - 1 JANUARY 2010 TO 30 APRIL 2010

During the period from 1 January 2010 To 30 April 2010 Peterborough City Council's Executive intends to take 'key decisions' on the issues set out below. Key decisions relate to those executive decisions which are likely to result in the Council spending or saving money in excess of £500,000 and/or have a significant impact on two or more wards in Peterborough.

This Forward Plan should be seen as an outline of the proposed decisions and it will be updated on a monthly basis. The dates detailed within the Plan are subject to change and those items amended or identified for decision more than one month in advance will be carried over to forthcoming plans. Each new plan supersedes the previous plan. Any questions on specific issues included on the Plan should be included on the form which appears at the back of the Plan and submitted to Lindsay Tomlinson, Senior Governance Officer, Chief Executive's Department, Town Hall, Bridge Street, PE1 1HG (fax 01733 452483). Alternatively, you can submit your views via e-mail to lindsay.tomlinson@peterborough.gov.uk or by telephone on 01733 452238.

The Council invites members of the public to attend any of the meetings at which these decisions will be discussed and the papers listed on the Plan can be viewed free of charge although there will be a postage and photocopying charge for any copies made. All decisions will be posted on the Council's website: www.peterborough.gov.uk. If you wish to make comments or representations regarding the 'key decisions' outlined in this Plan, please submit them to the Governance Support Officer using the form attached. For your information, the contact details for the Council's various service departments are incorporated within this plan.

NEW ITEMS THIS MONTH:

- Carbon Challenge
- Land Transactions to Enable Expansion and Relocation of a Primary School
- Compost Contract Extension
- Sale of Land at Dickens Street Car Park
- Award of Contract – Nene Valley Primary School
- Local Transport Plan Capital Programme of Works 2010/11
- Award of Contract – Heltwate School

JANUARY

KEY DECISION REQUIRED	DATE OF DECISION	DECISION MAKER	RELEVANT SCRUTINY COMMITTEE	CONSULTATION	CONTACT DETAILS / REPORT AUTHORS	REPORTS
<p>Carbon Challenge To enable the development of around 350 Zero Carbon homes on land in the South Bank regeneration area</p>	January 2010	<p>Cabinet Member for Strategic Planning, Growth and Human Resources</p>	Sustainable Growth	Internal departments as appropriate	<p>Shahin Ismail Head of Delivery Tel: 01733 452484 shahin.ismail@peterborough.gov.uk</p>	Public report will be available from the Governance Team one week before the decision is made.
<p>Automatic Number Plate Recognition System (ANPR) Authority to award the contract in partnership with the Police and Cambridgeshire County Council for the procurement of ANPR cameras to provide real time journey time data</p>	January 2010	<p>Cabinet Member for Neighbourhoods, Housing and Community Development</p>	Environment Capital	External and internal stakeholders as appropriate	<p>Susan Fitzwilliam Development Officer Tel: 01733 452441 susan.fitzwilliam@peterborough.gov.uk</p>	Public report will be available from the Governance Team one week before the decision is made.

<p>Midland Highway Alliance - Junction 8 Roundabout Improvements and Welland Road Traffic Mitigation Projects To appoint a contractor for the works.</p>	January 2010	Cabinet Member for Neighbourhoods, Housing and Community Development	Environment Capital	Internal stakeholders as appropriate.	Stuart Mounfield Senior Engineer Tel: 01733 453598 stuart.mounfield@peterborou gh.gov.uk	Public report will be available from the Governance Team one week before the decision is made
<p>Extension to Hampton Hargate School Authority to award contract for the construction of an extension to Hampton Hargate Primary School</p>	January 2010	Cabinet Member for Education, Skills and University	Creating Opportunities and Tackling Inequalities	Consultation will take place with relevant stakeholders, internal departments and ward councillors as appropriate.	Isabel Clark Planning & Development Manager Tel: 01733 863914 isabel.clark@peterborough.go v.uk	Public report will be available from the Governance Team one week before the decision is made
<p>Children's Services Learning Platform Authority to take up a one year extension on the contract awarded to RM Education PLC in July 2007 for the supply of a Children's Services Learning Platform</p>	January 2010	Cabinet Member for Education, Skills and University	Creating Opportunities and Tackling Inequalities	Consultation will be undertaken with head teachers, Building Schools for the Future project team, DLT, Schools IT Working Group	Elaine Alexander Business Transformation Consultant Tel: 01733 317984 elaine.alexander@peterborou gh.gov.uk	Public report will be available from the Governance Team one week before the decision is made.

<p>Land Transactions to Enable Expansion and Relocation of Primary School To agree in principle the exchange of land to facilitate the expansion and relocation of a primary school. To authorise the Head of Strategic Property to negotiate detailed terms for the transaction.</p>	January 2010	Cabinet Member for Education, Skills and University	Creating Opportunities and Tackling Inequalities	Consultation will be undertaken with the school	Alison Chambers Asset Development Officer Tel: 01733 863975 alison.chambers@peterborou gh.gov.uk	Public report will be available from the Governance Team one week before the decision is made.
<p>Contract for the Supply of Library Stock Authority to award the library book stock contract</p>	January 2010	Deputy Leader and Cabinet Member for Environment Capital and Culture	Strong & Supportive Communities	Internal stakeholders as appropriate	Helen Sherley Service Development Manager Tel: 01733 864273 helen.sherly@peterborough.g ov.uk	Public report will be available from the Senior Governance Officer one week before the decision is made

<p>Joint Service Centre at Hampton To commence the procurement process for a design and build contract for the provision of new leisure and library facilities at Hampton as part of the joint service centre in partnership with NHS Peterborough</p>	<p>January 2010</p>	<p>Deputy Leader and Cabinet Member for Environment Capital and Culture</p>	<p>Strong & Supportive Communities</p>	<p>Consultation will take place with the Cabinet Member of Community Services, ward councillors, affected divisions within PCC and potential user groups in Hampton.</p>	<p>Fiona O'Mahony Hampton Joint Service Centre Project Director Tel: 01733 863856 fiona.o'mahony@peterborough.gov.uk</p>	<p>Public report will be available from the Governance Team one week before the decision is made</p>
<p>Compost Contract Extension To extend the current compost contract by 2 years</p>	<p>January 2010</p>	<p>Deputy Leader and Cabinet Member for Environment Capital and Culture</p>	<p>Environment Capital</p>	<p>Internal departments as appropriate</p>	<p>Amy Nebel Recycling Contracts Officer Tel: 01733 864727 amy.nebel@peterborough.gov.uk</p>	<p>Public report will be available from the Governance Team one week before the decision is made.</p>

<p>Section 75 Pooled funding arrangements for substance misuse services Variation to the existing partnership agreement under the National Health Act 2006 to pool funding from NHS Peterborough and PCC to commission drugs services. The variation takes into account the slight changes to governance and structure of the former Drug and Alcohol Action Team, now part of the Safer Peterborough Partnership, and additional funding made available to NHS Peterborough for integrated drug treatment within HMP Peterborough.</p>	January 2010	Cabinet Member for Resources	Commission for Health Issues	Internal stakeholders as appropriate	Paul Phillipson Executive Director - Operations Tel: 01733 453455 paul.phillipson@peterborough.gov.uk	Public report will be available from the Governance team one week before the decision is made
<p>Arthur Mellows Village College Gym and Innovation Centre Authority to award the contract for the construction of the gym and innovation centre at Arthur Mellows Village College</p>	January 2010	Cabinet Member for Resources	Creating Opportunities and Tackling Inequalities	Ward councillors and relevant stakeholders.	Isabel Clark Planning & Development Manager Tel: 01733 863914 isabel.clark@peterborough.gov.uk	Public report will be available from the Governance Team one week before the decision is made

<p>Sale of Land at Dickens Street Car Park To authorise the Cabinet Member and the Chief Executive to negotiate and conclude the sale of the surplus land</p>	<p>January 2010</p>	<p>Cabinet Member for Resources</p>	<p>Sustainable Growth</p>	<p>Consultations will be undertaken with relevant stakeholders and ward councillors</p>	<p>Andrew Edwards Head of Strategic Property Tel: 01733 384530 andrew.edwards@peterborough.gov.uk</p>	<p>Public report will be available from the Governance Team one week before the decision is made.</p>
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FEBRUARY

KEY DECISION REQUIRED	DATE OF DECISION	DECISION MAKER	RELEVANT SCRUTINY COMMITTEE	CONSULTATION	CONTACT DETAILS / REPORT AUTHORS	REPORTS
<p>Older People's Accommodation Strategy To agree next phase of implementation of the Older People's Accommodation Strategy</p>	February 2010	Cabinet	Commission for Health Issues	Consultation will be undertaken with relevant stakeholders as appropriate.	Denise Radley Director of Adult Social Services & Performance Tel: 01733 758444 denise.radley@peterborough.gov.uk	Public report will be available from the Governance Team one week before the decision is made.
<p>Partnership Agreement between the City Council and the Primary Care Trust for the Provision of Adult Social Care To approve the new partnership agreement between the city council and the primary care trust</p>	February 2010	Cabinet	Commission for Health Issues	All relevant stakeholders as appropriate	Denise Radley Director of Adult Social Services & Performance Tel: 01733 758444 denise.radley@peterborough.gov.uk	Public report will be available from the Governance Team one week before the decision is made
<p>Culture Trust To agree whether to proceed with the Trust as set out in the Cabinet decision of 12 October 2009</p>	February 2010	Cabinet	Strong & Supportive Communities	All relevant stakeholders as appropriate	Kevin Tighe Head of Cultural Services Tel: 01733 863784 kevin.tighe@peterborough.gov.uk	Public report will be available from the Governance Team one week before the decision is made.

<p>Refreshed Local Area Agreement (LAA) To sign off the refreshed LAA prior to its submission to the Government Office</p>	<p>February 2010</p>	<p>Leader of the Council</p>	<p>Environment Capital</p>	<p>Relevant stakeholders and for a including Environment Capital Scrutiny Committee</p>	<p>Christina Wells Head of Strategic Improvement & Partnerships Tel: 01733 863604 christina.wells@peterborough.gov.uk</p>	<p>Public report will be available from the Governance Team one week before the decision is made.</p>
<p>Award of Contract - Nene Valley Primary School To award the contract for an extension to the school</p>	<p>February 2010</p>	<p>Cabinet Member for Education, Skills and University</p>	<p>Creating Opportunities and Tackling Inequalities</p>	<p>Internal departments as appropriate</p>	<p>Alison Chambers Asset Development Officer Tel: 01733 863975 alison.chambers@peterborough.gov.uk</p>	<p>Public report will be available from the Governance Team one week before the decision is made.</p>

MARCH

KEY DECISION REQUIRED	DATE OF DECISION	DECISION MAKER	RELEVANT SCRUTINY COMMITTEE	CONSULTATION	CONTACT DETAILS / REPORT AUTHORS	REPORTS
<p>Local Transport Plan Capital Programme of Works 2010/11 To approve the proposed programme of works for 2010/11</p>	<p>March 2010</p>	<p>Cabinet Member for Neighbourhoods, Housing and Community Development</p>	<p>Environment Capital</p>	<p>Consultation will be undertaken with the relevant internal stakeholders and with the Environment Capital Scrutiny Committee</p>	<p>Sally Savage Senior Project Support Worker Tel: 01733 452655 sally.savage@peterborough.gov.uk</p>	<p>Public report will be available from the Governance Team one week before the decision is made.</p>
<p>Award of Contract - Heltwate School To award the contract for refurbishment of the school</p>	<p>March 2010</p>	<p>Cabinet Member for Education, Skills and University</p>	<p>Creating Opportunities and Tackling Inequalities</p>	<p>Internal departments as appropriate</p>	<p>Alison Chambers Asset Development Officer Tel: 01733 863975 alison.chambers@peterborough.gov.uk</p>	<p>Public report will be available from the Governance Team one week before the decision is made.</p>

APRIL

THERE ARE CURRENTLY NO DECISIONS SCHEDULED FOR APRIL

CHIEF EXECUTIVE'S DEPARTMENT Town Hall, Bridge Street, Peterborough, PE1 1HG

Communications
Strategic Growth and Development Services
Legal and Democratic Services
Policy and Research
Economic and Community Regeneration
Housing Strategy
Drug Intervention Programme and Drug and Alcohol Team

CITY SERVICES DEPARTMENT Nursery Lane, Fengate, Peterborough PE1 5BG

Property Services
Building & Maintenance
Streetscene and Facilities
Finance and Support Services

STRATEGIC RESOURCES DEPARTMENT Director's Office at Town Hall, Bridge Street, Peterborough, PE1 1HG

Finance
Internal Audit
Information Communications Technology (ICT)
Business Transformation
Performance and Programme Management
Strategic Property
Human Resources
Customer Services

CHILDRENS' SERVICES DEPARTMENT Bayard Place, Broadway, PE1 1FB

Families and Communities
Commissioning and Performance
Learning

ENVIRONMENTAL AND COMMUNITY SERVICES DEPARTMENT Bridge House, Town Bridge, PE1 1HB

Planning Services

Building Control Services

Cultural Services

Transport and Engineering Services

EMERGENCY PLANNING

OCCUPATIONAL HEALTH

CITY CENTRE SERVICES

**SUSTAINABLE GROWTH SCRUTINY COMMITTEE
WORK PROGRAMME 2009/10**

Meeting Date	Item	Progress
20 July 2009 (Papers to be despatched on 10 July)	Disposal of Land and Assets To scrutinise the Council's policy when disposing of land and assets. Contact Officer: Andrew Edwards	Recommendations made to the Cabinet Member for Resources and Executive Director of Strategic Resources – response reported to September meeting.
	Reconstitution of Working Groups To agree to the reconstitution of a number of working groups. Contact Officer: Louise Tyers	Working groups reconstituted.
21 September 2009 (Papers to be despatched on 11 Sept)	Peterborough City Services To provide a briefing for Members on the progress in respect of PCS Operational Services. Contact Officer: Mike Heath	Recommendation made to the Cabinet Advisor for City Services and Commercial Services Director
	Growth Area Funding To scrutinise the GAF programme and the proposals for future expenditure. Contact Officer: Shahin Ismail/Howard Bright	Completed
	Contracts Process To scrutinise the process undertaken for awarding a number of contracts. Contact Officer: Louise Tyers	Completed
16 November 2009 (Papers to be despatched on 6 Nov)	Peterborough Integrated Development Programme To scrutinise the draft Integrated Development Programme which sets out the priorities for infrastructure provision to facilitate growth and regeneration of the City. Contact Officer: Shahin Ismail/Richard Kay	Recommendation made to the Cabinet

	<p>Progress on Delivery of the LAA Priority 2009/10</p> <p>To scrutinise the progress of the delivery of the priority of truly sustainable growth.</p> <p>Contact Officer: Steve Compton</p>	Further report in March 2010
<p>18 January 2010</p> <p>(Papers to be despatched on 8 Jan)</p>	<p>Peterborough City Services – Update on Lot 3: Various Operational Services</p> <p>To scrutinise the progress to date on the future of PCS and what the implications are for the City Council.</p> <p>Contact Officer: Mike Heath</p>	
	<p>Planning Obligations Implementation Scheme</p> <p>To scrutinise the Planning Obligations Implementation Scheme and make any appropriate recommendations, prior to its consideration by the Executive.</p> <p>Contact Officer: Paul Smith</p>	
<p>17 February 2010</p> <p>(Papers to be despatched on 9 Feb)</p>	<p>The Big Debate – The Effects of the Economic Downturn</p> <p>To address the question ‘Has the economic downturn had an impact on the plans for the growth of Peterborough?’</p> <p>Contact Officer: Louise Tyers</p>	
<p>15 March 2010</p> <p>(Papers to be despatched on 5 March)</p>	<p>Peterborough Integrated Development Programme</p> <p>To further scrutinise the draft Integrated Development Programme which sets out the priorities for infrastructure provision to facilitate growth and regeneration of the City.</p> <p>Contact Officer: Shahin Ismail/Richard Kay</p>	

	<p>Progress on Delivery of the LAA Priority 2009/10 To scrutinise the progress of the delivery of the priority of truly sustainable growth. Contact Officer: Steve Compton</p>	
	<p>Annual Complaints Report 2008/09 To scrutinise the annual complaints report 2008/09 and identify any areas of concern. Contact Officer: Belinda Evans</p>	

TO BE SCHEDULED

Lessons Learnt from the ICT Managed Service Project - to scrutinise the lessons learnt from the ICT Managed Service Project and to receive an update on how the new service is working.

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