

Public Document Pack

CABINET

MONDAY 28 JULY 2014
10.00 AM

Bourges/Viersen Room - Town Hall

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AGENDA

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Circulation

Cabinet Members

Scrutiny Committee Representatives

Directors, Heads of Service

Press

*Any agenda item highlighted in bold and marked with an * is a 'key decision' involving the Council making expenditure or savings of over £500,000 or having a significant effect on two or more wards in Peterborough. These items have been advertised previously on the Council's Forward Plan (except where the issue is urgent in accordance with Section 15 of the Council's Access to Information rules).*



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MINUTES OF CABINET MEETING HELD 30 JUNE 2014

PRESENT

Cabinet Members: Councillor Cereste (Chairman), Councillor Holdich, Councillor Fitzgerald, Councillor Hiller, Councillor North, Councillor Seaton and Councillor Serluca.

Cabinet Advisers: Councillor Casey and Councillor Lamb.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Elsey and Councillor Scott.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF THE CABINET MEETINGS HELD ON 24 MARCH 2014

The minutes of the meeting held on 24 March 2014 were agreed as a true and accurate record.

STRATEGIC DECISIONS

4. PETERBOROUGH COMMUNITY INFRASTRUCTURE LEVY (CIL) DRAFT CHARGING SCHEDULE

Cabinet received a report which sought its approval for the Infrastructure Delivery Schedule Update 2014, and to recommend the Peterborough Community Infrastructure (CIL) Draft Charging Schedule to Council for approval.

Councillor Hiller introduced the item, explaining that continued growth and development in Peterborough required continued infrastructure to support it. The Peterborough Infrastructure Delivery Schedule (IDS) identified infrastructure needs and, as a live document, would be updated each year. The CIL was to be a new, simpler and non-negotiable scheme introduced by the Government. It was further advised that the rate charges for new business within the scheme would be nil.

Comments from Members and responses to questions included:

- The increased allocation of funding going to education was appreciated;
- CIL was applicable to the land. As such, all charges were passed on if the land was sold; and
- The scheme had to go live on 1 April 2015, as the Peterborough Planning Obligations Implementation Scheme SPD (POIS) would become illegal on this date.

Cabinet considered the report and **RESOLVED** to:

1. Recommend the Peterborough Community Infrastructure Levy (CIL) Draft Charging Schedule to Council for approval for the purposes of public consultation

and Submission of Draft Charging Schedule and associated material to Planning Inspectorate for Examination in Public; and

2. Approve the Infrastructure Delivery Schedule Update 2014.

REASONS FOR THE DECISION

Government had introduced changes to the way developer contributions could be collected and spent. Charging Authorities had the option of adopting a CIL. From April 2015, the use of our existing methodology for collecting and pooling developer contributions (POIS) would become unlawful and so unless a CIL is adopted, the collection and use of developer contributions would be severely limited from that date. Adopting a CIL would introduce a recognised system that was used by other authorities; provide a fairer system for ensuring developer contributions were made by small and large developments alike in a proportionate manner; and a simpler more direct way of directly passing back contributions to the communities within which the development had taken place.

ALTERNATIVE OPTIONS CONSIDERED

The option to not adopt a CIL had been considered and rejected. This option may have been acceptable if, for example, Peterborough was only expecting very minimal growth over the plan period and the majority of that growth could be dealt with through the limited pooling of contributions for strategic infrastructure. This would have made the adoption of a CIL superfluous. Since Peterborough would continue to deliver a significant number of homes and jobs over the plan period this option was rejected.

The option of alternative Levy rates had been rejected, as the ones proposed were based on robust evidence.

5. THE STRATEGY FOR PEOPLE WITH DEMENTIA AND THEIR CARERS

Cabinet received a report which sought approval for the Strategy for People with Dementia and their Carers.

Councillor Fitzgerald introduced the item and detailed the multi-agency approach proposed within the report. He explained that a range of visual aids and reading materials would be provided within the strategy and that £250,000 had been invested. The Councillor further advised that a Dementia Centre was due to open next month.

The Head of Commissioning for Older People, Physical Disability and Sensory Impairment highlighted a number of points including:

- There were two keys area of development. One was the development of the Resources Centre, the other was raising awareness and providing people with the skills to spot the signs of dementia; and
- The project was being recognised on a national level.

Comments from Members and responses to questions included:

- The level of involvement with carers and appropriate users was impressive and training and capabilities of staff;
- New services were being introduced regarding psychiatric care as part of a system wide approach; and
- Promotion would be undertaken with Dementia Action Alliance alongside community engagement and a Community Engagement Strategy.

The Executive Director for Adult Social Care, Health and Wellbeing advised that awareness for the strategy was growing. The challenge with the strategy resulted from the disease often existing parallel to other conditions. It was important that all staff in care services were training and an Improvement and Audit was to be set up to monitor this.

Cabinet considered the report and **RESOLVED:**

To approve the Strategy for People with Dementia and their Carers for adoption.

REASONS FOR THE DECISION

The adoption and implementation of the Strategy would clarify how Peterborough City Council would work with the Cambridgeshire and Peterborough Clinical Commissioning Group to improve outcomes for people living with dementia and their carers through a strategic commissioning approach.

In turn this would support the development of a wider range of community support, improved support, more integrated approaches to support and to more effective management of the local market for dementia support.

ALTERNATIVE OPTIONS CONSIDERED

Not adopting the Strategy would mean that the Council's approach with the Clinical Commissioning Group to improving support for people with dementia and to developing Peterborough as a Dementia Friendly City would not be clearly stated. This would have a negative impact on service development and on effective market management.

6. CONCORDAT FOR JOINT WORKING BETWEEN PETERBOROUGH CITY COUNCIL, CAMBRIDGESHIRE COUNTY COUNCIL AND HEALTH ORGANISATIONS ACROSS PETERBOROUGH AND CAMBRIDGE

Cabinet received a report which sought its approval for a Concordat of joint working between Peterborough City Council, Cambridgeshire County Council and all Health Organisations across Peterborough and Cambridgeshire.

The Executive Director for Adult Social Care, Health and Wellbeing introduced the item and highlighted a number of points including:

- Elective Care and Urgent Care were considered to be the two most important areas to focus on;
- At the current time work was being duplicated and was overlapping between organisations; and
- The Concordat focused on initial plans, outcomes would be established over the year.

Councillor Fitzgerald introduced the item and advised that the Council should work with the Clinical Commissioning Group, as is the case with numerous other Local Authorities.

Cabinet considered the report and **RESOLVED:**

1. To endorse the Concordat for joint working across Peterborough & Cambridgeshire Health & Social Care Economy; and
2. To note the external assistance being offered to Peterborough and Cambridgeshire as one of the 11 Challenged Health Economies.

REASONS FOR THE DECISION

To ensure in the proposed transformation that due consideration was given to the health and social care needs of the population in Peterborough.

The particular demographics and health inequalities in Peterborough were often masked in the wider health profiles across Cambridgeshire. Participation in this work was essential to ensure new ways of working to address local need and requirements for delivery.

ALTERNATIVE OPTIONS CONSIDERED

The option not to participate in this work would disadvantage the opportunity for the population of Peterborough to ensure main health and social care needs are being addressed.

MONITORING ITEMS

7. BUDGET MONITORING REPORT FINAL OUTTURN 2013-14

Cabinet received a report updating it on the final financial position for the revenue budget, capital programme and final reserves position for 2013/14. The report also contained performance information on treasury management activities, payment of creditors and collection performance for debtors, local taxation and benefit overpayments.

Councillor Seaton introduced the item and detailed that last year the Council made £17million savings with minimal service impact. Pressures had been faced regarding the support of vulnerable people and savings had to be made elsewhere. The Council had underspent by £300,000, as well as having received a grant received from the Government at the end of the financial year, making the total underspend for 2013-14 approximately £600,000.

Cabinet considered the report and **RESOLVED:**

1. To note the final outturn position of £622k under spend on the Council's revenue budget 2013/14 and that this is an improvement since the probable outturn position, of which £291k was a government grant received on the 28 March 2014 to return 'held back' local government funding;
2. To note the final outturn position of £90.9m on the Council's capital budget 2013/14;
3. To note the reserves position for the Council;
4. To note the performance against the prudential indicators; and
5. To note the performance on treasury management activities, payment of creditors, collection performance for debtors, local taxation and benefit overpayments.

REASONS FOR THE DECISION

This monitoring report for the 2013/14 financial year formed part of the closure of accounts and decision making framework culminating in the production of the Statement of Accounts and informs Cabinet of the final position.

ALTERNATIVE OPTIONS CONSIDERED

None required at the current stage.

8. OUTCOME OF PETITIONS

Cabinet received a report updating it on the progress being made in response to petitions submitted at Full Council on 16 April 2014.

Cabinet considered the report and **RESOLVED:**

To note the action taken in respect of petitions presented to Full Council.

REASONS FOR THE DECISION

As the petitions presented in the report had been dealt with by Cabinet Members or officers, it was appropriate that the action taken was reported to Cabinet, prior to it being included within the Executive's report to full Council.

ALTERNATIVE OPTIONS CONSIDERED

No alternative options were considered.

Chairman
10.00am - 10.35am

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CABINET	AGENDA ITEM No. 4
28 JULY 2014	PUBLIC REPORT

Cabinet Member(s) responsible:	Cllr Nigel North, Cabinet Member for Communities and Environment Capital	
Contact Officer(s):	Clair George, Road Safety Officer	Tel: 453576

20mph SPEED LIMITS

R E C O M M E N D A T I O N S	
FROM : Sustainable Growth and Environment Capital Scrutiny Committee	Deadline date : n/a
For Cabinet:	
<ol style="list-style-type: none"> 1. To await authorities to publicise impacts of 20mph limits; 2. To implement 20mph in villages as a pilot; 3. To undertake a public consultation to gain views of residents on 20mph limits; and 4. To approve the budget of £110,000 required to implement the pilot in villages. 	

1. ORIGIN OF REPORT

- 1.1 At its meeting on 17th April 2013, Council called upon the Sustainable Growth and Environment Capital Scrutiny Committee to investigate the benefits of extending 20mph signed speed limits throughout all residential areas in the Peterborough District and present proposals to the Cabinet.
- 1.2 A cross party task and finish group investigated the impact of 20mph speed limits in residential areas and reported its findings and recommendations to the Sustainable Growth and Environment Capital Scrutiny Committee on 20th January 2014. (Report presented on 20th January - Appendix A).

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to consider the conclusions and recommendations made in the task and finish review with regards to 20mph signed speed limits.
- 2.2 This report is for Cabinet to consider under its terms of reference no. 3.2.3 'to take a leading role in promoting the economic, environmental and social well-being of the area'.

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	n/a
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4. KEY ISSUES

- 4.1 In order to carry out its task the Task and Finish Group determined that it would consider the impact of introducing 20mph signed speed limits against a variety of criteria. After consideration the following areas of impact were considered:

4.1.1 **Safety**

- To seek a range of views on the impact of 20mph speed limits and 20mph zones on road safety in terms of reducing vehicle speeds and casualty numbers; and
-
- To investigate what options other local authorities across the country are pursuing in terms of 20 mph speed limits/zones.

4.1.2 **Environmental**

- To gain an understanding of any potential environmental impacts of 20mph speed on air quality, tail pipe and carbon emissions as well as noise; and
- To gain an understanding of any potential consequences of any displacement of traffic as a result of introducing lower speed limits.

4.1.3 **Health**

- To gain an understanding of the potential 'other benefits' which 20mph speeds may bring, such as health benefits, increased sociability and better walking and cycling conditions.

4.1.4 **Economic**

- To identify the benefits, feasibility and potential cost of various 20mph speed options in the city.

4.1.5 **Equality**

- To investigate the benefits 20mph limits/zones will have on vulnerable people, for example those with mobility issues, physical impairments and children in the city.

4.2 The group gathered both a wide ranging and in-depth level of specialist subject knowledge and evidence from a range of resources, these included:

- The digest of written research and reports;
- 1:1 interviews with key witnesses including technical and specialist experts,
- Information from special interest groups, and
- Consultation with other Authorities.

4.3 After gathering the evidence the group considered, discussed and debated the relevant merits of what had been learnt, applying the evidence and learning to the City of Peterborough. As a result the following four recommendations were reached:

4.3.1 **Recommendation 1**

Due to current available levels of evidence of the impact of 20mph 'signed only' schemes across the country the group recommends that the council await the publication of further evaluation of schemes introduced in other similar size authorities prior to a recommendation on the roll-out of an authority-wide scheme. Officers to be charged with a further report in 12 months.

4.3.2 **Recommendation 2**

Whilst being cognisant of the caveat in Recommendation 1 the group is satisfied that the council should progress with implementing 20mph 'signed only' limits in all its constituent villages, subject to consultation.

The implementation of reduced speed limits within villages should be used as a pilot. Implementation will be evaluated by officers to include speed, casualty reduction and a public perception survey as to improved quality of life (including levels of active travel).

4.3.3 **Recommendation 3**

Undertake a public consultation to gain views of such a scheme in Peterborough, as information presented made it clear such limits need to be self-enforcing and something the public buy into.

4.3.4 **Recommendation 4**

To agree that budget is made available to undertake the pilot in the villages. Budget will need to cover implementation of the limits as well as speed monitoring and public consultations.

To investigate the possible funding streams available from other organisations which would benefit from the introduction of 20mph limits.

The cost of implementing in villages is an estimated £110,000. The costs are an estimate and are based on street furniture being available for signage. Dependent on what is available on site these costs could increase or decrease. The budget breakdown is as follows;

- Terminal, repeater signs and posts - £40k
- Before, during and after monitoring - £10k
- Public consultation - £5k
- Officer time for implementing scheme - £5k
- Works on current vehicle activated signs - £50k

4.4 Evidence presented showed the implementation of signed only limits on all residential roads across the authority would have significant financial implications. Councillors were unable to recommend a complete roll-out. Prior to an authority-wide scheme councillors would like to review data collected during the local pilot scheme as well as review data from similar sized authorities which have recently or are in the process of implementing 20mph.

5. CONSULTATION

5.1 Consultation was undertaken with different organisations and internal departments to assist the task and finish group with their recommendations.

5.2 No formal public consultations have taken place at this time, however one of the key recommendations is to undertake a public consultation with residents to gain their view on such a scheme.

6. ANTICIPATED OUTCOMES

6.1 That Cabinet endorse the recommendations of the Task and Finish Group.

7. REASONS FOR RECOMMENDATIONS

7.1 The recommendations are based on the findings of the Councillor cross party task and finish group.

8. ALTERNATIVE OPTIONS CONSIDERED

8.1 To await detailed evaluation reports from similar sized authorities who have recently implemented 20mph signed only limits on their effectiveness.

9. IMPLICATIONS

9.1 Financial

The cost to undertake a pilot of 20mph signed only limits in villages across Peterborough would be in the region of £110,000.

10. BACKGROUND DOCUMENTS

10.1 Final report produced by the cross party task and finish group

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**SUSTAINABLE GROWTH AND
ENVIRONMENT CAPITAL SCRUTINY
COMMITTEE**

**Investigation into the benefits of extending
20mph Speed Limits throughout residential
areas across the Peterborough Unitary Authority
Area.**

January 2014

Report of the Sustainable Growth and Environment Capital Scrutiny Task and Finish Group

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1. INTRODUCTION

At its meeting on 17 April 2013, Council called upon the Sustainable Growth and Environment Capital Scrutiny Committee to investigate the benefits of extending 20 mph signed speed limits throughout residential areas in the Peterborough District and to present proposals to the Cabinet not later than 31 March 2014.

The Sustainable Growth and Environment Capital Scrutiny Committee at its meeting on 12 June 2013 agreed to establish a Task and Finish Group to undertake the investigation.

The cross party Task and Finish group comprised of the following members:



**Cllr Diane Lamb, Conservative,
Ginton & Wittering Ward**



**Cllr Dale McKean, Conservative
Eye and Thorney Ward**



**Cllr John Peach, Conservative
Park Ward**



**Cllr Asif Shaheed, Liberal Democrat,
Walton Ward**



**Cllr John Shearman, Labour,
Park Ward**



**Cllr Judy Fox, Independent,
Werrington North Ward**



**Cllr John Fox, Independent,
Werrington North Ward**

Officers supporting the Task and Finish Group were:

- Paulina Ford, Senior Governance Officer
- Gary Goose, Strategic Safer and Stronger Peterborough Manager
- Clare George, Senior Road Safety Officer

2. SUMMARY OF RECOMMENDATIONS

Recommendation 1

Due to currently available levels of evidence of the impact of 20mph 'signed only' schemes across the country the group recommends that the council await the publication of further evaluation of schemes introduced in other similar size authorities prior to a recommendation on the roll-out of an authority-wide scheme. Officers to be charged with a further report in 12 months.

Recommendation 2

Whilst being cognisant of the caveat in Recommendation 1 the group is satisfied that the council should progress with implementing 20mph 'signed only' limits in all its constituent villages, subject to consultation.

The implementation of reduced speed limits within villages should be used as a pilot. Implementation will be evaluated by officers to include speed, casualty reduction and a public perception survey as to improved quality of life (including levels of active travel).

Recommendation 3

Undertake a public consultation to gain views of such a scheme in Peterborough, as information presented made it clear such limits need to be self-enforcing and something the public buy into.

Recommendation 4

To agree that budget is made available to undertake the pilots in the villages. Budget will need to cover implementation of the limits as well as speed monitoring and public consultations.

Investigate the possible funding streams available from other organisations which would benefit from the introduction of a 20mph limits.

Cost of implementing in villages will cost an estimated £110,000. The costs are an estimate and are based on street furniture being available for signage. Dependent on what is available on site these costs could increase or decrease? The budget breakdown is as follows;

- Terminal, repeater signs and posts - £40k
- Before, during and after monitoring - £10k
- Public consultation - £5k
- Officer time for implementing scheme - £5k
- Works on current vehicle activated signs - £50k

3. OBJECTIVE AND SCOPE OF THE INVESTIGATION

Objective of the Investigation

The objective of the Investigation was to investigate the benefits of extending 20mph signed speed limits throughout residential areas in the Peterborough Unitary Authority area.

Scope of the Investigation

The scope of the investigation included looking at the following criteria to assess the benefit of extending 20mph signed speed limits:

Safety

- To seek a range of views on the impact of 20mph speed limits and 20 mph zones on road safety in terms of reducing vehicle speeds and casualty numbers.
- To investigate what options other local authorities across the country are pursuing in terms of 20 mph speed limits/zones

Environmental

- To gain an understanding of any potential environmental impacts of 20mph speed on air quality, tail pipe and carbon emissions as well as noise
- To gain an understanding of any potential consequences of any displacement of traffic as a result of introducing lower speed limits

Health

- To gain an understanding of the potential 'other benefits' which 20mph speeds may bring, such as health benefits, increased sociability and better walking and cycling conditions

Economic

- To identify the benefits, feasibility and potential cost of various 20 mph speed options in the city

Equality

- To investigate the benefits 20mph limits/zones will have on vulnerable people for example those with mobility issues, physical impairments and children in the city.

To develop recommendations for the future development of council policy on 20 mph speed limits/zones and prioritise implementation if required.

4. PROCESS AND METHODOLOGY USED FOR THE INVESTIGATION

4.1 Methodology

- Research
- 1:1 interviews with key witnesses/technical specialists/experts
- Information from special interest groups
- Consultation with other Authorities
- Use of social media if required

Initial baseline information used:

- Map of Peterborough to determine what a residential area was.
- National guidance and legislation
- Information from specialist interest groups
- Information from other authorities who have implemented 20MPH Speed Limits and those who have decided not to

4.2 Process

The timetable of the events leading to the production of this report are set out below:

Meeting Date	Items discussed / Guests Attending
29 May 2013	Initial Meeting to agree terms of reference
17 July 2013	Meeting to discuss base line evidence available from other Authorities, current data available, identify key witnesses and specialist interest groups.
3 September 2013	Meeting to discuss transport and engineering issues and hear from the 20's Plenty for Us Group. Guests in attendance: Peter Tebb, Peterborough Highways Services, Rod King, 20's Plenty for Us Campaign.
21 October 2013	Meeting to discuss Health and Enforcement. Hear evidence from Julian Base, Live Healthy Service Manager, Public Health Team and Nigel Brigham, Regional Director of Sustrans. Receive and consider written evidence from the Police on enforcement.

25 November 2013	<p>Meeting to discuss Environment and Enforcement issues. Guests in attendance Superintendent Dan Vajzovic and Charlotte Palmer, Climate Change Manager and Racheal Huxley, Chief Executive of PECT.</p> <p>Discuss conclusions and recommendations from research, data received and evidence heard.</p>
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Key Witness's / Expert Advisers interviewed:

- Clair George, Senior Road Safety Officer
- Gary Goose, Strategic Safer and Stronger Peterborough Manager
- Peter Tebb, Team Manager, Network Management Group, Peterborough Highways Services
- Rod King, Founder and Campaign Director of 20's Plenty for Us
- Julian Base, Live Healthy Service Manager, Public Health Team
- Nigel Brigham, Regional Director of Sustrans
- Superintendent Dan Vajzovic
- Charlotte Palmer, Climate Change manger
- Racheal Huxley, Chief Executive of PECT

The Task and Finish Group would like to thank everybody who assisted them during the course of the investigation for their support and openness. This assistance was greatly appreciated.

5. Background

The Department for Transport published new guidance for local authorities 'Setting Local Speed Limits' – Department for Transport Circular 01/2013. The guidance states that local authorities are asked to keep their speed limits under review with changing circumstance and to consider the introduction of more 20mph limits and zones over time, in urban areas and built-up village streets that are primarily residential to ensure greater safety for pedestrians and cyclists.

There is a significant difference between the characteristics of a 20mph speed limit and a 20mph zones.

- 20mph zones – use traffic calming measures to reduce the adverse impact of motor vehicles in built up areas. The principle is that the traffic calming slows vehicle speeds below the limit; and in this way the zone becomes self-enforcing. Zones usually cover a number of roads. Another option would be to use residential average speed cameras in zones which would work out more cost effective than traditional traffic calming.
- 20mph limits – are areas where the speed limit has been reduced to 20mph but there are no physical measures to reduce vehicle speeds within areas. Drivers are alerted to the speed limits with 20mph speed limit repeater signs.

Evidence supports the effectiveness of 20mph zones as a way of preventing injuries on the road. 20mph zones are costly to implement, therefore they tend to be priorities on roads with higher speeds and higher road casualties. A number of 20mph zones have been implemented in Peterborough in the past through the Local Transport Plan areas include New England and Stanground outside primary schools.

Royal Society Prevention of Accident (ROSPA) suggests evidence on 20mph limits is generally positive but they are less effective at reducing traffic speeds than 20mph zones. Typically there are small reductions in speed following the introduction of 20mph limits. However, there is a smaller evidence base for the introduction of signs on their own as they are more recent intervention and most schemes have only had a short follow up period.

The Task and Finish Group investigated the impacts of 20mph signed only limits rather than 20mph zones which are proved to impact on speed and casualties.

A number of local authorities are either in the process or have introduced 20mph signed limits. Although a number of these authorities have completed implementation or trials there is limited

detailed evaluation reports on the impact of these schemes in terms of casualty reduction, speed reduction and modal shift

6. FINDINGS AND CONCLUSIONS

6.1 Safety

Various documents and key witness statements were presented to the group which looked at the impacts 20mph limits have on casualty and speed reduction. It was noted by the group that the benefits 20mph limits can potentially have on communities are far reaching and should not be seen solely as a casualty reduction scheme.

There was a limited number of evaluations/monitoring reports published by local authorities on 20mph signed only limits. During the investigation it was discovered that many authorities were in phases of implementation or had only recently implemented and their evaluations would not be available until 2014. It was also noted that where authorities had undertaken a pilot 20mph limit they had decided to implement on all residential roads.

Portsmouth was the first local authority to introduce a 20mph limit on all residential roads. On the majority of roads where the 20mph limit was introduced the average speeds before installation were less than or equal to 24mph. For monitoring the results distinction was made between roads where the average speed before the 20mph limits was introduced was : 20mph or less; between 21mph and 24mph and over 24mph. This allowed the effect of the limits to be examined in the different conditions. There was an overall average speed reduction of 1.3mph following the introduction of the limits, however the reduction on roads with an average speed of 24mph or more resulted in a 6.3mph reduction

Other data collected from other authorities showed York found a reduction of 3mph in its pilot areas and Bristol reported an average 0.4mph reduction in traffic speeds, with a greater reduction on main roads. Warrington reported an overall speed reduction of 1.45mph across all trial sites.

With regards to reductions on casualties Portsmouth evidenced had shown a 22% reduction in the number of road casualties from 183 per year to 142 per year. During this period casualty numbers fell nationally by about 14% in comparable areas.

Conclusions:

- 20mph signed only limits are still a relatively new concept to Local Authorities – although a number of authorities have either implemented, implementation in progress or have committed to limits there is limited available data which clearly demonstrates the impacts

on speed and casualty reduction. Long-term casualty reduction benefits of 20mph are not conclusive.

- A number of authorities reported a reduction in speed as a result of the implementation of 20mph this ranged from 1mph to 6mph on the roads which had a higher average speed.
- Research suggests an average reduction in vehicle speed have the potential for delivering significant benefits across the transportation, environmental and health agendas. It has been established that for every 1mph average speed reduction in an urban areas a 6% reduction in collisions frequency can be expected.
- The relationship between a vehicle's impact speed and severity of injury is well established, especially for pedestrians who are more likely to be fatally injured at higher impact speeds. In built-up residential areas, reducing traffic speed is one of the most effective ways of reducing the risk to vulnerable road users, such as children, pedestrian and pedal cyclists.

6.2 Enforcement

It was important for the group to consider levels of enforcement on 20mph speed limit roads. As it became apparent that any new created 20mph limit should not rely on additional enforcement.

Road safety is a part of the core policing role and Cambridgeshire Constabulary will consider the provision of speed enforcement action within areas subject to a 20mph speed restriction having first taken into consideration various factors. These may include traffic speed data, Department for Transport and Association of Chief Police Officer guidance and road traffic collision information. Where 20mph speed restrictions have been introduced in line with relevant guidance the police will continue to provide speed enforcement activity (including within other higher speed restriction areas) targeted at locations where evidence suggest we have unacceptable levels of speed compliance. It would seem appropriate that speed limit reductions are only considered for implementation when the 85% percentile speeds are not more than the ACPO prosecution threshold.

This does not mean the speed limit is wrong, it means that enforcement alone is not the solution. If a road does not feel like a 20mph limit then drivers would flout/ignore it so drivers continue to drive like they did before and no amount of enforcement will stop that.

If 15% of road users are travelling at greater than the enforcement limit then the number of prosecutions and amount of police resource need will be unmanageable

Conclusions:

- Consider the current speed of vehicles on residential roads before implementing 20mph limits, and not create roads with speeding issues which put an unmanageable demand on enforcement.

6.3 Environmental

During the course of the investigation it became evident that there was a lack of substantial evidence on environmental impacts either negative or positive. Evidence suggested that driving in lower gears could emit more exhaust fumes however it was suggested that driving at a constant 20mph speed would be more beneficial than stop – start driving. Evidence also suggested that if people felt safer on the roads more people would walk and cycle this would also impact of carbon emissions.

It was discussed that the environmental impacts are situational dependent and what mechanism are used to reduced speed. For example a constant speed through a 20mph signed only limit would have benefits on the environment whereas a traffic calmed area could have negative impacts as it would result on stop start driving as well as noise pollution. Measurable link between traffic noise and speed. A 6mph reduction in speed would result in a 40% cut in noise.

It was appreciated by the group that there are many factors that affect vehicle emissions such as speed, acceleration, gearing and its selection, road gradients and the vehicle type and cargo weight.

A negative impact on the environment could be the amount of signs/posts required in villages and urban areas to implement the limits, this can be seen as ‘street-clutter’. Where ever possible implemented limits should look at using existing street furniture.

Conclusions

- Limited evidence available on both negative and positive impacts to the environment with the introduction of 20mph signed only limits. Unable to make recommendations of a 20mph signed limit on the environmental side alone.

6.4 Health

Potential health benefits of 20mph speed limits in residential areas include quality of life and community benefits through the encouragement of healthier and more sustainable transport such as walking and cycling. The Local Government Information Unit (LGiU) commissioned research following which the produced an independent policy briefing on 20mph limits. The research places the public health benefits as its focal point.

A paper presented by Public Health outlined the public health benefits of a 20mph limit; these included;

- Reduced costs associated with A&E attendance and hospital admissions for unintentional injuries among children and young people under 15.
- Improved outcomes for children and young people such as improved health, quality of life, school attendance and attainment.
- Increased productivity for families and employers, by reducing the time that parents or carers have to take off from work to look after children and young people who have been injured.
- Preventing short-term and permanent disabilities and death from unintentional injury
- Reduced emotional impact and trauma for children and young people and their families
- Improved road safety may also have potential other positive outcomes for the wider community such as increased walking or cycling.

20's Plenty and Sustrans also presented to the group the benefits 20mph limits would have on the wider community and health of residents. The National Heart Forum positions statement "Areas with slower vehicle speeds are associated with increased opportunities for walking and cycling. Taking into account the wide health benefits of physical activity, including protecting against various risk factors or cardiovascular disease, the National Heart Forum supports a reduction in the default speed limit for built-up areas to 20mph."

In a number of Local Authorities, Public Health have contributed to the implementation of 20mph because of the impact they can have on improving the health of residents and how the limits can impact on the Public Health outcome framework.

Conclusions

- Evidence suggests that introducing 20mph limits have a positive impact on health by encouraging more walking and cycling this is supported by the National Heart Forum, Sustrans and 20s plenty campaign.
- Information also suggests that the introduction of a 20mph residential speed limit would impact positively on public health as a result of increased physical activity.

6.5 Economic

20mph speed limits without self-enforcing features have the attraction of being relatively inexpensive to implement compared to 20mph zones which require expensive traffic calming features. However, regards must be given to the 'before' speeds because the higher they are the less likely speeds will be reduced to 20mph and the new introduced limit could have little impact.

The Network Manager produced estimated costs for a 20mph signed only limits to the group. The estimates provided were for Helpston village and the Orton Waterville ward.

- Estimated cost for Helpston - £3,500 - £4,000
The process for a village were relatively straight forward changeover of the current 30s at the terminal points and an increase in the number of repeater signs along the main road (B1443). The costs for villages are lower than urban wards due to the lack of street lighting at the village entrances
- Estimated costs for Orton Waterville - £60k + allowance of £30k for electrical connections
Urban wards are a more complex situation with varying types of road and speed limits in existence. Likewise the presence of street lighting dictates that the terminal signs must be lit and this results in a large increase in costs.

Costs for other authorities were also looked at by the group, and varied from 1.2 million pounds to 0.5 million pounds for implementation on all residential streets. Information showed that costs vary between authorities' areas, it was dependent on the number of roads covered, and the size of the area covered. Because of the different variables between authorities is was difficult to compare overall costs.

Conclusions

- A stance is required on the national position, lobbying is ongoing by pressure groups to make 20 the new 30. The City Council needs to take the national position into consideration before investing substantial amounts of money into a 20mph signed limits.
- The costs of establishing a default 20mph speed limit enforced by signage alone is considerably less than that of extending the number of 20mph zones by physical calming measures.
- Cost of implementation on all residential roads will be dependent on what roads are considered/classed as residential by using an approved methodology, and the amount budget required to undertake a publicity/engagement campaign.

- Capital and Revenue Budget would be required. Liverpool are spending around 25% of the overall budget on public engagement and education.
- A number of local authorities which have implemented or in the process of implementing 20mph speed limits have sourced funding across different departments as well as different organisations.

6.6 Equality

Evidence suggest that the most vulnerable people in society would benefit from 20mph limits, for example those with mobility issues, people suffering hearing and sight problems, and children. This will ensures our residential roads feel safer, and quality of life would be improved by making the roads safer.

Conclusions

Evidence provided by various key witnesses and detailed reports suggest that an adhered to 20mph limit can have a positive impact on the most vulnerable residents by making the roads safer.

6.7 Recommendations

To develop recommendations for the future development of council policy on 20 mph speed limits/zones and prioritise implementation if required.

Recommendation 1

Due to currently available levels of evidence of the impact of 20mph 'signed only' schemes across the country the group recommends that the council await the publication of further evaluation of schemes introduced in other similar size authorities prior to a recommendation on the roll-out of an authority-wide scheme. Officers to be charged with a further report in 12 months.

Recommendation 2

Whilst being cognisant of the caveat in Recommendation 1 the group is satisfied that the council should progress with implementing 20mph 'signed only' limits in all its constituent villages, subject to consultation.

The implementation of reduced speed limits within villages should be used as a pilot. Implementation will be evaluated by officers to include speed, casualty reduction and a public perception survey as to improved quality of life (including levels of active travel).

Recommendation 3

Undertake a public consultation to gain views of such a scheme in Peterborough, as information presented made it clear such limits need to be self-enforcing and something the public buy into.

Recommendation 4

To agree that budget is made available to undertake the pilots in the villages. Budget will need to cover implementation of the limits as well as speed monitoring and public consultations.

Investigate the possible funding streams available from other organisations which would benefit from the introduction of a 20mph limits.

Cost of implementing in villages will cost an estimated £110,000. The costs are an estimate and are based on street furniture being available for signage. Dependent on what is available on site these costs could increase or decrease? The budget breakdown is as follows;

- Terminal, repeater signs and posts - £40k
- Before, during and after monitoring - £10k
- Public consultation - £5k
- Officer time for implementing scheme - £5k
- Works on current vehicle activated signs - £50k

7. List of background papers and research sources used during the investigation

- Briefing notes and various other information provided 20's plenty campaign
- Setting Local Speed Limits – Department for Transport Circular 01/2013
- Casualty Data for Peterborough Area
- Interim Evaluation of the Implementation of 20mph Speed Limits in Portsmouth 2010
- National Heart Forum – reducing the default speed limits in built-up areas: Highlighting the health benefits of 20mph
- Presentation – Environment Impacts of 20mph – provided by Racheal Huxley, CEX, PECT
- Road Safety GB Website
- ACPO Speed Enforcement Policy Guidelines 2011 – 2015
- Information from Local Authorities – including Newcastle, Cambridge City, Brighton and York
- Royal Society for the Prevention of Accidents – Information 20mph zones and speed limits

Further information on this Investigation is available from:

Democratic Services Team
Chief Executive's Department
Town Hall
Bridge Street
Peterborough
PE1 1HG

Telephone – (01733) 747474

Email – scrutiny@peterborough.gov.uk

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CABINET	AGENDA ITEM No. 5
28 JULY 2014	PUBLIC REPORT

Cabinet Member(s) responsible:	Councillor Marco Cereste - Leader of the Council and Cabinet Member for Growth, Strategic Planning, Housing, Economic Development and Business Engagement Councillor Peter Hiller - Cabinet Member for Planning and Housing Services	
Contact Officer(s):	Richard Kay (Head of Sustainable Growth Strategy) Gemma Wildman Principal Planning Officer	Tel. 863795 Tel. 863824

PETERBOROUGH DRAFT DEVELOPER CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT (SPD)

R E C O M M E N D A T I O N S	
FROM : Simon Machen; Director of Growth and Regeneration	Deadline date : n/a
That Cabinet approves the Peterborough Draft Developer Contributions Supplementary Planning Document (SPD) (See Appendix A) for the purposes of public consultation to take place in August and September 2014.	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to Cabinet following Government changes to the way Local Authorities can collect developer contributions and the proposed introduction of a Community Infrastructure Levy (CIL).

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is for Cabinet to approve the proposed changes to the way developer contributions (S106 Agreements) will be negotiated in the future. The proposed changes respond to statutory and regulatory changes by Government and are also set in the context of the anticipated adoption of the Peterborough Community Infrastructure Levy (CIL).
- 2.2 This report is for Cabinet to consider under its Terms of Reference No. 3.2.1, 'to take collective responsibility for the delivery of all strategic Executive functions within the Council's Major Policy and Budget Framework and lead the Council's overall improvement programmes to deliver excellent services'.

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	No	If Yes, date for relevant Cabinet Meeting	N/A
Date for relevant Council meeting	N/A	Date for submission to Government Dept (please specify which Government Dept)	N/A

4. BACKGROUND

- 4.1 The current system for securing infrastructure and developer contributions is through a combination of planning conditions and S106 agreements, with the latter informed by the Council's Planning Obligations Implementation Scheme (POIS) SPD adopted in February 2010.
- 4.2 The national system governing planning conditions remains largely unchanged. However, Government has introduced a number of changes to the way local authorities can collect and distribute developer contributions. In order to continue to secure developer contributions for investment in the infrastructure considered critical to accommodate our growth targets and maintain sustainable communities, the Council needs to make changes to its existing systems and processes.
- 4.3 The main changes will be through the adoption of a Community Infrastructure Levy (CIL). A draft version was recommended for approval by Cabinet on 30 June is due to be approved for public consultation by Full Council on 23 July 2014.
- 4.4 CIL is a charge that the Council can levy on most new development to fund infrastructure improvements. Once CIL has been consulted upon, approved through independent examination and adopted by Council, it will replace the current POIS system and will become the main mechanism for securing developer contributions.
- 4.5 Although CIL will be the main system for funding future infrastructure, S106 planning obligations will still be used to fund any necessary on site related infrastructure such as open space provision and site specific access arrangements. Also, the provision of affordable housing is outside the CIL process and therefore can only be delivered via the use of S106 agreements.
- 4.6 Therefore, to make it clearer for everyone, it is considered prudent to prepare a Developer Contributions SPD to set out the relationship between planning conditions, S106 agreements and CIL and to make it clear what infrastructure will be funded by the different mechanisms.
- 4.7 A Draft SPD is presented with this agenda item. Please note, the SPD is written on the assumption that it is adopted at the same time a CIL is adopted for Peterborough. It will not be appropriate to adopt the SPD in advance of a CIL. If, for whatever reason, a CIL is not adopted for Peterborough, this SPD will need considerable redrafting and be subject to further public consultation.
- 4.8 The Developer Contributions SPD does not set new policy. It provides a framework for the implementation of existing policies contained in the adopted Core Strategy DPD (2011) and Planning Policies DPD (2012) relating to the impacts of new development and provision of new infrastructure.
- 4.9 The SPD will;
- Clarify the relationship between planning conditions, planning obligations and the Peterborough Community Infrastructure Levy (CIL);
 - Explain how developer contributions which are not provided for through the Community Infrastructure Levy, might be sought through the use of planning obligations;
 - Help ensure the timely provision of infrastructure to support growth;
 - Aid the smooth functioning of the planning application process by explaining the Council's process and procedures for using planning obligations;
 - Assist in securing both local and national objectives in respect of the provision of sustainable development in Peterborough.
- 4.10 This new SPD will supersede the POIS SPD which will need to be formally revoked at the same time this SPD is adopted.

- 4.11 Although CIL will replace some elements of S106 planning obligations, S106 obligations will still play an important role in securing on site infrastructure. They will be used for site-specific infrastructure or mitigation required to make a development acceptable in planning terms. The principle is that all eligible developments must pay a CIL as well as any necessary site specific requirement to be secured through S106 obligations.
- 4.12 For clarity and transparency, it is important to identify the relationship between S106 obligations and CIL; and to make clear the circumstances when each will or will not be used. This relationship is set out clearly in the SPD.
- 4.13 The types of infrastructure that CIL and S106 contributions will be sought for include:
- Transport
 - Education
 - Affordable Housing
 - Lifetime & Wheelchair Homes
 - Primary Health Care
 - Crematoria/Burial grounds
 - On site Open Space
 - Strategic Open Space and Green Infrastructure
 - Indoor Sports Facilities
 - Community Facilities
 - Libraries and Life Long Learning
 - Public Realm / Urban Design
 - Waste Management
 - Site Drainage and Flood Risk Management
- 4.14 The Draft Developer Contributions SPD sets out when S106 agreements will be used to secure developer contributions. It sets out any thresholds that apply and also gives an indication of likely cost. It may not always be necessary or appropriate to seek contributions for each infrastructure type as such matters are addressed on a case by case basis.

Affordable Housing

- 4.15 Affordable housing is not part of CIL and therefore can only be provided through the use of S106 agreements. The Draft SPD includes a section setting out the process for securing affordable housing. Core Strategy policy CS8 (meeting housing needs) states that any housing development of 15 dwellings or more would be required to provide 30% affordable housing. The CIL charge is lower for residential developments of 15 dwellings or more because of the extra cost associated with providing affordable housing and to ensure that schemes remain viable.

Strategic Sites

- 4.16 A lower CIL rate for residential development on all strategic sites of 500 dwellings or more is proposed to reflect the range of infrastructure to be provided by the developer directly on site or via an S106 agreement.
- 4.17 This Draft SPD sets out what the likely cost would be for different types of infrastructure. Nevertheless, each application would be negotiated on a case by case basis (unlike CIL, which is non-negotiable).

5. CONSULTATION

- 5.1 The Peterborough Draft Developer Contributions SPD was presented to Planning and Environmental Protection Committee on 8 July and to Sustainable Growth and Environment Capital Scrutiny Committee on 17 July.

6. REASONS FOR RECOMMENDATIONS

- 6.1 Government has introduced changes to the way developer contributions can be collected and spent. From April 2015, the use of our existing methodology for collecting and pooling developer contributions (POIS) will become unlawful and so unless a CIL is adopted, the collection and use of developer contributions will be severely limited from that date.
- 6.2 To support CIL and to secure the provision of on-site infrastructure there is a need for a Developer Contributions SPD to clearly set out the difference between CIL and S106 agreements.
- 6.3 Cabinet are recommended to approve the Developer Contribution SPD for public consultation in August and September 2014.

7. ALTERNATIVE OPTIONS CONSIDERED

- 7.1 From April 2015 the Council will not be able to secure developer contributions through the POIS system and therefore the Council is proposing to introduce CIL. However, CIL does not cover affordable housing and will not be used to secure site specific infrastructure, particularly on strategic sites. Therefore there is the need for an additional document which supplements the CIL process and sets out how affordable housing contributions and other on-site infrastructure will be secured.
- 7.2 Without a Developer Contributions SPD in place to set out clearly how this process will work there could be inconsistencies in the approach used and the Council could miss out on securing developer contributions that are critical to accommodate our growth targets. It could also mean that a developer would not be aware upfront of the potential costs associated with onsite infrastructure, which could affect the viability of a scheme and either result in lower contributions to fund important infrastructure, such as affordable housing, or stop development coming forward.
- 7.3 Therefore the option of not preparing a Developer Contributions SPD was rejected.

8. IMPLICATIONS

- **Legal** – The proposed changes to CIL and S106 agreements will have legal implications relating to implementation, monitoring and enforcement.
- **Financial Implications** - There will be financial implications in terms of the way the Council collects, administer and spends S106 receipts and how this will fit with CIL
- **Human Resources** – The SPD can be delivered within existing resources.

The developer Contributions SPD will have implications city wide.

9. NEXT STEPS

- 9.1 The SPD will be consulted on alongside the CIL Draft Charging schedule in August and September 2014 for four weeks. It is anticipated that the SPD will be adopted at the same time as CIL in March/April 2015.

10 APPENDICES

- Appendix A - Peterborough Draft Developer Contributions SPD

APPENDIX A



Peterborough City Council

Draft for Consultation:

Developer Contributions Supplementary Planning Document (SPD)

Draft for Planning Committee

8 July 2014

Peterborough City Council
Stuart House East Wing

St John's Street

Peterborough

PE1 5DD

Tel: (01733) 863872

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How to make comments

This document is the consultation draft Developer Contributions Supplementary Planning Document (SPD), it has been published alongside the council's Community Infrastructure Levy (CIL) [Draft Charging Schedule](#) for public consultation.

This SPD sets out how planning obligations will be used and in what circumstances, it also sets out how planning obligations will work alongside CIL.

Comments can be made on this SPD:

By filling in the [representation form](#) and sending to:

Email: planningpolicy@peterborough.gov.uk

Post: Peterborough City Council
Stuart House East Wing, St John's Street
Peterborough
PE1 5DD

Further information on CIL and the Draft Charging Schedule can be found at:

Comments on both documents must be made by 5.00pm on XXX

Draft Developer Contributions SPD 2014

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1. Introduction

1.1 Purpose of this document

1.1.2 The purpose of this Supplementary Planning Document (SPD) is to set out the city council's approach to developer contributions. It is set within the context of the council's anticipated adoption of a Community Infrastructure Levy (CIL) by April 2015. For the majority of planning applications CIL will become the primary method by which the council seeks developer contributions, which will be pooled in order to help meet the infrastructure needs relating to growth. The SPD does not set policy. It provides a framework for implementation of existing policies contained in the adopted [Core Strategy DPD](#)¹ (2011), [Minerals and Waste Core Strategy DPD](#)² (2011) and [Planning Policies DPD](#)³ (2012) relating to the impacts of development. The main policy this SPD supports is Core Strategy policy CS13: Developer Contributions to Infrastructure Provision. Should a new Local Plan be prepared it will confirm the ongoing status of this SPD.

1.1.3 This SPD will;

- Clarify the relationship between planning conditions, planning obligations and the Peterborough CIL;
- Explain how developer contributions which are not provided for through CIL, might be sought through the use of planning obligations;
- Help ensure the timely provision of infrastructure to support growth;
- Aid the smooth functioning of the planning application process by explaining the council's process and procedures for using planning obligations;
- Assist in securing both local and national objectives in respect of the provision of sustainable development in Peterborough.

1.1.4 This SPD will supersede the Peterborough Planning Obligations Implementation Scheme SPD (adopted February 2010) which will be formally revoked at the same time this SPD is adopted.

1.2 Status

1.2.1 The Developer Contributions SPD will be adopted by the Council on or around the same date as the CIL Charging Schedule (anticipated in early spring 2015) when it will become a material planning consideration in the determination of planning applications.

1.2.2 The policies this SPD supplements have been subject to Sustainability Appraisal. The SPD itself has been prepared in accordance with the plan making regulations⁴ and having regard to the National Planning Policy Framework (NPPF)⁵.

¹ <http://www.peterborough.gov.uk/pdf/Plan-policy-ldf-cs-adoptedCS.pdf>

² <http://www.peterborough.gov.uk/pdf/MWCSAdopted.pdf>

³ <http://www.peterborough.gov.uk/pdf/env-plan-ldf-ppdpd-adopted%20DPD.pdf>

⁴ Town and Country Planning (Local Planning) Regulations 2012

⁵ NPPF Paragraph 153

- 1.2.3 Alongside consultation on this draft SPD, the council is consulting on its Draft CIL Charging Schedule. The council intends to submit its Draft CIL Charging Schedule for independent examination in September or October 2014. It is anticipated that, subject to the outcome of that examination, Peterborough City Council's CIL will come into effect in April 2015.

2. Securing Developer Contributions

2.1 Developer Contributions

2.1.1 When assessing a planning application, the city council (as the local planning authority (LPA)) can take into account specific conditions, restrictions, activities or operations which would make the development proposal acceptable in planning terms, when the only other alternative would be to refuse it. These are referred to as 'developer contributions' i.e. contributions made by the developer in order to make a proposal acceptable in planning terms.

2.1.2 The council expects new development to contribute to site related and other infrastructure needs through a combination of the following mechanisms:

- Planning **conditions** (Site/development related)
- Planning **obligations** to secure developer contributions or works in kind e.g. s106 Agreements or Unilateral Undertakings (site/development related)
- Peterborough Community Infrastructure Levy (**CIL**) (Strategic, local and city wide requirements)
- **Section 278 agreements** under the Highways Act 1980

The distinctions between them are highlighted below.

2.2 What are planning conditions?

2.2.1 Planning conditions are requirements made by the council, in the granting of permission, to ensure that certain actions or elements related to the development proposal are carried out. In Peterborough such conditions are likely to cover, among other things: the requirement to undertake archaeological investigations; submission of reserve matters; controls over materials used; and the requirement to carry out work in accordance with the submitted plans such as landscaping, tree planting and drainage works.

2.2.2 Paragraph 203 of the NPPF states that LPA's should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. Paragraph 206 of the NPPF states that planning conditions should only be met where they are:

- Necessary;
- Relevant to planning;
- Relevant to the development to be permitted;
- Enforceable;
- Precise; and,
- Reasonable in all other respects.

The policy requirement is known as the six tests. Further explanation of the six tests are set out in the Planning Practice Guidance⁶. The council will consider whether an issue can be satisfactorily addressed through a condition, which meets the tests, before negotiating a planning agreement.

2.2.3 Where there is a choice between imposing planning conditions and entering into a planning obligation to manage the impacts of a new development, the use of planning conditions is always preferable.

2.2.4 Importantly Planning Conditions:

- can not be used to secure financial contributions,
- can not be used in relation to land outside of the application site,
- can be appealed against by the applicant if they believe them to be unreasonable.

2.2.5 In some cases (especially in the case of large scale development proposals), the LPA may wish to control the impact of development, but the desired restrictions go beyond those allowed for planning conditions. In such circumstances, consideration of the use of a planning obligation(s) will be an option.

2.3 What are planning obligations?

2.3.1 Planning obligations are formal commitments given by an owner of land enforceable by a local authority against that owner and subsequent owners. They are a means of securing measures to make a development acceptable in planning terms and to accord with national or local planning policies. Planning obligations can be used to mitigate the impact of a development; to compensate for loss or damage created by a development; or to prescribe the nature of a development.

2.3.2 Planning obligations may be financial or in kind, and negotiated as part of planning applications. There may be cases where provision in kind is preferable and suitable, such as where finding land for a facility is an issue.

2.3.3 A planning obligation must meet all of the following tests:

- It is necessary to make the development acceptable in planning terms;
- It is directly related to the development; and,
- It is fairly and reasonably related in scale and kind to the development.

2.3.4 Planning obligations can be implemented in two main ways:

- a) the developer provides the physical measures, or
- b) the developer makes a financial contribution towards any works to be carried out by the local authority or its partners.

2.3.5 Unlike with planning conditions, a planning obligation 'contribution' can relate to land outside the application site and/or not under the control of the applicant. For example, a

⁶ NPPG - ID 21a-004-20140306

developer may be asked to contribute towards infrastructure costs arising out of the development. This could include new roads and sewers, or social amenities such as open space, community facilities or affordable homes. These 'costs' should directly arise from approval of the development.

- 2.3.6 Planning obligations are legally binding agreements entered into between a Local Authority and a developer under section 106 of the Town and Country Planning Act 1990. They are private agreements negotiated between planning authorities and persons with an interest in a piece of land. They run with the land and are enforceable against the original covenantor and anyone subsequently acquiring an interest in the land. They are registered as a local land charge.
- 2.3.7 Both draft and completed s106 planning obligations may be viewed by members of the public and are in no sense confidential documents.
- 2.3.8 Further basic questions and answers in relation to Section 106 Planning Obligations are set out in Appendix A to aid understanding.

2.4 How are planning obligation contributions secured?

- 2.4.1 Section 106 of the Town and Country Planning Act 1990 states that planning contributions can be by way of "agreement or otherwise" and must be entered into by an instrument executed as a deed.
- 2.4.2 The city council uses two types of planning obligation:-

S106 Legal Agreement

A S106 Agreement is the most common form and is made between the applicant, all other parties with an interest in the land and the LPA. The agreement commits each of the parties including the LPA to the document and to make a contribution. For example, an applicant may be committed to providing a certain number of affordable homes or a financial contribution which the LPA is committed to spend on a specific project. The city council will always use a S106 Agreements to secure affordable housing.

S106 Unilateral Undertaking

This is an undertaking made by the applicant to the authority to cover any planning issues before the granting of planning permission and may be offered at any point in the application process – but normally where agreement has not been reached. As the word 'unilateral' conveys, the undertakings are the developer's commitment, unlike the S106 agreement where the council is also committed to deliver on one or more of the specified contributions. A unilateral undertaking does not require any agreement by the LPA. The LPA may therefore have no legal input into the drafting of such agreements. However, local authorities do not have to accept unilateral undertakings offered by the developers if they do not feel they deal with all the issues in granting planning permission. An applicant may offer a unilateral undertaking at a planning appeal against refusal to overcome the local

authority's objections. It will then be for the Inspector to decide its suitability or otherwise.

2.4.3 Timing of implementation is an important factor for most development projects, and it is important that the structure of the planning obligation reflects this. This often means that planning obligations are linked to and specify:

- the different agreed phases of development
- timescales within which a developer is required to undertake certain actions
- the time within which commuted sums are to be paid to the LPA, or on the occurrence of a certain event, such as the occupation of the nth dwelling or building
- the appropriate building cost indices to be referenced and linked for occasions when there is a delay between financial contributions being agreed (date of planning permission issue) and the date of payment.
- the time within which a commuted sum or financial obligation has to be spent
- the time within which the LPA must spend the financial contribution, otherwise the developer could be reimbursed including any interest accrued.

2.5 What is the Community Infrastructure Levy (CIL)?

2.5.1 The CIL is an optional charge which local authorities can place on developers to help fund infrastructure needed to support new development in their areas. Before CIL can be charged the authority must have an adopted CIL Charging Schedule in place.

2.5.2 CIL will partially replace the existing Section 106 planning obligations process by reducing the range of infrastructure types or projects that it will be appropriate to secure obligations for. Unlike Section 106 Planning Obligations, CIL receipts are not earmarked for particular infrastructure. Instead, CIL monies are pooled into one fund which the city council must use to provide, improve, replace, operate or maintain infrastructure to support the development of its area. Importantly, the CIL charge once introduced is non-negotiable.

2.5.3 Funds raised through the CIL can be used to pay for a wide range of community infrastructure (strategic, citywide and local) that is required to support the needs of sustainable development. The proposed Peterborough CIL Regulation 123 list (R 123 list) will set out the infrastructure that can be funded by CIL (see Appendix E). planning obligations will not be used to secure infrastructure that has already been identified for delivery and investment from CIL funds through the R.123 list.

2.5.4 The R.123 list can evolve over time to reflect changing priorities for the provision of infrastructure. Should a type of infrastructure get removed from the R.123 list then the council may seek to negotiate planning obligations for that type of infrastructure.

2.6 Section 278 Agreements

2.6.1 Section 278 agreements under the Highways Act 1980 (as amended by S23 of the New Roads and Street Works Act 1991) are legally binding agreements between the Local Highway Authority and the developer to ensure delivery of necessary highway works to

the existing highway network. They identify the responsibilities (financial or otherwise) of parties involved in constructing works on the public highway.

- 2.6.2 Where, as part of the assessment of a planning application, it is identified that it will be necessary to make modifications to the existing highway to facilitate or service a proposed development (typically these will be off-site works required to mitigate the impact of the proposed development) a S278 agreement will be used.
- 2.6.3 It is important to note that where a CIL has been introduced by an authority, and the R.123 list includes a generic item (such as 'transport infrastructure'), then S106 contributions should not normally be sought on any specific projects in that category.
- 2.6.4 Where a R.123 List includes project-specific infrastructure, the LPA should seek to minimise its reliance on planning obligations in relation to that infrastructure.
- 2.6.5 As part of the CIL (Amendment) Regulations 2014 it exempts highway agreements relating to the trunk road network drawn up by the Highways Agency from proposals to restrict the use of highway agreements by reference to the R.123 list (as outlined above).

3. Planning Policy Context and Infrastructure Needs

3.1 The National Planning Policy Framework (NPPF)

3.1.1 Paragraphs 203 to 206 of the NPPF set out the Government's policy on planning obligations. These paragraphs reiterate the tests for planning obligations set out in the CIL Regulations; restate the principle that planning conditions are preferable to planning obligations; require local authorities to take into account changes in market conditions over time in policies and planning obligations, and make sure they are sufficiently flexible to prevent planned development from being stalled.

3.2 Peterborough Local Planning Policy Framework

3.2.1 This SPD will support and supplement the local plan policy framework⁷, and so will be an important material consideration in the decision making process when considering future planning applications.

3.3 Peterborough Core Strategy

3.3.1 The Core Strategy has identified a minimum of 25,500 additional homes and the need for 213ha to 243ha of employment land between 2009 and 2026. This growth will result in increased pressure on local infrastructure, services and facilities, creating demand for new provision. The Council and developers have a responsibility, through the planning process, to manage the impact of this growth and ensure that any harm caused by development is mitigated and that the necessary infrastructure is provided. The council expects new development to contribute to both on-site and strategic off-site infrastructure needs, this is established in Core Strategy policies CS12: Infrastructure and CS13: Developer Contributions to Infrastructure Provision, which provide the main hooks for the preparation of this SPD. The policies are set out in full below.

Policy CS12: Infrastructure

New development should be supported by, and have good access to, infrastructure. Planning permission will only be granted if it can be demonstrated that there is or will be sufficient infrastructure capacity to support and meet all the requirements arising from the proposed development and mitigate the impact of that development on existing community interests within environmental limits. Conditions or a planning obligation are likely to be required for many proposals to ensure that new development meets this principle.

Consideration will be given to the likely timing of infrastructure provision. As such, development may need to be phased either spatially, or in time, to ensure the provision of infrastructure in a timely manner. Conditions or a planning obligation may be used to secure this phasing arrangement.

⁷http://www.peterborough.gov.uk/planning_and_building/planning_policy/planning_policy_framework/development_plan_documents.aspx

Policy CS13 - Developer Contributions to Infrastructure Provision

Where a planning obligation is required in order to meet the principles of policy CS12 'Infrastructure' then this may be negotiated on a site-by-site basis. However, to speed up and add certainty to the process, the City Council will encourage developers to enter into a planning obligation for contributions based on the payment of a standard charge. Subject to arrangements as set out in a separate Planning Obligations Implementation Scheme SPD, contributions received via this standard charge may be assembled into pools at an authority-wide level and to the relevant Neighbourhood Management Area (as described in policy CS6).

The use of a standard charge approach will ensure that any contribution is reasonably related to the scale and type of development that is proposed. The Planning Obligations SPD will set out detailed arrangements for the operation of the standard charge and formulae based upon needs assessments, viability studies and associated business plans, which will be kept under review. The SPD will include the level of the charge for different types of development, by unit of development, and the basis for the calculation of that level of charge; any minimum size thresholds which will apply; any arrangements for pooling, including the split between pools; any arrangements for staged payments; long-term management and maintenance of infrastructure; any arrangements to address collection and management of pools; and inflation proofing measures.

The City Council will be prepared to negotiate a variation from the standard charge(s) in cases where actual provision of neighbourhood or strategic infrastructure is provided as part of the development proposals or other material consideration. The SPD will include an explanation of where exemptions from or variations to the charge may occur.

Additional contributions may also be negotiated to mitigate a significant loss of a facility on the site, such as public open space.

In the event that the Community Infrastructure Levy (CIL) regulations remain in place (or similar regulations introduced), then the City Council may adopt such a CIL (or similar) to replace the standard charge arrangements set out in this policy.

3.4 Other Peterborough Local Plans

- 3.4.1 Other policies within the Peterborough Local Plan provide specific and detailed justification for various types of planning obligation e.g. Policy PP14 – Open Space Standards for new development. Such policies are referred to in the relevant sections of this SPD.

3.5 Infrastructure Needs

- 3.5.1 The identified infrastructure needs for the Core Strategy were set out in the Integrated Development Programme (IDP) (Dec 2009), which provides a costed, phased and prioritised programme of infrastructure development to support the proposed economic and housing growth. It is recognised that by its very nature the IDP will require regular update to reflect changing circumstances.

- 3.5.2 The updated version of the IDP has been termed the Infrastructure Delivery Schedule (IDS) and was published in November 2012 to support the Community Infrastructure Levy Preliminary Draft Charging Schedule consultation. A revised version (2014) of the [IDS](#) is published alongside this draft SPD.
- 3.5.3 The IDS is Peterborough's 'live' evidence base of what the infrastructure needs to support growth across the District is. It is updated in liaison with both internal and external infrastructure providers. The IDS forms an important source of infrastructure types and projects that the council will reference when determining the priority and, timing of what infrastructure is required to ensure the sustainable delivery of the different development proposals which will comprise Peterborough's growth.

4. Peterborough's Approach to Developer Contributions

4.1 Introduction

- 4.1.1 Following the adoption of a CIL Charging Schedule, it is expected that CIL will become the main source of infrastructure funding obtain through the development management process.
- 4.1.2 However, CIL will not replace the uses of S106 agreements completely. S106 agreements and conditions will still be used alongside CIL to secure 'on site' infrastructure.
- 4.1.3 The provision of affordable housing lies outside the remit of CIL and will therefore continue to be secured via S106 agreements.
- 4.1.4 This section sets out the council's role and the process for securing CIL and S106 contributions. It also sets out when the CIL and S106 will be used for different types of infrastructure.

4.2 The council's role

4.2.1 It is the city council's role to:

- Lead discussions on securing developer contributions for infrastructure taking account of input from infrastructure/service providers and needs identified in the IDS and through consultation responses to planning applications;
- Notify developers of their CIL liabilities (See Appendix C);
- Strive to ensure a balance is maintained between community infrastructure needs and development viability; and
- Ensure that funds provided by developers are spent in an appropriate and timely manner that responds to the impacts of the development alongside other processes which may not be within its control (e.g. site access, legal processes, utility connections etc.).

4.2.2 The city council Planning Services offer a pre-application advice service which is highly recommended to be used to discuss the above. Further details are available on the [city council's website](#)⁸.

4.2.3 The benefits of this early negotiated approach include:

- Ensuring that developers are aware of the scale and nature of likely contributions required for a proposed development at the earliest opportunity.
- Assisting in determining project viability.
- Providing greater clarity and certainty to the process.
- Helping to minimise the timescales involved in determining affected planning applications.

⁸ http://www.peterborough.gov.uk/planning_and_building/making_a_planning_application/get_pre-application_advice.aspx.

4.3 The range of developer contributions

4.3.1 An indication of the range of developer contribution types that the council will give consideration to, as part of the assessment of planning applications, is indicated below. It should not be considered as a definitive list of contributions that can be sought when determining a S106 planning obligation. However, the topics listed below are the more common infrastructure types considered and often required.

- Transport
- Education
- Affordable Housing
- Lifetime & Wheelchair Homes
- Primary Health Care
- Crematoria/Burial grounds
- On site Open Space
- Strategic Open Space and Green Infrastructure
- Indoor Sports Facilities
- Community Facilities
- Libraries and Life Long Learning
- Public Realm / Urban Design
- Waste Management
- Environment Capital
- Site Drainage and Flood Risk Management

4.3.2 Sections 5 to 19 of this SPD provide the detail of when CIL or S106 will be required for the above infrastructure, with a summary in Table 4.

4.3.3 The range of development proposals seeking planning permission is diverse, in both scale and type. When assessing a planning application, judgement needs to be applied. It will not be appropriate or even legal in every circumstance to require a planning obligation for each of the contribution types listed above.

4.3.4 When considering the planning obligations requirements for a development, the capacity of existing infrastructure will be considered to ensure that obligations are only necessary where the current capacity would not be able to accommodate the additional need generated by the proposed development.

4.3.5 The use of thresholds can be beneficial in helping to simplify and clarify which contribution mechanism will be used, and in the case of S106 planning obligations thresholds to determine when certain infrastructure types can reasonably be expected to be delivered on-site or off-site.

4.3.6 The relationship between when the CIL will be used to secure a contribution towards certain infrastructure types and when a S106 planning obligation will be used is explored below.

4.4 Planning Obligations Process

4.4.1 It is expected that planning obligations will be used to fund on-site or site related infrastructure only. The council's role and the process involving planning obligations is outlined in Table 1 below.

Table 1: Overview of Planning Obligations Process

Steps	S106 Planning Obligations – Agreements & Unilateral Undertaking (UU)
1	As part of the documentation submitted with the planning application, the developer provides a draft Planning Obligations Heads of Terms form, using the template available on the city council’s website. Planning applications will not be validated if this is not done.
2	Draft Heads of Terms are agreed in principle.
3	Once the Local Planning Authority is minded to approve the application, the city council’s Legal Services Team are instructed to prepare a draft s106 Agreement / UU. Minimum charge of £550 to be paid by applicant.
4	s106 Agreement / UU is signed and sealed and planning permission can then be granted. Details will be registered by the city council’s Land Charges Section.
5	The agreed Planning Obligations and their relevant triggers are entered on the city council’s Planning Obligations Database. Implementation of approved applications is monitored through to completion.
6	On final payment of the outstanding s106 contributions, the city council’s Land Charges Section will remove the charge from the Land Charges Register.

4.4.2 The process for securing CIL payments and the council’s role is set out in the Draft Charging Schedule and is summarised in table 2.

Table 2: CIL overview process

Steps	Community Infrastructure Levy
1	Developer provides the appropriate floorspace and development type details with the application, where available. An Assumption of Liability Notice should be included with the application.
2	The city council will determine the levy based on the adopted charges.
3	City Council prepares a draft Liability Notice.
4	Provided planning permission is granted, a Liability Notice will be issued and the levy rate will be registered by the city council’s Land Charges Section.
5	Once verification of the commencement date has been received, a Demand Notice/s will be issued to the person/s liable to pay the CIL in accordance with the CIL Payment Instalments policy.
6	On final payment of the outstanding CIL charge, the city council’s Land Charges Section will remove the charge from the Land Charges Register.

4.4.1 The principle is that all eligible developments must pay the CIL charge, as well as any site specific requirement(s) to be secured through S106 planning obligations.

4.4.2 The CIL [Draft Charging Schedule Viability Study](#)⁹ (April 2014) has assessed the viability of different development with the Peterborough administrative area to identify rates set out in the Draft Charging Schedule. The viability study identifies a number of different rates

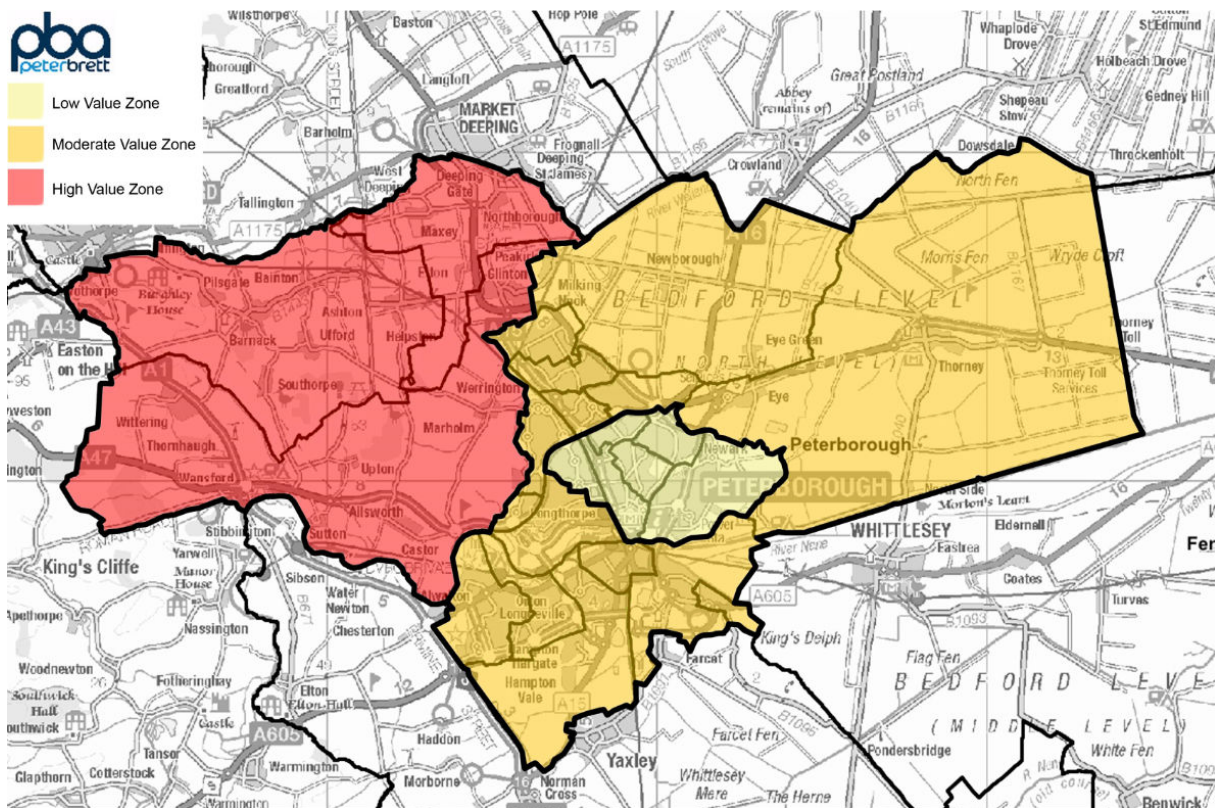
9

related to the development type, location or size. These are explained in detail below and summarised in Table 4

Type – There are different rates for different types of development such as residential or retail. There is also a distinction between the requirement for Market and Affordable housing as well as apartments.

Location - The Draft Charging Schedule Viability Study identifies three zones, as shown on Map 1, where different CIL rates will be charged for residential development.

Map 1 Charging Zones



Size - The scale of a proposed development is also an important factor that has been taken into account in setting the CIL Charging Schedule rates. Large-scale residential/mixed use developments such as urban extensions will be required to provide (deliver and fund) a wide range of infrastructure on-site. Securing such infrastructure is often better done through the use of planning obligations, allowing the developer to deliver the infrastructure in a timely manner in conjunction with the remainder of the development. The financial scale of planning obligations associated with such developments is an important consideration in the viability assessment. This has been reflected in the CIL Draft Charging Schedule by introducing a rate for strategic development sites of over 500 dwellings.

4.6 CIL Charging Rates

4.6.1 The Draft Charging Schedule proposes the following CIL rates for different types of development

Table 3 Schedule Rates

Development Type	Charging Zone		
	High	Medium	Low
Market Housing on sites of less than 15 units	£140	£120	£100
Market Housing on sites of 15 or more units	£70	£45	£15
Apartments on sites of less than 15 units	£70	£45	£15
Strategic Sites (500 dwellings or more)	£15	£15	£15
Supermarkets (500sqm or more)	£150		
Retail Warehouses (500sqm or more)	£70		
Neighbourhood Convenience Stores (less than 500sqm)	£15		
All other development	£0		
All charges are £ per m ²			

(Source: CIL Draft Charging Schedule)

4.4.3 If a proposed development is CIL liable, and most developments are likely to be, the relevant CIL charge will be levied.

4.4.4 Receipted financial contributions from the charge will be pooled. The monies may then be used to address in full, or in part, the infrastructure necessary to support the cumulative impact of development. Unlike Section 106 planning obligations, CIL receipts are not earmarked for particular infrastructure. Instead, CIL monies are pooled into one fund which the city council must use to provide, improve, replace, operate or maintain infrastructure to support the development of its area. Appendix E contains Peterborough's Draft R.123 List of infrastructure types or projects which the receipted CIL monies may help to fund. Importantly, where the R.123 List includes a generic item such as 'education' or 'transport' then S106 planning obligation contributions should not normally be sought for specific projects within that category. This is to prevent developers from being 'double-charged'.

4.4.5 Importantly, the CIL charge is non-negotiable.

4.6.1 Relationship between CIL and S106

4.6.1 Table 4 sets out when CIL will be used and when planning obligations will be required for different types of infrastructure. The table also shows the different CIL rate for strategic sites (developments of more than 500 dwellings) and reliance on planning obligations to provide on-site infrastructure.

Table 4: Summary of the relationship between contributions secured by CIL and S106 planning obligations for residential development

Infrastructure	Residential development on sites up to 499 dwellings		Residential development on strategic sites (Sites over 500 dwellings)	
	CIL £140/m ² to £15m ² (£70/m ² to £15/m ² for flats)	S106 Obligation	CIL £15/m ²	S106 Obligation
Transport	City-wide projects only	Site specific requirements only	City-wide. Projects Only	Site Specific requirements only
Education	City-wide projects only	x	City-wide. Projects Only	On site School provision
Affordable Housing	x	On site provision only	x	On site provision only
Lifetime Homes	x	Site Specific if >14 dwellings	x	Site Specific only
Wheelchair Homes	x	Site Specific if >50 dwellings	x	Site Specific only
Emergency Services	City-wide projects only	x	City-wide. Projects Only	Site Specific
Primary Health Care	City-wide projects only	x	City-wide. Projects Only	Site Specific
Crematorium/Burial grounds	City-wide projects only	x	City-wide. Projects Only	x
Non-Strategic Outdoor Open Space	Off-site provision	Site Specific if >14 dwellings	City-wide. Projects Only	Site Specific
Strategic Outdoor Open Space	City-wide projects only	x	City-wide. Projects Only	Site Specific
Strategic Green Infrastructure	City-wide projects only	x	City-wide. Projects Only	x
Indoor Sports Facilities	City-wide projects only	x	City-wide. Projects Only	Site Specific
Community Buildings	Off-site provision	x	City-wide. Projects Only	Site Specific
Libraries, Museum and Life Long Learning	City-wide projects only	x	City-wide. Projects Only	Site Specific
Public Realm	City-wide projects only	x	City-wide. Projects Only	Site Specific
Environment Capital	x	Condition	x	Condition /site specific
Site Drainage	x	Condition	x	Condition

Infrastructure	Residential development on sites up to 499 dwellings		Residential development on strategic sites (Sites over 500 dwellings)	
	CIL £140/m ² to £15m ² (£70/m ² to £15/m ² for flats)	S106 Obligation	CIL £15/m ²	S106 Obligation
Flood Risk Management & Protection	City-wide. Projects Only	Site Specific	City-wide. Projects Only	Site Specific
Waste Management	City-wide. Projects Only	Condition	City-wide. Projects Only	Condition/ Site Specific
Other Infrastructure	Refer to CIL R.123 List	Case by Case	Refer to CIL R.123 List	Case by Case

- 4.6.2 Where thresholds apply, they have been indicated, however the table should be read in conjunction with the more detailed policy guidance that is set out in the remainder of this SPD.
- 4.6.3 It should be noted that with regard to CIL funds the infrastructure types and associated thresholds provide a listing of what CIL may be used for. It is widely recognised that the CIL, whilst delivering additional funding, can not be expected to pay for all of the infrastructure types and projects listed. It will make a contribution.
- 4.6.4 The list of infrastructure types and associated thresholds in the S106 planning obligation columns sets out what / when S106 planning obligations may be sought. It may not always be necessary or appropriate to seek contributions for each infrastructure type, as such matters need to be assessed on a case by case basis.

4.6.5

5 Transport

5.6 Introduction

5.6.1 Investment in transport infrastructure represents one of the greatest challenges to Peterborough's growth agenda. Overall traffic levels in Peterborough have increased over the last decade, leading to increased congestion and a range of associated problems such as increased air pollution, noise impacts and visual intrusion. It is critical to the successful and sustainable growth of the city that major transport improvements are delivered. Without this, the Core Strategy targets will not be achieved.

5.6.2 Core Strategy policy CS14 Transport is the main policy and it is aimed at reducing the need to travel by private car and delivers a sustainable transport package capable of supporting growth and the Environmental Capital aspirations. The detail of the transport package is set out in the [Peterborough Local Transport Plan 3 \(LTP3\) and the Long Term Transport Strategy \(LTTS\)](#). The LTP3¹⁰ covers the short term (2011-2016) setting out the authority's transport policy and strategy. The LTTS is the 15 year plan of how transport provision can support the authority's sustainable growth agenda, as set out in the Core Strategy.

5.7 Types of facilities that may be required

5.7.1 The type of transport infrastructure that is required to support growth is wide ranging and includes schemes such as, new access roads, parkway widening, junction improvements, bridges, cycle-ways, footpaths, bus lanes, bus stops, station improvements and park and ride. The LTTS transport improvements are reflected in the IDS

CIL funding of Transport projects

The cumulative impact of development leads to pressures on the transport infrastructure network which are 'off-site' and beyond the immediate proximity of the proposed developments. An example of this may be the limited capacity of a traffic roundabout on the parkway system, beyond the immediate vicinity of proposed developments.

Following the adoption of the CIL, the strategic / city-wide impact projects will be funded from , in whole or part, CIL receipts, but not S106 planning obligations or S278 agreements.

5.8 When will planning obligations be sought?

5.8.1 In addition to the strategic implications of transport, there are also local matters which may justify the use of planning obligations. The council envisages that the majority of sites will

¹⁰ <http://consult.peterborough.gov.uk/file/2159565>

not require a planning obligation to address specific local transport improvements. The transport and access issues in most cases can be addressed as part of the scheme design. This matter will however be determined on a case by case basis.

5.9 What planning obligations might be sought?

5.9.1 Although this list is not exhaustive, obligations could be sought in relation to:

- New access roads.
- Improved junction layouts.
- Public transport accessibility.
- Measures for cyclists / pedestrians.
- Traffic management/highway safety measures.
- Travel information

5.9.2 When developers apply for planning permission, the Council may ask them to produce a Transport Assessment (TA) or Transport Statement (TS) to provide a technical assessment of all the accessibility issues and transport implications that may arise due to the development. The TA or TS may be used in negotiating specific local off-site access improvements to allow the council to assess the impact of the development plus any mitigation measures proposed as necessary. The council may seek a financial contribution or works from the applicant to provide any necessary mitigation measures in the form of a Section 278 and/or S106 obligation.

5.9.3 The wider transport implications of a development may also be addressed, in whole or part, through a Travel Plan.

5.9.4 For all developments of 10 - 80 dwellings a TS will be required, potentially committing the developer to implement a number of Travel Plan measures, including Household Travel Information Packs as a minimum. These packs are provided to residents on first occupation of each dwelling comprising the development. Whilst these can be prepared by the developer, readily prepared packs are available from the Travelchoice Team¹¹ priced £10 per pack and available in bundles of 10. The developer will be required to include a covering letter explaining the reasoning behind the Packs and a tear-off slip offering the first occupancy household to receive either:-

- a free 1 month Megarider pass for use on Stagecoach buses in Peterborough, or
- a cycle voucher up to the value of £100 for a bike (subject to indexation) and a Peterborough Cycle Map.

5.9.5 A Travel Plan will be required for residential applications of 80 or more households. In all other cases the thresholds for TA and therefore a travel plan are to be found in Appendix G. For the developments listed below, a Travel Plan must be submitted at the point of submitting the planning application. Travel plans may also be required for developments

¹¹ <http://travelchoice.org.uk/developers/residential-travel-plans/>

under the TA threshold. The criteria below are a reflection of the fact that some smaller scale developments can have significant transport impacts. A Travel Plan will be required for:

- Any development in or near an Air Quality Management Area
- Any development in an area that has been identified within the Local Transport Plan (LTP) for the delivery of specific initiatives or targets for the reduction of traffic, or the promotion of public transport, walking or cycling
- Any area specified in the Local Plan, where it is known that the cumulative impact of development proposals is a cause for concern
- The provision of new or extended school and other educational facilities
- An extension to an existing development that causes the travel impact of the site to exceed the threshold for a TA
- All instances where the local planning authority requires it.

6 Education

6.1 Introduction

6.1.1 Education infrastructure is an integral component of balanced sustainable communities. It is the council's vision to ensure that the highest quality opportunities exist in education, learning and training, by improving school performance and raising aspirations and standards of achievement for all age groups.

6.1.2 It is widely accepted that the provision of appropriate education facilities is a fundamental infrastructure requirement of sustainable growth. Core Strategy CS12 Infrastructure and CS13 Developer Contributions to Infrastructure Provision provide the policy link to successful delivery.

6.1.3 Development of new homes creates a need for additional school places at early years centres, primary schools and secondary schools and other educational establishments. Recent demographic changes in Peterborough and the cumulative impact of the growth of the city mean that there is and will continue to be a compelling need for additional capacity in the city's education infrastructure throughout the Core Strategy plan period (2006-2026) and beyond. The evidence in relation to school capacity is kept under constant review by the council's Children's Services Department.

6.2 When will planning obligations be sought?

6.2.1 Planning contributions will only be sought in the form of planning obligations on strategic sites of 500 dwellings or more.

6.2.2 Contributions will not be sought for specialist older persons housing schemes or 1 bed dwellings, as these property types are generally unlikely to accommodate children.

6.3 What S106 planning obligations might be sought?

6.3.1 Although this list is not exhaustive, obligations could be sought in relation to:

- The on-site provision of land within the development to accommodate identified education and school facilities, including early years centre provision. It is expected that fully serviced land will be provided by the developer at nil cost to the city council.
- In certain circumstances it may be more appropriate to have the facility at an alternative location off site. In such circumstances, where more than 50% of need for infrastructure is generated by the proposal, a proportionate financial contribution to purchase the land or provision of the land as an in-kind payment will be required.
- Contributions will also be needed in all cases for the construction or funding of the identified facilities. Consideration will be given, where appropriate, to the developer building the required infrastructure to an agreed specification.

- Contributions to secure the necessary provision of new school places. This includes the provision of children’s centre places, early years places, primary education places, secondary education places and post-16 education places.

6.4 Provision Requirements

- 6.4.1 The number of pupils living on a new development is usually linked to the size of dwellings proposed. In general terms, the larger the dwelling (number of bedrooms) the greater the number of pupils there is likely to be.
- 6.4.2 The ‘child yield multipliers’ that will be used in Peterborough to calculate the expected number of children and school places are derived from the Peterborough School Organisation Plan 2013-18, which is based on the number of school places per 100 dwellings and is shown in the table below.

Table 5 - Child Yield Multiplier

Child Yield	Number of Bedrooms				
Places per 100 dwellings	1	2	3	4	5+
Pre School Age (0-3 year olds)	0	2	3	4	5
Primary School age (4-10 year olds)	0	10	35	65	90
Secondary School age (11-15 years old)	0	5	25	45	60
Post-16	0	0	5	10	15

Source: Peterborough School Organisation Plan 2013-18, April 2013

- 6.4.3 The table below converts the data from the above child yield table, to simplify interpretation when considering development from a dwelling based perspective.

Table 6 - Dwelling Multiplier

Dwelling Multipliers	Pre- school	Primary	Secondary	Post-16
1 bed dwelling	0	0	0	0
2 bed dwelling	0.02	0.1	0.05	0
3 bed dwelling	0.03	0.35	0.25	0.05
4 bed dwelling	0.04	0.65	0.45	0.1
5+ bed dwelling	0.05	0.9	0.6	0.15

Source: Peterborough School Organisation Plan 2013-18, April 2013

- 6.4.4 At the outline application stage if the detailed housing mix is not known, the following guideline will be used for the purpose of calculations, until the detailed information becomes available:

Table 7 - Assumed mix of bedrooms

No. of Bedrooms	Assumed Mix %	Example of a 50 dwellings scheme
1	12	6 dwellings
2	24	12 dwellings
3	44	22 dwellings
4	16	8 dwellings
5+	4	2 dwellings

Source: 2011 Census

6.4.5 Using the above guidance it is possible to calculate the number of education places required for the development proposal. The availability of spare capacity at near-by facilities should be discussed with the city council before converting the number of school places required into facility requirements, using the following guidance :-

6.5 Primary Education

- 1FE Primary School (210 places), with Early Years provision and offering extended school services, will require, in general, a 1.2 hectare site
- 2FE Primary School (420 places), with Early Years provision and offering extended school services, will require, in general, a 2.0 hectare site
- 3FE Primary School (630 places), with Early Years provision and offering extended school services, will require, in general, a 2.8 hectare site

FE= Forms of Entry

6.5.1 The city council will consider requests for primary schools which meet the above guidance, taking into account existing spare capacity of near-by schools, planned expansions and other planned residential development.

6.6 Secondary Education

6.6.1 For new or expanding secondary schools/ academies, the guideline that will be used is taken from the DfE recommended standards for total site area within DfE Building Bulletin 98 'Briefing Guide for Secondary School Projects' and set out below:

6.6.2

Table 8 - Secondary School Site Areas

School Size	DfE Minimum Area (Ha)	DfE Maximum Area (Ha)
4 FE	5	6
5 FE	6	7
6 FE	7	8
7 FE	8	9
8 FE	9	10
9 FE	10	11
10 FE	11	12
11 FE	12	13
12 FE	13	14

6.6.3 The city council will consider requests for secondary schools within the above range, taking into account existing spare capacity of near-by schools, planned expansions and other planned residential development.

6.7 Post-16 Education

6.7.1 The city council now also has the responsibility for commissioning the provision of post-16 education and is tasked with establishing any additional or revised pattern of provision that may be required as a result of major developments. The city council does not support

the provision of facilities providing fewer than 150 places. The new Commissioning Plan for Post-16 provision will form the basis for calculating any necessary developer contributions on a case by case basis.

6.8 Indicative Costs for Buildings

6.8.1 An indicative cost for school building provision is tabled below:-

Table 9 - Indicative build costs

Facility Type and Size	Cost of Building*
2 FE (420 place) Primary School	£6.5m
5 FE (750 place) Secondary School	£18m
Community Room for 48 place Pre- School	£0.75m
Children's Centre	£0.75m

Source: Peterborough School Organisation Plan 2013-18, April 2013 - Figures shown are for 2013/14

(* - Assumes fully serviced land will be provided by the developer at nil cost).

6.9 Conclusion

6.9.1 As stated, education contributions will only be sought for strategic residential sites of 500 or more dwellings. The commentary in the above paragraphs are helpful, but only a starting point, for negotiations on education contributions on such strategic sites

7 Affordable Housing

7.1 Introduction

- 7.1.1 The Core Strategy's vision recognises the need for marketability, social integration and housing types in both the rural and urban areas that match the needs and aspirations of existing and future residents in terms of affordability and sustainability.
- 7.1.2 'Affordable housing' is a term that incorporates a range of housing need types and accommodation types. It is inclusive of affordability needs and the specialist needs of the elderly, young persons and those with mental health and/or physical impairment issues for those persons or households who are unable to access such accommodation without financial assistance. Provision of extra care homes, could form an element of affordable homes provision.
- 7.1.3 The [Peterborough Housing Strategy 2011 to 2015](#)¹² and up to date Strategic Housing market assessment (SHMA) quantifies the local needs and the policies to support social integration, improve the existing housing stock and set out the housing priorities to contribute towards the key strategic aims of the local authority.
- 7.1.4 Affordable housing is not part of CIL (and is not identified in the R123 List) and can only be provided through the use of planning obligations.

7.2 Delivery of affordable housing via planning obligations

- 7.2.1 Core Strategy policy CS 8 Meeting Housing Need seeks to meet the pressing need for new affordable housing, and thereby ensure the delivery of a wide choice of high-quality homes to create sustainable, mixed and balanced communities. This includes securing planning obligations to deliver affordable homes.

7.3 When will S106 planning obligations be sought?

- 7.3.1 Only a Local Plan policy can set the thresholds in terms of how much and what sites will affordable housing be sought. For Peterborough, the current Local Plan policy is CS8 in the Core Strategy which seeks the provision of affordable housing from residential developments of 15 dwellings or more whether new build or conversion, In such cases, qualifying developments will seek provision, through negotiation of 30% of the dwellings as affordable homes.
- 7.3.2 Contributions for affordable housing will not be required from care / nursing homes or student accommodation, where occupation is restricted by planning conditions or legal agreements to such uses. Provision for affordable housing will be required from sheltered and supported housing schemes, recognising the requirement to meet the housing needs of all sections of our communities.

¹² <http://www.peterborough.gov.uk/pdf/env-cc-Housing%20Strat1.pdf>

- 7.3.3 The council will ensure that the policy is not avoided by the artificial sub-division of sites resulting in applications below the threshold, or developments at densities below that which is reasonably appropriate to the site.
- 7.3.4 If a development scheme comes forward which does not require the provision of affordable housing, but the scheme is followed by an obviously linked subsequent second development scheme at any point where the original permission remains extant, or up to 5 years following completion of the first scheme, then if the combined total of dwellings provided by the first scheme and the second or subsequent scheme provides 15 or more dwellings, then the affordable housing thresholds will apply cumulatively. The precise level of affordable housing to be provided will be 'back dated' to include the first scheme.
- 7.3.5 For example, if permission is granted in year 1 for 10 dwellings. In accordance with Core Strategy Policy CS8, nil affordable housing provision is required. All 10 dwellings are built in year 2. In year 6, a second application is received for an adjacent site for a further six dwellings. For affordable housing purposes, this second application is assessed in combination with the first application. As such, the total number of dwellings is 16 and thus meets the affordable housing threshold set out in policy CS8. Therefore, four affordable homes will be required for the second application. Development viability will be assessed on the entire scheme (i.e. both application sites), not the second site in isolation.
- 7.3.6 Peterborough Housing Strategy 2011-15 policy HS22 'Enabling the delivery of the affordable rented tenure' affirms this – 'the city council will take a more flexible approach to negotiating the tenure split on each site...'

7.4 Involvement of Registered Providers (RP)

- 7.4.1 The council strongly prefers all on-site affordable housing provision to be provided in conjunction with a Registered Provider (RP). They can secure effective and long-term management of the affordable housing, as well as ensuring the benefits of 'stair casing' (when occupiers purchase an additional % of a shared ownership house) are recaptured and recycled into alternative affordable housing provision.
- 7.4.2 Developers are encouraged to work in collaboration with the council and a RP (typically selected by the developer as the preferred partner) to deliver affordable housing on any particular site.

Eligibility

- 7.4.3 Affordable housing units must be allocated to people in genuine housing need. People registered on the Peterborough Choice Based Letting Scheme will be eligible for affordable housing provided through the planning system. Priority for affordable home ownership will be given to existing social housing tenants and serving military personnel, in accordance with Government policy. The council will keep this situation under review and adjust affordable housing requirements accordingly if a change in affordable need arises.

7.5 Financial considerations

On-site provision

- 7.5.1 It is important for developers to have a clear understanding of the likely financial impact of the affordable housing contribution in advance of acquiring land or making a planning application.
- 7.5.2 As a rule of thumb, the council has assumed for the purposes of CIL financial viability modelling work that

- A developer provides serviced land free of charge
- RP's will pay approximately 55% of Open Market Value (OMV) for affordable properties. (This is a blended rate that takes account of social rented and shared ownership, which are likely to vary from 35-40% of OMV for social rented properties and 60-70% of OMV for shared-ownership properties).

Off-site provision or commuted sums

- 7.5.3 Core Strategy Policy CS8, and supported by paragraph 50 of the NPPF, only allows for off-site provision or commuted payments *in lieu* of on-site affordable housing where the developer can 'demonstrate exceptional circumstances which necessitate provision on another site, or the payment of a financial contribution (of broadly equivalent value) to the council to enable some housing need to be met elsewhere'.

Calculating the contributions (off-site commuted sums)

- 7.5.4 Whilst the council's preferred approach is the provision of affordable housing on-site, the off-site contributions for social/affordable rented and shared ownership units will be calculated as below:

- Social / Affordable rented unit contribution = 65% of Open Market Value minus 20% developers profits on costs.
- Shared ownership unit contribution = 50% of Open Market Value minus 20% developers profits on cost.

- 7.5.5 Commuted sums will be paid to the council prior to the occupation of the first dwelling.

7.6 Pre-application discussions

- 7.1.1 As discussed in section 4.2.2 the council strongly encourages pre-application discussions with regard to planning obligations including affordable housing.

8 Lifetime Homes and Wheelchair Homes

8.1 Introduction

8.1.1 The Peterborough Housing Strategy recognises the need to provide homes for all segments of society, including households with physical and / or mental disabilities, and elderly households with varying care needs. Producing a precise model of need and requirement, which also reflects economic and institutional change, makes long-term planning a challenge. The Peterborough SHMA is the vehicle to do this. It has highlighted a long term need for housing that offers flexibility for a households long-term changing needs. Lifetime Homes and Wheelchair Homes offer a recognised approach to help meet such needs.

8.2 Types of facilities that may be required

8.2.1 Core Strategy policy CS8 Meeting Housing Needs requires from all development sites on which :-

- 15 or more dwellings are proposed, that 20% of the dwellings will be constructed to Lifetime Homes Standards, until such time as the construction of all dwellings to that standard becomes a mandatory part of the national Code for Sustainable Homes.
- 50 or more dwellings are proposed, there will be an additional requirement to provide 2% of the dwellings as wheelchair homes.

8.3 Delivery of Lifetime Homes and Wheelchair Homes via planning obligations

8.3.1 Lifetime Homes and wheelchair homes will be secured on-site, using planning conditions or where necessary a S106 planning obligation. CIL is not intended to be used for this purpose.

8.4 When will S106 planning obligations be sought?

8.4.1 Provision of Lifetime Homes and wheelchair homes will be in accordance with Core Strategy policy CS8 Meeting Housing Needs as summarised above.

8.4.2 Contributions for Lifetime Homes and / or wheelchair homes will not be required from care / nursing homes or student accommodation, where occupation is restricted by planning conditions or legal agreements. Contributions for Lifetime Homes and / or wheelchair homes will be required from sheltered and supported housing schemes, recognising the requirement to meet the housing needs of all sections of our communities.

8.5 Provision Requirements and Indicative Costs

8.5.1 Lifetime Homes should be built to the Lifetime Homes Standards (revised standards of July 2010). Currently all homes built to level 6 of the Code for Sustainable Homes will be

built to meet the Lifetime Homes criteria. The additional costs of meeting the wheelchair homes standards in new build homes is in the region of £650 per 'wheelchair home'

- 8.5.2 'Wheelchair homes' should be designed and built in accordance with the Housing Corporation Scheme Development Standards, 2003 or The Wheelchair Housing Design Guide (WHDG), by Habinteg, 2006. The additional costs of meeting the Lifetime Homes Standards in new build homes is in the region of £550 per Lifetime Home.

On a scheme of 15 dwellings, 20% (3) of the dwellings will be required to be built to **Lifetime Homes Standards** adding a total of $£550 \times 3 = £1,650$ across a total of 15 dwellings. This is equivalent of **£110 per dwelling** built on-site.

On a scheme of 50 dwellings, 2% (1) of the dwellings will be required to be built to a **wheelchair home standard** adding a total of $£650 \times 1 = £650$ across a total of 50 dwellings. This is equivalent of **£13 per dwelling** built on-site.

9 Primary Health Care

9.1 Introduction

9.1.1 The [Peterborough Local Commissioning Group](#)¹³ (LCG) provides a network of primary care facilities and services throughout the city. The council recognises the social benefits of the provision of excellent primary healthcare facilities to the community. New residential developments put pressure on existing health facilities and cumulatively create the need for additional facilities and services. In order to cope with pressures arising from the growth of the city, new investment will be needed in a number of primary care facilities.

9.1.2 Core Strategy policy CS5 (Urban Extensions) recognises the need to make provision for an appropriate amount of (amongst other things) health facilities to meet local needs without having unacceptable impact on the vitality and viability of existing centres.

9.2 Types of facilities that may be required

9.2.1 An indicative range of primary health care services and facilities that may be required, includes:-

- Primary Care: GP services
- Intermediate Care: Day places and beds
- Acute facilities: elective, non-elective and day care beds
- Mental Health Services

9.2.2 Primary health care provision is constantly changing in terms of commissioning and delivery, and with it a changing range and scale of facility needs. For this reason, the list above is at best indicative. The LCG, or any successor NHS body will assess the impact of the development and indicate the service or facility requirements.

CIL funding of Primary Health Care projects

The impact of new development on primary health care infrastructure leads to pressures on the capacity of existing facilities and cumulatively creates the need for additional facilities and services or the expansion of existing facilities.

Following the adoption of the CIL, all residential developments less than 500 dwellings will contribute to the provision of 'off-site' strategic primary health care infrastructure by way of CIL, not planning obligations.

9.3 When will S106 planning obligations be sought?

9.3.1 Planning obligations will only be sought in relation to new residential developments located on strategic sites, of 500 dwellings or more, where;

¹³ <http://www.cambridgeshireandpeterboroughccg.nhs.uk/Peterborough>

- New premises/facilities are required as a result of the increased needs arising from the development.
- Current facilities are inadequate for the additional users, in terms of their quality or accessibility for users (based on accepted NHS standards) and therefore need to be improved or extended in order to meet the needs of the development.
- Inadequate alternative funding is available to provide the additional facilities or services required as a result of the development.

9.4 What S106 planning obligations might be sought?

9.4.1 The city council and health care partners will take into account existing spare capacity, planned expansions or losses, ease of access and adequacy of near-by facilities; and other planned residential development. The following are options where obligations might be sought:

- Free, serviced land contributions or a financial contribution to purchase the land will be required as a minimum for the erection of appropriate primary health care facilities.
- As a first principle, the city council expects developers to provide a financial contribution towards the delivery of the required infrastructure. If appropriate, consideration of the developer building the required infrastructure to an agreed specification will be considered on a case-by-case basis in consultation with appropriate partners.
- The financial contribution towards the delivery of healthcare facilities will take into account the availability of mainstream NHS funding and any time lag between that funding stream availability and the 'on the ground' provision of the facility to support the development proposal.
- In certain circumstances it may be more appropriate to have the facility at an alternative location off site. In such circumstances, where more than 50% of need for infrastructure is generated by the proposal, a proportionate financial contribution to purchase the land or provision of the land as an in-kind payment will be required.

9.5 Provision Requirements and Costs

9.5.1 Contributions will vary with each development. The need for on-site development is dependent on the viability, proximity and capacity of other health infrastructure. This assessment will be made by the LCG, or any successor NHS body. Strategic planning of health services and infrastructure may identify a particular development site as a preferred location for a health facility to serve the development alone or including a wider area than the development itself.

9.5.2 It is likely that health service provision will involve a range of services that can be delivered most cost efficiently and effectively from a shared facility, enabling build cost savings to be made too.

9.5.3 It is recognised that facilities and needs will vary greatly and costs will therefore vary accordingly. For this reason contributions will be negotiated case by case, but the two examples below provide a useful indicative cost per dwelling basis as a guide.

Example,

9.5.4 Using national provision guidelines of 1GP per 1,800 population, a new development of approximately 750 dwellings is likely to require a GP. On that basis a 2GP practice (335m²) would cost in the region of £0.74m.

9.5.5 Each GP may have up to 1800 patients registered to them. Indicative cost per person for a 2GP practice = £740,000 / (1800 + 1800) = £205 per person, or using the average household size for Peterborough £205 x 2.46 = **£505 per dwelling**.

9.5.6 Evidence from NHS Cambridgeshire provides indicative costs of c. £2,200/m² for healthcare facilities, costs which are comparable to those used elsewhere. Based on a health provision standard of 500m² per 6,000 people, average household size and the capital cost of £2,200/m², have been used to generate an average cost per dwelling of £451 can be calculated.

10 Crematorium and Burial Grounds

10.1 Introduction

10.1.1 To address the long-term burial needs of the city's population, the council has identified that the capacity of the existing burial grounds will be exceeded by 2023, ie before the end of the plan period.

10.1.2 The council is currently seeking a new site of approximately 10ha to accommodate and make provision for the long-term needs, with a capacity of 15,000 burial spaces and associated facilities to accommodate the different expectations and requirements of a diverse community. The cost of providing the 15,000 grave facility is estimated at £1.158m. By 2026, it is calculated that a second chapel at the city crematorium will also be required to provide sufficient capacity, and is estimated to cost in the region of £2.62m.

10.2 When will S106 planning obligations be sought?

10.2.1 Following the adoption of the CIL, all residential development will contribute to the provision of crematoria / burial grounds by way of CIL, not planning obligations.

11 Site Drainage & Flood Risk Management

11.1 Introduction

- 11.1.1 Peterborough city lies just a few metres above sea-level and part of the rural areas of the district lies below sea-level, making the area particularly vulnerable to the effects of flooding. The key challenges relate to potential development in flood risk areas, and surface water runoff caused by development or in times of heavy rainfall, by already saturated soils. Surface water drainage is a particular issue, for example, in the Padholme area of Peterborough where a strategic flood protection strategy has been put in place, which development in the area has made contributions to.
- 11.1.2 Core Strategy policy CS22 Flood Risk states that development site proposals need to be informed by an upfront sequential test; an exception test where required; and an appropriately detailed site specific flood risk assessment.
- 11.1.3 Detailed guidance is made available in the [Flood and Water Management SPD](#)¹⁴ which supports Core Strategy policies CS12 and CS22; and Planning Policies PP16 and PP20 .

11.2 Types of facilities that may be required

- 11.2.1 Measures identified by a flood risk assessment as being needed to enable development and mitigate or manage existing flood risk are likely to be site specific and most likely secured by planning condition.
- 11.2.2 Surface water flood risk on site should be managed using sustainable drainage systems such as swales, filter drains, detention basins and green roofs. Subject to national implementation of new regulations. From 2014 developments will require approval for their site drainage strategy as a separate approval to planning consent. The cost of construction will be borne by the developer as part of drainage and landscaping design, but the cost of maintenance is to be reclaimed from the households using the drainage system. As a result, neither planning obligations or CIL is likely to be collected for this purpose.
- 11.2.3 However, if the legislation is not brought in, or in the period prior to such legislation, sustainable drainage systems built on site to address flood risk and drainage will require a commuted sum to support if the council is to adopt and maintain the system.
- 11.2.4 Features related to water supply such as rainwater harvesting provide additional benefit to development sites and are encouraged from a water efficiency perspective. However, such features cannot be considered to be part of the sustainable drainage systems that will be adopted by the council. This is because they are temporary in nature, and often integral to the design of building(s) on site, which will not be adopted as part of the SuDS.

¹⁴ <http://www.peterborough.gov.uk/pdf/env-wm-FWMSPD%20adopted%20Dec12.pdf>

11.2.5 Currently there are not many examples of strategic flood protection projects in Peterborough which developer contributions can be justifiably sought on the basis of cumulative impact. However, such projects have been established in the past as a means of enabling land development (Padholme Strategic Flood Management Scheme) and others may arise in the future. For example, within the city centre it may be necessary to develop a strategic level flood protection scheme to enable the development potential of a number of city centre sites (identified within the emerging Peterborough City Centre DPD) to be unlocked. For such off-site strategic flood and water management projects CIL could be used to fund them in whole or in part.

11.2.6 It should be noted that all flood or drainage schemes being led or supported by the council or other Peterborough water management partners are likely to be managed as integrated water management schemes providing multiple benefits e.g. to flood risk, biodiversity and amenity. Resultantly, CIL could beneficially contribute towards the simultaneous delivery or improvement of both green and blue infrastructure. (see Section 13)

11.3 When will S106 planning obligations be sought?

11.3.1 S106 planning obligations will only be sought in relation to the development, where;

- Flood and water management schemes are required both on-site and off-site as a direct result of the proposed development.
- On site schemes will generally be secured by planning condition. For situations where planning conditions alone are insufficient to secure the required infrastructure or scheme, it may be necessary to utilise a S106 planning obligation.

11.4 What S106 planning obligations might be sought?

11.4.1 As a first principle, for off –site schemes, the city council expects developers to provide a financial contribution towards the delivery of the required infrastructure. If appropriate, consideration of the developer building the required infrastructure to an agreed specification will be considered on a case-by-case basis in consultation with appropriate partners.

11.4.2 An obligation might also be sought to secure the necessary maintenance regime to preserve the effectiveness of the Scheme, where this involves the council in some way e.g. the council has agreed to adopt the Scheme on completion and approval of its functionality and specification standards.

12 On-Site Open Space

12.1 Introduction

12.1.1 Core Strategy policy CS19 Open Space and Green Infrastructure makes it clear that “all new residential development will make appropriate provision for, or improvements to, public green space, indoor and outdoor sports facilities and play facilities” and “Where the scale of a proposed development would be too small to make the provision of open space on-site feasible, the council will seek contributions towards the provision of open space elsewhere or to the improvement of existing open spaces, in accordance with Developer Contributions policy CS13”.

12.1.2 The [Peterborough Open Space Study](#)¹⁵ 2011 Update takes account of the planned growth of the city to 2026, together with the current shortfall of open space provision by type, across the district, and identifies target areas for future provision or improvements.

12.1.3

12.2 Types of facilities that may be required and thresholds

12.2.1 Planning Policies DPD policy PP14 and Appendix B of that document set out the open space standards for different types of open space to be secured.

12.2.2 A new housing development would not be expected to provide all categories of open space on site. To understand when Planning Obligations or CIL will be used to secure open space provision it is important to distinguish between on-site open space and strategic open space requirements. The open spaces types have been categorised as follows:

Table 12 Open Space Requirements

Non-Strategic Open Space types for which on-site provision may be required (via S106)	Strategic* Open Space types for which off-site provision / contributions will be required (* also known to as ‘city-wide’)
Doorstep outdoor play space (or LAP’s –Local Areas of Play)	Country Parks
Junior outdoor play (or LEAP’s)	Synthetic Turf Pitches
Youth outdoor play space (NEAP’s)	Family Play Spaces
Neighbourhood Parks	Strategic Green Infrastructure
Allotments	
Natural greenspace	
Playing pitches / outdoor sports	
Amenity greenspace	

A glossary of the above open space types is provided at Appendix F

¹⁵ <http://consult.peterborough.gov.uk/file/2159584>

12.2.3 This section of the SPD focusses on developer contributions towards on site open space provision. Section 13 looks at the strategic element to be funded by CIL.

12.3 Contributions towards the provision of non-strategic open space types.

12.3.1 The introduction of CIL provides the opportunity to roll back the use of planning obligations for relatively small developer contributions. Notably where small off-site contributions may be sought, the pooling of such small contributions can improve the quality of facility/provision delivered, and deliver efficiency benefits during the planning application process. The council has recognised these benefits and will utilise the CIL in respect of non-strategic open space provision, as follows.

Table 13 Open Space when CIL and Planning Obligations will be used

Non-Strategic Open Space types for which on-site provision or financial contributions may be required	Threshold & Mechanism		On-Site and Off- Site Threshold Provision Guide*			
	1-14 dwellings	15 or more	1 to 14 dwellings	15 to 499 dwellings	500 to 899 dwellings	900+
Doorstep outdoor play space / LAP's –Local Areas of Play [Min.50-100m ²]	CIL	S106	N/a	On-site	On-site	On-site
Junior outdoor play (or LEAP's) [Min.650m ²]	CIL	S106	N/a	Off-site	On-site	On-site
Youth outdoor play space (NEAP's) [Min.1000m ²]	CIL	S106	N/a	Off-site	Off-site	On-site
Neighbourhood parks [Min. 1ha]	CIL	S106	N/a	Off-site	On-site	On-site
Allotments [Min.5,000m ²]	CIL	S106	N/a	Off-site	Off-site	On-site
Natural greenspace [Min.400m ²]	CIL	S106	N/a	On-site	On-site	On-site
Playing pitches / outdoor sports [Min 800m ²]	CIL	S106	N/a	Off-site	Off-site	On-site
Amenity greenspace [Min.50-100m ²]	CIL	S106	N/a	On-site	On-site	On-site

* Where the above table indicates 'off-site' this should be treated as a guide only. Ultimately, it will be a matter for negotiation and if the developer chooses to provide such a facility on site (rather than an off-site financial contribution) or there is a particular need

for such a facility in the local area with no prospect of provision off locally then the council may seek provision on site.

12.4 Contributions from smaller residential developments of 14 or less dwellings

12.4.1 For all residential development of 14 or less dwellings the scope for on-site provision of open space is relatively limited. In such cases, developer contributions will be sought in the form of the CIL payment.

12.5 When will S106 planning obligations be sought?

12.5.1 S106 planning obligations may be sought in relation to non-strategic open space provision on residential development of 15 or more dwellings, where;

- Open space provision is to be provided on-site and/or financial contributions are sought for off-site as a direct result of the proposed development.

12.6 What S106 planning obligations might be sought?

- As a first principle, the city council expects developers to provide non-strategic open space on-site in accordance with the Local Plan policy and the size thresholds outlined in Table 13. The land and any equipment will be provided by the developer and must be in appropriate condition for the intended purpose.
- In certain circumstances it may be more appropriate to make provision at an alternative location off site. In such circumstances, a proportionate financial contribution to purchase land or provision of the land as an in-kind payment will be required, together with contributions to make the land and any equipment in a condition for its intended purpose.
- Off-site provision may be in the form of an appropriate enhancement or expansion of an existing open space facility(s), within a reasonable proximity of the development. In such circumstances, a proportionate financial contribution towards the provision will be required.
- Where only partial provision can be met on-site, the developer will be expected to make a proportionate financial contribution towards the delivery of provision off-site open space to make redress the on-site shortfall.
- An obligation is likely to also secure the necessary future maintenance of the open space - where this involves the council in some way. For example, where the council has agreed to adopt the open space on completion, and approval of its functionality and specification standards.

12.7 Provision Requirements and Indicative Costs

12.7.1 Policy PP14 Open Space Standards and Appendix B of the Planning Policies DPD sets out the quantitative standards for the types of open space identified as non-strategic open space. These can be converted to indicative costs as follows:

Table 14 Open Space Costs (excluding land and maintenance)

Non-Strategic Open Space types for which on-site provision may be required	Ha per 1,000 persons	M ² per person	M ² Per Dwelling*	Cost of Provision £/M ²	£ Per Dwelling*
Doorstep outdoor play space (or LAP's –Local Areas of Play)	No standard	No standard	No standard	No standard	No standard
Junior outdoor play (or LEAP's)	0.031	0.31	0.8	£62.95	£48.39
Youth outdoor play space (NEAP's)	0.0117	0.117	0.3	£62.95	£18.16
Neighbourhood parks	1.49	14.9	36.7	£42.29	£1550.10
Allotments	0.28	2.8	6.9	£30.78	£212.01
Natural greenspace	1.0	10	24.6	£15.65	£384.99
Playing pitches / outdoor sports	1.0	10	24.6	£46.01	£1131.85
Amenity greenspace	No standard	No standard	No standard	No standard	No standard
Total	3.81	38.13	93.9		£3,345.5
Minus 15% discount	3.24	32.4	79.8		£2,843.7

Based on average household size of 2.46

- 12.7.2 The open space standards repeatedly point out that the standards should not be simply added together to generate a total requirement for open space. This is because it can be possible to provide some open space types within the boundary of another. For example, a neighbourhood park may contain one or a number of the other open space types such as a LEAP, NEAP, allotments and amenity greenspace. This is reflected in the above table as a '15% discount'.
- 12.7.3 In recognition of this and in order to provide some guidance, the city council will apply a 15% discount to the requirement values. In cases where it can be demonstrated through an on-site scheme that the requirement can be met more effectively and efficiently, the council may accept a lower land take.
- 12.7.4 The city council will take into account existing open space provision, capacity, accessibility and condition within the area, along with other planned provision for the area, when interpreting the open space standards and requirements. Ideally, pre application discussion or negotiation as part of the planning application process can be beneficial to all in order to provide the most appropriate open space provision for the development and the wider community. The council recognises that each development brings a proportionate pressure to bear on existing provision. Any contributions towards open space provision, whether it is delivered on or off-site should only be fair in scale and not seek to provide more than this in order to redress existing deficiencies.

- 12.7.5 When considering the open space standards, requirements and existing provision within the area, the city council will apply the standards in a flexible manner in order to achieve the best outcome for the development, locality and city. Application of the standards in a rigid way is unlikely to be beneficial for any party, though the financial value of what is provided should remain broadly consistent with that calculated when determining the open space requirement in relation to the proposal.
- 12.7.6 When considering existing provision regard must be given to the open space standards 'accessibility guidelines' which provide an indication of what is considered to be an acceptable distance persons might travel to use such facilities. The accessibility guidelines are set out below. If accessible provision of one type of open space already exists, the council may seek to vary the composition of the open space it seeks to secure.

Table 15 Open Space Accessibility Guidelines

Non-Strategic Open Space types	Accessibility Guidelines
Doorstep outdoor play space (or LAP's – Local Areas of Play)	No standard
Junior outdoor play (or LEAP's)	450m radius
Youth outdoor play space (NEAP's)	800m radius
Neighbourhood parks	560m radius
Allotments	560m radius
Natural greenspace	300m to natural greenspace of at least 2ha
Playing pitches / outdoor sports	260m/480m radius to informal/formal outdoor sports provision respectively
Amenity greenspace	No standard

- 12.7.7 New development can bring new opportunities, and where appropriate, it may be beneficial for all to enhance or expand existing facilities, but it is essential that such decisions comply with the planning obligations tests.
- 12.7.8 For development proposals where it is agreed that it is not possible to provide the open space requirement on-site, i.e. the provision has only been met in part, or not at all the balance will be required in the form of an off-site contribution.

12.8 Calculating the contributions (off-site commuted sums)

12.8.1 Whilst the council's preferred approach is the provision of open space on-site, off-site contributions for open space provision may need to be calculated in some instances.

- Land purchase –land purchase cost will be charged at £6/m².
Plus
- Provision Costs - will be charged pro-rata in accordance with Table 14 costs of provision, £ per m².
Plus
- Maintenance Costs

12.9 Maintenance Costs (for both on-site and off-site provision)

- 12.9.1 The council is normally prepared to adopt and maintain properly laid out green space, play space or playing pitches that are intended for wider public use, where these amenities are provided by the developer on-site as part of a development, and meet agreed standards.
- 12.9.2 This will be subject to a payment towards the future costs of maintenance by the council. This commuted sum is normally calculated for a 15 year period as a negotiated element of the Section 106 agreement, calculated on the basis of costs set out in Table 16 Schedule of Landscape Maintenance Rates.
- 12.9.3 The Schedule of Landscape Maintenance Rates does not provide an exact match to all open space types identified in the open space standards. For example, it can be seen that the maintenance rate (15year period) for a Junior Outdoor Play Area (LEAP – 5 items) is specified, but a neighbourhood park isn't. The reason for this, is that the neighbourhood park may constitute a wide range of the items set out in the Landscape Maintenance Schedule.
- 12.9.4 For adoption purposes, each area of open space will be assessed on a case by case basis. The actual calculation will be dependent on the composition of the open space to be assessed.
- 12.9.5 If the developer does not intend to offer areas for adoption, then the Council needs to be assured that satisfactory alternative arrangements are in place for maintenance in the future.

Table 16 Schedule of Landscape Maintenance Rates

Open Space / Equipment type	Rate for 15 year period (per hectare unless otherwise specified)
Balancing Area (mainly dry pond)	£35,843.00
Balancing Area (mainly wet pond)	£31,360.00
BMX Track	£26,700.00 each
Concrete Skate Park	£81,900.00 each
Ditches - Digging	£9.54 per linear metre
Ditches - Flailing	£4.23 per linear metre
Footpaths - Hoggin	£3.26 per m ²
Footpaths - Tarmac	£21.11 per m ²
Formal Shrubbery	£48.93 per m ²
French drain - Jetting/inspection	£5.30 per linear metre
French drain - Manhole emptying	£158.00 each
Hedges	£3,060.00 per 1000m ² of hedge face
MUGA	£35,050.00 each
MUGA Floodlit	£45,050.00 each
Open Space (conservation)	£33,599.00
Open Space (formal)	£43,681.00
Play Area LAP (3 items)	£18,600.00 each
Play Area LAP (5 items)	£38,700.00 each
Play Area LAP (8 items)	£44,450.00 each
Sports Pitch	£105,993.00
Stilling Ponds - Emptying	£95,013.00 per pond
Stilling Ponds - Hardstanding	£3.26 per m ²
Stilling Ponds - Inspection/repair	£21,114.00 per pond
Swales	£87,358.00
Swales with shrubbery	£49.00 per m ²
Village Pond/Open Water (over 0.05ha)	£44,798.00
Village Pond/Open Water (up to 0.05ha)	£34,720.00 per site
Woodland (existing mature)	£31,360.00
Woodland (new buffer/copse)	£27,999.00

(To be reviewed annually)

13 Strategic Open Space & Green Infrastructure

13.1 Introduction

- 13.1.1 This section sets out how strategic or city wide open space requirements identified in Table 13, will be funded through CIL.
- 13.1.2 As discussed in section 12 several policies within the Local Plan highlight the importance of integrated green and blue infrastructure. Core Strategy policy CS21 Biodiversity and Geological Conservation promotes the management of biodiversity in light of the threats and opportunities arising from climate change. This will include, for example, the provision of wildlife corridors and stepping stones which will be essential for the migration, dispersal and exchange of wild species, all contributing to the creation and effective functional green grid across Peterborough.
- 13.1.3 This is further enforced by the Planning Policies DPD, notably policies PP15 Nene Valley, PP16 The Landscaping and Biodiversity Implications of Development and The Flood and Water Management Supplementary Planning Document.
- 13.1.4 The [Peterborough Green Grid Strategy](#)¹⁶ sets out a proposed range of strategic level initiatives, projects and opportunities which helpfully illustrates the '*what, when and where*' of multifunctional green infrastructure locally.
- 13.1.5 The Peterborough Open Space Study 2011 Update takes account of the planned growth of the city to 2026 and the current shortfall of open space provision by type across the district, and identifies target areas for future provision. The study has informed the open space standards.

13.2 Types of facilities that may be required

- 13.2.1 Strategic space includes country parks, synthetic turf playing pitches and family play areas (all of which are identified as elements of the Planning Policies Open Space Standards). Each type is described below:-
- **Country Parks** –The identified areas for country park provision are Hampton /Haddon and North/North East of Peterborough urban area. The Hampton/Haddon area already has an area of land identified and referred to as the Crown Lakes country park, though its qualitative credentials do not yet align with the Natural England Country Parks Accreditation Scheme (NECPAS) criteria. Developer contributions obtained through future obligations or the CIL, could be used to enhance this existing provision to meet NECPAS criteria, in the south of the city and to purchase land or seek long-term land stewardship agreements to secure provision in the north/north east of the city.

¹⁶ <http://consult.peterborough.gov.uk/file/2159612>

- **Synthetic Turf Pitches** – the study calculated a need for two facilities, with target areas being Hampton /Haddon and Stanground College or Orton Bushfield area. As part of ongoing regeneration activity at Orton District Centre / Bushfield a 3G synthetic turf pitch facility has been delivered. Future CIL contributions could be used to fund the delivery of a second facility in the Hampton / Haddon area, or Stanground depending upon the opportunities that arise.
- **Family Play Space** – the study identified a shortfall of seven family play spaces across the district, if the policy standards were to be met. The proposed levels of growth will be insufficient to deliver this quantity through developer contributions. However, the study identifies areas in which there are shortfalls, these are Hampton /Haddon, south east, east, central, Bretton/Ravensthorpe and the rural area. Family play space can be delivered within other types of open space such as a country parks, neighbourhood parks and natural green space. Future CIL contributions could be used to fund the delivery of additional family play spaces, in whole or in part, within the areas identified.
- **Strategic green infrastructure** - is different to ‘on-site habitat creation or enhancement’, and relates to wider strategic level projects which aim to establish or enhance habitat corridors or connectivity, sometimes across districts and counties, to redress or balance the cumulative impacts of growth on existing habitats (loss, damage or erosion over time). It should be noted that green infrastructure should provide where possible multifunctional uses, i.e. wildlife, recreational and cultural experiences, as well as delivering ecological services, such as flood protection and microclimate control (see Section 11).

13.2.2 Following the adoption of the CIL, all development will contribute to the provision of strategic open space and ‘off-site’ strategic green infrastructure by way of CIL, not planning obligations.

13.3 Use of planning conditions

13.3.1 Ecological mitigation including avoidance, mitigation and compensation will be secured through planning condition to reinforce the policy requirements.

13.4 When will S106 planning obligations be sought?

13.4.1 Following the adoption of CIL, the council will only seek to secure S106 contributions for on-site open space as set out in Section 12. Planning obligations will not be used for the creation or expansion of strategic outdoor open space and off-site green infrastructure.

14 Indoor Sports Facilities

14.1 Introduction

14.1.1 The council does not have a specific planning policy standard for indoor sports facilities. Nevertheless the Peterborough Sports Strategy 2009-2014 identified a number of priority areas to be addressed in terms of indoor sports facility provision and the Core Strategy policy requires appropriate infrastructure in general terms is relevant. The priority needs are set out below.

14.2 Types of facilities that may be required

14.2.1 **Swimming pools** - Peterborough residents have less access to swimming pools than residents in the nearest neighbouring authorities. The level of accessible swimming pool provision is also below the industry standard.

14.2.2 The deficit is calculated to be in the order of 858m² of water space, which is equivalent to two 25m x 12.5m six lane swimming pools plus learner pool 8m x 12.5m each providing 412.5m² of water space **or** one 50m x 17m eight lane swimming pool providing 850m² of water space. Future provision of a 50m pool located in the city centre is the preferred option.

Sports Halls - currently there are sufficient sports halls in the city to meet the needs of the population however demand is not being met because much provision is not accessible to the public because they are located on school sites. Improving community access to existing school sports facilities (primarily through dual-use agreements) and ensuring such agreements are put in place for future such facilities is the short term strategy for sports halls. The schools building programme (Building Schools for the Future) provides an opportunity to achieve this.

General - Maintain, modernise, redevelop or replace existing sports facilities to meet outstanding and future needs before considering the development of new facilities. Explore the feasibility of a flagship city centre sports facility as part of a wider review of potential facilities on the Riverside North Policy Areas as set out in the City Centre Plan.

14.2.3 Following the adoption of the CIL, all residential development below 500 homes will contribute to the provision of 'off site' strategic indoor sports facilities by way of CIL. For strategic sites of 500 or more a S106 planning obligation will be sought to secure on-site or off site delivery. The precise contribution/obligation will be negotiated on a case by case basis.

14.3 When will S106 planning obligations be sought?

14.3.1 Planning contributions will only be sought in the form of S106 planning obligations on strategic sites of more than 500 dwellings where site specific opportunity / impact is arises, and the obligation accords with the three statutory tests.

15 Community Buildings

15.1 Introduction

- 15.1.1 Community buildings are multipurpose buildings for the community to use. Community halls are important to both rural areas and residential neighbourhoods and meet a local need in an ever changing society.
- 15.1.2 Community buildings can come in many forms and are increasingly multi-functional spaces that can be a hub for the local community. These spaces need to provide easy and open access for the community, for a range of local activities and increasingly for community services, such as social activities, sports and recreation activities, arts activities, local democratic engagement and educational activities.
- 15.1.3 Demand for community buildings generated by new development should be catered for within easy reach of the new homes, by requiring developers to contribute towards the improvement of an existing building or the provision of a new one.

15.2 Types of facilities that may be required and thresholds

- 15.2.1 Community buildings can come in a range of forms and styles. Provision of 50-100m² for a community room within a building may be appropriate in some cases. However, as a basic guide, a multi-purpose community building will minimally comprise of a main hall with toilets and kitchen. The main hall will provide a space of at least 7m (H) x 9m (W) x 16.4m (L), plus toilets and kitchen – approx. floorspace 200m².
- 15.2.2 Where new developments consist of more than 1,000 dwellings, consideration of the need and opportunity to provide additional space for a separate meeting/activity room(s) would be appropriate.
- 15.2.3 The city council will consider the needs derived from the development, taking into account the existing capacity, proximity and quality of near-by facilities.
- 15.2.4 Following the adoption of the CIL, all residential developments of less than 500 dwellings will contribute to the provision of 'off-site' community buildings infrastructure by way of CIL, not planning obligations.

15.3 When will planning obligations be sought?

- 15.3.1 Planning contributions will only be sought in the form of S106 planning obligations in relation to new residential developments of 500 or more dwellings, where;
- New community buildings are required as a result of the need arising from the development.

- Current facilities are inadequate for the additional users, in terms of their quality or accessibility for users (in accordance with provision requirements below) and therefore need to be improved or extended in order to meet the needs of the development.
- Inadequate alternative funding is available to provide the additional facilities or services required as a result of the development.

15.4 What S106 planning obligations will be sought?

15.4.1 Contributions will be required in a number of forms as outlined below, taking into account specific site requirements.

- Free, serviced land or a financial contribution to purchase land will be required as a minimum for the erection of appropriate facilities.
- The city council, with appropriate partners, will negotiate with prospective developers with a view to securing the necessary community buildings and fit-out needs for the development.
- As a first principle, the city council expects developers to provide a financial contribution towards the delivery of the required infrastructure. If appropriate, consideration of the developer building the required infrastructure to an agreed specification will be considered on a case-by-case basis in consultation with appropriate partners.

15.5 Provision Requirements and Indicative Costs

15.5.1 Contributions will vary with each development, based on design issues and the existing capacity, proximity and quality of near-by facilities. The council will negotiate an appropriate contribution

16 Libraries, Museums and Life Long Learning

16.1 Introduction

16.1.1 New residential developments put pressure on existing library, museum and life-long learning services. It is reasonable to expect developers to contribute towards the costs of such infrastructure where the need arises directly from the development. Indeed, to cope with pressures arising from the growth of the city, further investment will be needed in existing libraries and potential additional library provision.

16.1.2 The council and Vivacaity (the organisation responsible for managing many of Peterborough's cultural and leisure facilities, such as libraries, on behalf of the council) seek to provide a network of well stocked local libraries throughout the city, with the Central Library at the hub and two mobile library vehicles providing an outreach option.

16.2 Types of facilities that may be required

16.2.1 The provision of library and museum services may require the provision of a fitted out building, or suitable mobile transportation vehicle. Such services could be provided within a building used for other community uses, in a co-located fashion, providing a suitable and appropriate environment can be created for each of the uses. This would be considered on a case by case basis.

16.3 When will S106 planning obligations be sought?

16.3.1 Following the adoption of the CIL, all developments of less than 500 dwellings will contribute to the provision of new or expanded libraries, museum, and life-long learning infrastructure solely by way of CIL, not S106 planning obligations. S106 planning obligations will only be sought in relation to new residential developments of strategic sites of 500 dwellings or more, where;

- New premises/facilities are required as a result of the increased needs arising from the development.
- Current facilities are inadequate for the additional users, in terms of their quality or accessibility for users (based on accepted PCC standards) and therefore need to be improved or extended in order to meet the needs of the development.
- Inadequate alternative funding is available to provide the additional facilities or services required as a result of the development.

16.4 What S106 planning obligations might be sought?

16.4.1 The council, with appropriate partners, will negotiate with prospective developers with a view to securing the necessary library and life-long learning facility and fit-out needs for the development. Contributions will be required in a number of forms as outlined below, taking into account specific site requirements.

- Free, serviced land or a financial contribution to purchase land will be required as a minimum for the erection of appropriate facilities.

- As a first principle, the city council expects developers to provide a financial contribution towards the delivery of the required infrastructure. If appropriate, consideration of the developer building the required infrastructure to an agreed specification will be considered on a case-by-case basis in consultation with appropriate partners.

16.5 Provision Requirements

16.5.1 Contributions will vary with each development. The costs can be broken into 3 distinct parts: land purchase, construction costs and fixtures / furnishings.

16.5.2 In cost terms the investment figure is derived from recent local work and in line with the Museums Library and Archives (MLA) Council Standard Charge approach to the provision of library facilities for new developments.

16.5.3 The two main parameters of a standard charge for public libraries are:

- A **space standard**; the MLA recommends a figure of 30 square metres per 1,000 population as a benchmark for local authorities.
- A **construction and initial fit out cost**; these can vary by site and area; taking the RICS (Royal Institution of Chartered surveyors) Building Cost Information Service data, this can be from £3,233 per square metre to £3,929 per square metre. A recommended current benchmark figure for East Anglia is £3,233 per square metre.

16.5.4 A calculation using the benchmark figure above gives a cost of £96,990 (30 x £3,233) per 1,000 people, or £97 per person in new housing; or or £238 per dwelling for new build provision (based on average household size of 2.46, Figures exclusive of land purchase costs).

16.5.5 Where a contribution is required not for a new build facility, but to make necessary enhancements and/ or expansions to existing provision, in order to meet the additional demands which will be placed on that provision by the increase in population, then the contribution required will draw on the Museums Library and Archives Council (MLA) Standard Charge approach:

- In relation to fit-out, IT and bookstock by applying the MLA figure to the projected population growth.
- In relation to the building costs by using a multiplier based on 35% of the MLA construction figure. This is on the basis that what will be needed is not a complete new building or extension to existing buildings but changes to the internal configuration and layout. This equates to £83 per dwelling.

16.5.6 For strategic sites where library, museum and life-long learning facilities are delivered, in the first instance such facilities must be offered to the city council or vivacity (and/or contracted partner) for adoption. In the event of the council being unable to be run by consider adoption, this requirement will revert to the parish council. Should the city council not be in a position to agree to the adoption, developers must submit a proposal to the

council detailing how a Trust shall be set up for the new community to ensure appropriate future maintenance measures are put in place.

17 Public Realm

17.1 Introduction

17.1.1 An objective of the City Centre Plan is to create a vibrant, mixed-use centre that is alive during the day and at night and supports growth elsewhere in Peterborough. This will incorporate, amongst other things, improvements to the public realm and establishment of the Cathedral Square as a community hub and meeting point.

17.1.2 Some of the planned public realm works have been implemented by 2013, enhancing the city centre for all users. Further works, identified in the Peterborough Public Realm Strategy are programmed for the future in Long Causeway, Westgate, Riverside, Midgate, Queensgate & North Westgate and the Station Quarter areas of the city centre.

17.1.3 Contributions towards the provision of public realm projects in the city centre and district centres will be required from new dwellings on a proportionate basis.

17.2 Types of facilities that may be required

17.2.1 Delivery of public realm projects is mainly about improvement works such as surfacing and street layouts, street lighting and street furniture, public art and hard and soft landscaping works. There will also be occasion where public realm master planning is required.

17.3 What S106 planning obligations might be sought?

17.3.1 Following the adoption of CIL, the council will not seek to secure contributions towards public realm infrastructure projects, via S106 planning obligations. All CIL liable developments will contribute to the provision of public realm infrastructure projects.

18 Waste Management

18.1 Introduction

18.1.1 Both the Waste Management Plan for England (2013) and the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (Adopted July 2011) include policies encouraging all forms of new development to be designed and constructed in such a way as to minimise the production of waste, maximise the re-use of materials, and maximise the use of recycled materials; and to facilitate, by provision of adequate space and facilities, the ongoing recycling and recovery of waste as may arise from the completed development proposal. This includes the design and construction of single buildings through to whole communities in the form of urban extensions and new villages.

18.1.2 The Cambridgeshire and Peterborough Minerals and Waste Core Strategy policies CS16 Household Recycling Centres and CS28 Waste Minimisation, Re-Use and Resource Recovery provide the policy basis for seeking contributions towards the provision of household recycling centres, bring sites and residential waste storage containers.

18.1.3 New developments should make provision for waste storage, collection and recycling in accordance with [RECAP Waste Management Guide SPD](#)¹⁷ (adopted February 2012). The document provides guidance on the design and provision of waste management infrastructure within a development's design, a toolkit to facilitate self-assessment of needs against standards. Many of these matters will be addressed as part of the design and dealt with by planning condition where necessary. The RECAP SPD also sets out a basis for planning conditions and /or planning obligations.

18.2 Types of facilities that may be required

18.2.1 The three main waste management infrastructure types sought through the above policy and guidance are:-

- Residential waste storage containers
- Bring Sites
- Household Recycling Centres

18.2.2 Other forms of waste management infrastructure may also be required to support the growth of the city in a more sustainable way. These may include city-wide facilities such as materials recovery facilities (mechanical or biological), composting facilities, and energy from waste facilities where these are operated by or on behalf of the city council.

18.3 When will S106 planning obligations be sought?

18.3.1 Following the adoption of the CIL, all developments of less than 500 dwellings will contribute to the provision of new waste management infrastructure solely by way of CIL, not S106 planning obligations. Planning contributions will only be sought in the form of

¹⁷ <http://www.peterborough.gov.uk/pdf/RECAP%20SPD%20web.pdf>

S106 planning obligations for strategic sites of 500 dwellings or more. However, it should be remembered that relevant planning conditions may be imposed on all development schemes of any size.

18.4 What S106 planning obligations might be sought?

18.4.1 The city council will seek to negotiate an area of land / areas of land provided by the developer (at no cost to the Local Planning Authority / Waste Planning Authority), or conditions towards acquiring such land, sufficient in size to allow the creation and operation of new facilities, for

- Household Recycling Centres, (c 2.5ha) and
- Bring Sites

19 Environment Capital (Carbon emissions reduction)

19.1 Introduction

19.1.1 Peterborough's ambition is to be the UK's Environment Capital. This includes putting in place the relevant infrastructure to support this ambition.

19.1.2 Another important aspect for such a rapidly growing city is to ensure growth is sustainable in all senses of the word. Core Strategy policy CS10 Environment Capital provides the means to encourage and deliver in this respect by requiring,

"All development proposals of one dwelling or more, and other non-dwelling proposals concerning 100 square metres or more, should explicitly demonstrate what contribution the development will make to the Environment Capital agenda over and above that which would be required by the Building Regulations in force at the time, other development plan policies or any other consents as required through regional and national legislation."

19.2 Types of contributions that may be required

19.2.1 Core Strategy policy CS10 Environment Capital provides a number of examples of how developments may contribute to the Environment Capital agenda. Three of these are highlighted below in order to provide an indication of what is sought: -

- *Achieving a greater reduction in carbon dioxide emissions than that required by national Building Regulations in force at the time, especially through the use of energy efficiency measures;*
- *The use of innovative resource efficiency measures, which aim to minimise demand for water, energy or other natural resources beyond that which would normally be required or expected;*
- *Creation of areas of high biodiversity or other green infrastructure, beyond that which would normally be expected or required via other policies in the development plan;*

19.2.2 Developer contributions will be sought towards Peterborough's Environment Capital ambition. In line with Core Strategy policy CS10 Environment Capital for all development proposals of one or more dwellings and other non-dwelling proposals concerning 100m² or more the council will seek to secure contributions via planning condition. If planning conditions don't provide a satisfactory means of securing contributions, it may be necessary to secure them via a S106 obligation.

19.2.3 CIL will not be used to deliver Environment Capital infrastructure.

19.3 When will S106 planning obligations be sought?

19.3.1 Planning contributions will only be sought in the form of S106 planning obligations on residential developments and non-residential developments (involving 100m² net change in floorspace) towards the development of Peterborough's Environment Capital ambition, when:-

- Securing the contribution can't satisfactorily be achieved by use of a planning condition(s)
- Where technical feasibility issues preclude any on-site delivery,

19.4 What S106 planning obligations might be sought?

19.4.1 If it has been deemed appropriate to utilise a S106 planning obligation to secure an Environment Capital contribution it is most likely that this will involve

- a financial contribution towards a suitable off-site project or
- resource management measures or initiatives at off-site locations

19.5 Provision Requirements and Indicative Costs

19.5.1 It has not been possible to identify a formula for calculating a unit cost to development for site specific Environmental Capital contributions. A contribution will therefore be negotiated.

20 Other Potential Development Specific Requirements

20.1 What may be required via planning obligations?

20.1.1 Sections 4 to 19 may not represent all possible planning obligations requirements that may be applicable to any individual development. The precise circumstances of each development will be different and there therefore may be additional development specific requirements, such as mitigation measures, that may be needed to address the impact of individual developments. Such requirements by reason of their nature will need to be assessed on a site by site basis. The list below sets out some additional potential planning obligations that may be applicable, depending on the individual circumstances and constraints of the development site and the nature of the proposed development.

20.1.2 This list is not exhaustive, but provides examples.

- Emergency services
- Impacts on the historic environment
- Nature conservation mitigation measures
- Pollution/air quality mitigation measures
- CCTV

Appendices

Appendix A

S106 Planning Obligations : Basic Questions and Answers

What is a S106 Planning Agreement?

A planning agreement is a legal agreement entered into by the planning authority **and** the developer or applicant which outlines the details of a planning obligation. This may include details of new community facilities or the amount and type of open space that would be required in a new housing scheme. Planning Agreements run with the land so will bind successive owners. If the applicant does not own the land the landowner will need to be party to the agreement.

What is a Unilateral Undertaking?

This is an undertaking made by the applicant **to** the planning authority to cover any planning issues before the granting of planning permission and may be offered at any point in the application process – but normally where agreement has not been reached. The undertaking does not require any agreement by the local planning authority and may therefore have no legal input into the drafting of such agreements. However, local authorities do not have to accept unilateral undertakings offered by the developers if they do not feel they deal with all the issues in granting planning permission. An applicant may offer a unilateral undertaking at a planning appeal against refusal to overcome the local authority's objections. It will then be for the Inspector to decide its suitability or otherwise.

Do I need a solicitor to complete the S106 Agreement?

You do not necessarily need a solicitor but it may be advisable because legal agreements and undertakings can restrict the use of the property in the future. Alternatively, some applicants may choose to use their agent or planning consultant. However a Solicitor will be required to confirm title to the land concerned.

Can a legal agreement cover more than one obligation?

A legal agreement may contain any number of planning obligations depending on the complexity and scale of the development and what would be necessary in order to grant planning permission. Where an obligation is very straightforward it may be contained in an undertaking which tends to be a short and simple document.

How long will it take to complete a legal agreement or undertaking?

This will depend on a number of issues including the complexity and size of the proposed development, the negotiations between the parties and progress made before the application is submitted or goes before the Environmental Protection and Planning Committee. It is the council's aim to carry out as much as possible of this work prior to consideration by Committee.

Straightforward agreements on noncomplex sites should normally be completed shortly after a favourable resolution. The council will look to commence negotiations with the applicant as soon as it is apparent that an agreement will be sought.

When does infrastructure or financial contributions need to be paid?

In order that the needs and impacts arising from new developments are addressed as soon as possible the council will generally aim to achieve the provision of infrastructure or payment of financial contributions on the commencement of development. In the case of outline planning permission and major phased developments, contributions may be paid in instalments on the commencement of each phase. The phasing of payments will be set out in the S106 agreement agreed by the applicant and the council.

Why are financial contributions Index Linked?

In order to maintain the value of contributions from the date of the planning consent until the time development is commenced, they will be index linked to reflect changes in, for example, the RICS Index or Retail Price Index. Delayed payment of financial contributions will incur interest at a rate 5% above Base Rate. This is to ensure that the projects and works for which the contributions are earmarked are not unduly delayed or if delay occurs there is a contingency which may help negate the costs associated with delay.

How do I make payments to the council?

It is the applicant's responsibility to be aware of when payments are due and to ensure that they are made on time. Payments can be made by cheque, made payable to

"Peterborough City Council"
and sent to the Council Offices at:

Peterborough City Council
Stuart House East Wing, St John's Street
Peterborough
PE1 5DD

Payments must specify the S106 reference number and site address in order to identify the relevant legal agreement and site.

What will happen to the payments?

When payments are received they will be recorded and noted against the relevant agreement and included in the council's Capital Programme for spending. Progress with particular obligations and expenditure in general will be reported regularly as part of the Planning Service Annual Monitoring Report.

How long will a S106 obligation run for?

Some requirements of a S106 obligation are of an ongoing nature, for example the maintenance of a facility or the community use of a building and so the obligation will continue for so long as development implemented under the associated planning permission continues. S106A of the Town and Country Planning Act 1990 also provides a procedure by which an applicant can apply for the formal modification or discharge of planning obligations.

Appendix B

Approach for S106 Agreements / Unilateral Undertaking's

1. Introduction

- 1.1** Where it is agreed that it will be necessary to secure Developer Contributions via a S106 Planning Obligation (in the form of a S106 Agreement or Unilateral Undertaking) then a draft 'Heads of Terms' must be submitted with a planning application. Prior to submitting a Draft Heads of Terms, developers will need to consider a range of factors that influence contributions. The city council's Local Plan and supporting documentation is the primary source of information setting out the requirements of new development in Peterborough. The process for agreeing Developer Contributions involves a series of steps, set out in Table below, that are designed to ensure that the process is as swift and transparent as possible.

2. Legal and Monitoring Processes

- 2.1** S106 Agreements and UUs will normally be drafted by the city council's Legal Services Team; a service paid for by applicants. Title has to be deduced to the city council and all persons with an interest in the land must be party to the agreement. The city council carries out searches to make sure there have been no new owners or mortgages in the period before completion. Agreements and UUs are registered as local land charges and their provisions bind future purchasers/tenants of the site. Both draft and completed s106 Agreements and UUs may be viewed by members of the public and are in no sense confidential documents.
- 2.2** If contributions are being sought for a range of items, they will usually be addressed in a single document; however, some infrastructure is provided by outside agencies, for example, electricity and water. Their requirements may occasionally be set out in separate documents, but to save time and costs a combined s106 Deed is usually entered into.
- 2.3** It should be understood that each Agreement or UU has to be entered into before any planning permission is granted. In non-appeal cases the city council seeks to issue the planning permission within one working day of completion of the Agreement or UU. In appeal cases the Agreement or UU needs to be completed before the appeal is determined by the Planning Inspectorate.
- 2.4** The council will track compliance with each provision contained in a legal agreement as a development proceeds to ensure that payment of financial contributions and completion of non-financial obligations is in accordance with the terms in the agreements. The council will require a monitoring fee charged at the rate of 2% for the first £3 million and 1% thereafter on the total sum of all S106 contributions. Late payment of contributions will incur additional interest charges at the rates set out in the Agreement.

2.5 The council will require a payment for the preparation of the legal agreement. The current minimum charge is £550.

2.6 Details regarding planning obligations and CIL payments will be recorded on a database. This will include what payments are due, triggers, and where/on what the funds are to be spent. Reports on the holding balances, and how the funds have been used will be made available annually within the planning authority's Annual Monitoring Report or equivalent.

3. Late Interest Payments

3.1 In the event of any delay in making any payment required under a s106 Agreement, (regardless of whether or not any formal demand for payment has been made by the Council) interest shall be added to such contribution until payment is made on a daily basis at the rate of 5% per annum above the standard rate of Barclays Bank plc.

4. Triggers for Planning Obligations

4.1 Planning Obligations are normally triggered on commencement of development i.e. the date on which works to begin the development start, as defined by the carrying out of a material operation (Section 56 of the 1990 Town and Country Planning Act), but may be earlier or later e.g. upon first occupation.

5. Timing of Developer Contributions Payments

5.1 The timescale for payment of planning contributions will be set out in the Agreement. This will normally be due on commencement of development, but maybe prior to completion or first occupation. In the case of significant major development, payments may be phased to assist development viability.

6. Inflation

6.1 Unless otherwise stated to the contrary all contributions (sums payable) by the owner will be subject to increase by application of the principles of indexation. For the purpose of applying indexation the index will mean the Building Cost Information Service All-in Tender Price Index (TPI) (SE England excl. London) of the Royal Institution of Chartered Surveyors.

6.2 For the purposes of Affordable Housing Contribution and Public Transport separate indices are used.

6.3 Indexation will commence on the date planning permission is issued and will end on the date(s) the Contributions or sums are actually paid in full.

6.4 Further detail on the above matters are set out in the S106 agreement documentation and via the council's Legal Service.

7. Use of s106 Financial Contributions

- 7.1** When a financial contribution is secured, the use of the funds will be stipulated in the s106 Agreement.

- 7.2** Time limits, usually ten years from the date that the contribution is paid in full (but potentially longer), for the expenditure of financial contributions will be included within the planning obligation agreements. After the agreed time limit, any unused contributions are returned to the developer with any accrued interest.

Appendix C

Approach to CIL Charging

Introduction

Note: This section is intended to be helpful to the reader but it does not replace or override the formal Acts and Regulations. The city council accepts no liability should any of the information in this SPD contradicts or is contrary to these Acts and Regulations.

The CIL will apply to most development, although some uses will have a zero charge. The levy rates will be set out in the CIL Charging Schedule once adopted by the council. Development involving less than 100m² floorspace of new build is exempt, *unless* one or more dwellings is created (in which case the exemption does not apply). If more than 100m² of floorspace is developed then CIL is liable on the whole amount.

Once adopted, CIL is chargeable on the “gross internal area” of the “development for which planning permission is granted” (Regulations 40 and 9 of the Community Infrastructure Levy Regulations 2010 (as amended)). This includes circulation and service space such as corridors, storage, toilets, lifts, etc. though there are some exemptions.

‘s73 applications’

(Section 73 Town and Country Planning Act 1990) are not exempt from CIL liability. Determination of the chargeable development is clarified in the regulations as:

- Where the S73 is to change a condition subject to which a previous CIL liable permission was granted so that the amount of CIL payable would not change, then the chargeable development is the development for which planning permission was granted by the previous permission as if that development was commenced.
- Where the S73 is to change a condition subject to which a previous CIL liable permission was granted so that the amount of CIL payable would change e.g. due to change in gross internal area, the chargeable development is the most recently commenced or recommenced chargeable development.

Development commenced under general consent is liable to pay CIL. 'General consent' includes permitted development rights granted under the General Permitted Development Order 1995. Such cases will be required to submit a Notice of Chargeable Development prior to commencement of development to the Council in all cases unless the development is exempt from CIL under the minor exemption stated in Regulation 42 in the CIL Regulations or where the chargeable amount calculated under Regulation 40 is zero.

Other contributions may also be required for development specific matters, such as through a Section 106 Town and Country Planning Act 1990 Legal Agreement and / or a Unilateral Undertaking.

Who is liable to pay the levy?

Responsibility to pay the levy runs with the ownership of the land and the levy is registered as a local land charge. Liability to pay the levy may be assumed by the land owner or another party or parties, unless an application for social housing relief has been made (see note 3 below), by completing and submitting an Assumption of Liability (Form 1), which will be made available to download from the council's website.

The liability must be assumed by submission of a completed form before the development commences. Failure to submit prior to commencement of the development will result in the liable party/land owner losing any right to pay the levy in instalments, as set out in the council's Instalment Policy, and may incur a surcharge.

Liability may be transferred at any time before commencement of the development, unless an application for social housing relief has been made, by submitting the relevant forms 'Assumption of Liability Form', 'Withdrawal of Liability Form' and a Transfer of Liability Form as appropriate. If the council is unable to recover CIL from a party that has assumed liability, the liability defaults to the owner/s of the land. The CIL Liability Notice will be issued to the party/s that has assumed liability and/or to the landowner as well as to the planning applicant. CIL does not need to be paid until after the development has commenced.

Are there any exemptions from paying a levy?

An owner of land is exempt from liability to pay CIL if that owner is a **charitable institution** and the chargeable development will be used wholly, or mainly, for charitable purposes. However, this does not apply where:

- that part of the chargeable development to be used for charitable purposes will not be occupied or under the control of the charitable institution;
- where the material interest is owned by the charitable institution jointly with a person who is not a charitable institution;
- where exemption of the owner from liability to pay CIL would constitute State aid.

The CIL Regulations also provide 100% relief from the levy on those parts of a chargeable development which are intended to be used as **social housing**.

Any person wishing to benefit from social housing relief must be an owner of the relevant land, assume liability to pay CIL, submit a claim in accordance with regulations to the Council and receive approval of the claim **all** before commencing development.

Appendix D

Viability

1. Principles

- 1.1** The costs incurred in delivering a workable, high quality development commensurate with local standards and expectations are to be expected and should have been reflected in the price paid for the land, and will not normally reduce the ability of a site to provide necessary developer contributions. Expected costs include affordable housing, site clearance and remediation, good quality design measures, landscaping, noise and other environmental attenuation measures, and appropriate infrastructure provision (which may include highway and public transport measures). Price paid for land may not be a determining factor if too much has been paid or historic land values or developer profit margins are being protected at the expense of necessary contributions.
- 1.2** The city council has tested the viability of development in Peterborough as part of the development of the CIL, on the basis of current conditions and taking into account the provision of 30% affordable housing with no grant provision, in line with current policy requirements.
- 1.3** Viability and deliverability issues are a reoccurring theme throughout the Core Strategy and supporting/associated documents. There is a balance to be struck between meeting all policy requirements considered necessary for achieving sustainable development and financial viability at the macro-scale.

2. The city council's approach to viability

- 2.1** A developer can easily calculate their likely CIL charge and can make a reasonable estimation for s106 planning obligations to address site specific impacts.
- 2.2** If developers wish to raise the viability of their development as an issue for its deliverability they will be expected to set it out in a formal submission to the city council prior to the submission of a planning application; including:
- Whether viability considerations mean that they are not able to provide the full policy requirements deemed to be necessary to be secured through a s106 (e.g. affordable housing) and the statutory CIL charges.
 - Why they consider not meeting the policy requirements should be found acceptable.

2.3 The assessment of this information will be considered on a case by case basis. It will involve weighing the additional benefits of a scheme (over and above for example the delivery of a development per se) compared with the degree of harm resulting from potential under-provision or delayed provision of infrastructure (including affordable housing). This will assist the city council in reaching a decision on whether or not the benefits of the scheme outweighs the general principle that planning permission should be refused unless policy requirements are met.

3. Viability Assessments

3.1 If the principle that a reduction or deferral of contributions (including affordable housing) may be appropriate and has been discussed with the city council, then the developer will need to submit a viability assessment.

3.2 An evidential approach to viability and benefits is required and the city council will not consider possible policy compromises simply on the basis of generalised arguments about the economy at large. What matters is the specific development economics of the scheme and an informed view as to what policy requirements can and cannot be reasonably and fairly afforded and the benefits of progressing on that basis. This allows for a fair and even-handed approach.

3.3 The following additional guidance on viability assessments should be adhered to:

- Provision of financial information about the scheme will be on an “open book” basis;
- Developers should provide the following as part of their viability assessment:
 - Electronic version of the viability assessment in the form of the Homes and Communities Agency supported Development Appraisal Toolkit (DAT). Where appropriate other viability approaches may be acceptable subject to agreement with the city council;
 - Full Build Cost Plan;
 - Market Evidence for Sales Rates – set out in a sales and marketing report, including comparables;
 - Market evidence to support Gross Development Value and the assumptions on yield and financing costs. ;
 - Market Evidence for Site Value and/or legal evidence of land purchase price;
 - Development and Sales Programme;
 - Likely CIL charge including showing payments in line with the adopted Instalments Policy.
- The basis of the valuation will be on current values and costs, including current land values, rather than historic values or the price originally paid for the land. Larger schemes with longer development periods, phasing or with later implementation timeframes are likely to require a review of costs and values part way through the development.
- Any analysis will be based on land values as set by the application of planning policy in determining the permissible scope of development, rather than on the price actually paid for the land. For this reason valuations will be done on a residual basis where the value of land is an output of the process. Arguably no allowance should

be made for the original cost of purchasing the land or for payments that are contracted to be made to the landowner or third party under an existing option, conditional land sale agreement, profit share (overage) or clawback arrangement. If it is suggested that the viability of the development is comprised as a result of an allowance for these items then it will be at the discretion of the city council as to what extent, if any, obligations are amended in recognition of them.

- A Development Appraisal will follow the principle as set out below:

$$\text{Gross Development Value} - \text{Total Build Costs} - \text{Developer's Profit} = \text{Residual Land Value.}$$

- The city council may seek independent valuation advice to review the viability assessment – the cost of that advice will be met by the developer.
- Any concerns regarding viability of the development must be highlighted by the developer at pre-application stage.
- Viability assessments should also be provided at the late/final pre-application stage, just before submission of the planning application, and certainly no later than when the planning application is submitted otherwise the application will not be validated.

3.4 If the proposal involves affordable housing, the valuation assessment must assess the scheme on the basis of no grant for affordable housing. Written confirmation is also required to demonstrate grant funding is not available. Where the scheme delivers significant social benefits, special account may be taken of this in assessing the appropriate level of contribution.

3.5 The Residual Value i.e. the payment to the landowner is a variable to take into account, assuming that sufficient positive land value is required for implementation of a permission. The Residual Land Value should exceed the Existing Use Value (EUV) and any Alternative Use Value (AUV) based on an extant planning permission for that use.

3.6 The key variables to be considered include:

Value of residential sales

Independent evidence and evaluation will be required to justify the values used.

Value of affordable housing

The Council will require a statement setting out the assumptions made in terms of tenure, including where appropriate rents, yields, management costs and likely/agreed levels of Social Housing Grant if any.

Commercial values

Independent evidence and evaluation will be required to justify the values used, including rents, capital values and investment yields

Build Costs

A professional build cost plan will be required, including justification from a recognised quantity surveyor. Build costs must set out the quality of construction to be adopted including, if applicable, adopting building sustainability performance measures such as the Code for Sustainable Homes or Building Research Establishment Environmental Assessment Method. Any abnormal or exceptional costs that are identified must be explained and supporting evidence provided, including quotes for the identified works.

Planning obligations

Planning obligations in line with this SPD should be provided for, including affordable housing in compliance with the city council's adopted policy.

Finance Costs

Including borrowing rate and period of borrowing.

Developer's Profit

The appraisal must demonstrate the percentage profit that the scheme will deliver.

Existing Use Value or Alternative Use Value

A formal valuation in compliance with the requirements of the RICS Valuation Standards (the Red Book) will be required in support of the Existing Use Value and/or Alternative Use Value.

4. Potential actions if “benefits” are identified

- 4.1** If the city council considers that there are benefits of approving a non-policy compliant scheme, a number of potential courses of action will be considered to both enable the development to proceed but to also ensure the early delivery of the scheme and/or to capture any enhanced value arising from improved market conditions during the course of the development. These are as follows:
- 4.2** Deferred timing of planning obligations: This option will generally be explored first before considering reducing the quantum of contributions. Options that may be considered if justified include:
- Provision of site-specific infrastructure in phases with some on commencement of development and some at a later date, related to a specified trigger point.
 - Deferral of financial payments due under a planning obligation to a later stage of the development – however the city council will be cautious of this as it could lead to difficulties in securing the funds at a later stage in the development.
- 4.3** The city council will expect appropriate mechanisms to be included in the s106 agreement to provide maximum security/minimum risk to the city council in relation to securing these contributions.
- 4.4** Reduce quantum of contributions through s106 and use CIL funds to deliver what has been reduced from the s106 Agreement: Where viability issues still remain after investigating opportunities to defer the timing of obligations, it may be possible to reach an agreement with the city council whereby it will use a portion (minimal possible) of the compulsory CIL funds payable to deliver elements of the site specific infrastructure that

would normally be secured through a s106 Agreement. If agreed, this will be set out in the R123 list and in the programmes of spend put forward on an annual basis by service providers (the IDS). Note: This process does not apply to Affordable Housing Provision.

Example – it is necessary for a development to undertake works to provide traffic management measures on the highway network because of the unacceptable impact on the highway network which is heavily congested at peak times. This would normally be secured by way of a s278 Agreement as part of a wider planning obligation agreement. If viability issues are demonstrated, that have not been addressed by other steps, then the city council and/or the Highway Authority could agree to waive the requirement to secure, via a planning obligation, some of these works

- 4.5** Reduce quantum of planning obligations including affordable housing: For this option to be used, the following principles apply:
- Reductions will be the minimum necessary to make the scheme viable.
 - A judgment will be made by the city council in terms of the scale of reduction required relative to the benefits of the scheme.
- 4.6** CIL 'Exceptional Circumstances' Relief: In addition to the mechanisms set out in this SPD to introduce as much flexibility into the system as is reasonably possible without compromising the ability to secure sustainable development in Peterborough, there is specific exceptional relief offered as part of the CIL. This is a last resort option and must be in line with the regulations permitting such relief
- 4.7** Mechanisms to secure early delivery: Where changes to the timing or quantum of contributions are agreed the city council will likely seek the early delivery of the scheme. These may include:
- Granting of a short life planning permission – e.g. maximum of 12 months.
 - Securing commitments to commence development within a specified period of time after the granting of planning permission.
 - Specifying time limits on the time allowed to complete the scheme, and/or specific phases or elements of a scheme.

4.8 Securing additional funding: To help assist with the delivery of infrastructure and affordable housing, particularly where contributions have been reduced or the timing of infrastructure delayed as a result of viability considerations, the city council will expect developers and their partners to bid for funding streams where available. The city council will be able to offer information in relation to this on request.

4.9 Mechanisms to capture any uplift in the market: Where the city council has accepted reductions in the level of contributions/affordable housing based on the current viability situation, it will expect mechanisms to be put in place that allow additional contributions to be provided later in the scheme if and when viability has improved. This is likely to take the form of overage or clawback clauses in the s106 agreement. The city council will expect any such clauses to be based on the following principles:

- Any calculations of clawback should be based on the uplift in net profit of the scheme (not gross development value);
- The “clawback” should constitute a substantial element of the additional net profit, secured as additional financial contributions and/or affordable housing;
- Clawback/overage clauses will require a re-assessment of costs and values (and validation) of the scheme near to the end of the development, at around the time that 90% of the development has been completed;
- The re-valuation will require independent assessment (such as by the District Valuer) with the cost of this independent assessment to be met by the developer;
- Any enhanced value/profit identified from the scheme should not include any input from any grant secured – such grant should be used in full for delivering the infrastructure/affordable housing that it was provided for;
- Clawback may be accepted in the form of affordable housing units rather than financial contributions;
- The amount of clawback secured will be limited to the full policy requirement for the scheme.

Appendix E – Draft CIL Regulation 123 List

Draft CIL Regulation 123 List

Peterborough City Council Community Infrastructure Levy

(To accompany the Community Infrastructure Levy Draft Charging Schedule consultation)

The infrastructure listed below has been divided into infrastructure types in Peterborough that are eligible for CIL funding and those that are not.

The Draft Regulation 123 list, as set out below, defines which projects and/or types/sections of infrastructure that the council will fund through CIL revenues. It will take effect upon the implementation of the Council's CIL Charging Schedule. The list is not definitive, and in no order of priority, as no formal decisions have yet been taken to confirm how CIL funds will be allocated amongst the listed infrastructure types/projects. It lists infrastructure types/projects that CIL could be used to fund, and by default, what S106 planning obligations contributions can't.

Infrastructure types and/or projects that will, or may, be funded in whole or in part by CIL:

Development Specific infrastructure (Non-CIL funded)	Remaining Infrastructure (CIL funded in whole or part)
Local site-related road / transport requirements	Remaining Roads and other Transport facilities
Site specific education provision contributions for sites of 500 dwellings or more	Remaining Educational facilities
Site specific health provision contributions for sites of 500 dwellings or more	Remaining Health facilities
Site specific indoor sports and recreational facilities contributions for sites of 500 dwellings or more	Remaining Indoor Sports and Recreational facilities
Site specific community buildings contributions for sites of 500 dwellings or more	Remaining Community buildings
Site specific library, museum, and life-long learning provision contributions for sites of 500 dwellings or more	Remaining library, museum, and life-long learning facilities
Site-specific waste management provision contributions	Remaining Waste Management infrastructure
Site specific emergency services contributions for sites of 500 dwellings or more	Remaining Emergency services
Local site-related utility requirements	Remaining Utilities
Local site-related flood risk management solutions/ requirements	Remaining Flood risk management schemes
Site specific public realm contributions for sites of 500 dwellings or more	Remaining Public Realm infrastructure
Site specific strategic outdoor open space contributions for sites of 500 dwellings or more	Remaining strategic outdoor open space infrastructure
Site specific non-strategic open space provision contributions for sites over 14 dwellings	Remaining non- strategic outdoor open space infrastructure
	Crematorium and Burial Grounds infrastructure
	Strategic Green infrastructure

Appendix F – Open Space Glossary

Doorstep Outdoor Play Space - DOPS (accompanied children up to 7 years of age - replacing LAPs)

These represent the base level of facility provision. The aim is to make them very accessible and therefore within easy reach of accompanied young children.

Because of the basic requirements, these facilities might be located on a wide range of open spaces that also serve other purposes. Parks and many existing green spaces will meet this requirement for a very local area for young children, and provision of playspace for the very young should therefore be considered in the context of the wider Open Space Strategy.

However, there are parts of the City not within easy reach of a park or green space, and there may be a need in such locations to consider LAP's.

DOPs should be within easy walking distance (5 minutes walking time from home). Wherever possible they should be located to coincide with routes and destinations for other regular trips (school, shops, parks etc). They may also be located on open space shared for other compatible recreation (such as in parks, playing fields, or general amenity space). They need to accommodate, for example, low-key games and exercise, imaginative/social play, and play with small toys. The emphasis is on encouraging younger children to be accompanied and regularly visiting whilst the parent/carer is on route to (say) school or local shops.

No minimum space specification is appropriate, subject to provision of sufficient space to allow for creative play taking into account surrounding physical constraints.

The funding and maintenance of such areas are addressed elsewhere in this Supplementary Planning Document.

Local Areas of Play (LAPs)

As above but inclusive of at least three pieces of play equipment and small low key games area with play features on approximately 50-100m².

Junior Outdoor Play Space (JOPS) (replacing NPFA LEAPs.)

These are aimed primarily at junior school children (although there should be consideration to the needs of younger accompanied children for equipped playspace). The following specification reflects evidence that most parents and many children prefer to walk further to get to better-equipped playspace as well as providing for ball and wheeled play and preferences for well-designed and landscaped play space.

Provision per population	1:2,000 people
Location	10 minutes walking time from home – straight line distance 450 m.
Target age group	Accompanied and unaccompanied seven to eleven-year-olds. Consideration should also be given to accompanied younger children (segregated area).
Purpose	A Junior Play Area should cater for a large range of play activity, including an area for informal ball games and/or low key wheeled sports.
Equipment/Landscaping	<p>Play area designed as per good practice guidelines and include minimum 6 differing items of traditional play equipment.</p> <p>They should also contain 'low key' casual ball play and/or wheeled sports facilities. For example:</p> <ul style="list-style-type: none"> • An informal Wheel Play facility (Max height 1m approx); • A single ended 'multi use ball games area' comprising Goal mouth; Basket/netball hoop; Cricket Stumps; rear (ball retention) wall (3m high) on a tarmac playing surface. <p>Some form of Shelter (Meeting Place) should also be provided to give some protection from rain & wind.</p> <p>For the younger users equipment included should be small-scale and appropriate for young children.</p> <p>Also to include seating for adults.</p> <p>Landscaping to maximise play value.</p>
Area	<p>Activity zone minimum of 625 sq m.</p> <p>Buffer zone 30 m between the edge of the activity zone and residential property. The buffer zone should include footpaths and planted areas. Buffer zone landscaping to include child-friendly</p>

	planting (e.g. natural scent, colour and texture).
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Youth Outdoor Play Space (YOPS) (replacing NPFA NEAPS)

Designed specifically to meet the needs of older children and young people, reflecting their greater mobility and willingness to walk further than younger children.

Provision per population	1:8,000 people
Location	Within 20 minutes walking time from home – straight line distance 800m
Target age group	Primarily for unaccompanied and unsupervised 12-16 year-olds (some provision for younger children)
Purpose	Provides challenging and stimulating play opportunities and youth facilities
Equipment/Landscaping	<p>Play area designed as per good practice guidelines and include 2 separate Areas as below:</p> <ol style="list-style-type: none"> 1. A range of challenging and stimulating play facilities. At least 8 items (could be variously linked in multi-play units) with at least 4 items to encourage more adventurous climbing, swinging or gliding (e.g. aerial runway). 2. Hard surface floodlit Multi-Use Games Area of at least 465 sq m. and/or wheeled play facilities. <p>Landscaping to maximise play value.</p> <p>Also to include:</p> <ul style="list-style-type: none"> • Seating for adults. • Youth shelter/seating/meeting area for teenagers (well lit). <p>The site may also include additional/alternative youth facilities in line with consultation with local young people.</p>
Area	<p>Total Activity zone minimum of 1000 sq m.</p> <p>Buffer zone at least 35m from activity zone to nearest residential property (50m if formal skateboarding facilities included).</p>

Family Outdoor Play Space (FOPS)

Within the city access to Family Play Facilities is an objective of the open space standards. These cater for all age groups (young accompanied children to youth). When planning new facilities consideration must be given to accessibility from the rural areas too.

Provision per population	1:35,000 people
Location	Within 20 minutes cycle-time (3 to 4 mile straight line distance) on safe routes, links to public transport, and normally linked to a popular city wide park destination.
Target age group	Families - Unaccompanied and accompanied under 19 year-olds.
Purpose	To provide challenging and stimulating play opportunities for all age groups. Family visits.
Equipment/Landscaping	<p>Play area designed as per good practice guidelines to include 3 separate Areas as below:</p> <ol style="list-style-type: none"> 1. <i>Toddler area (under 7s)</i> - small-scale and appropriate for the age; at least 3 types of equipment; seating and dog fencing. Landscaping to maximise play value. 2. <i>Junior area (7-11s)</i> - minimum 6 differing items of traditional play equipment. <ul style="list-style-type: none"> Containing 'low key' casual ball play and/or wheeled sports facilities. For example: <ul style="list-style-type: none"> • An informal Wheel Play facility (Max height 1m approx); • A single ended 'multi use ball games area' comprising Goal mouth; Basket/netball hoop; Cricket Stumps; rear (ball retention) wall (3m high) on a tarmac playing surface. 3. <i>Over 12s area</i> - Hard surface Multi-Use Games Area of at least 465 sq m. and/or formal wheeled play facilities. <p>Landscaping to maximise play value.</p> <p>Also to include:</p> <ul style="list-style-type: none"> • Seating for adults. • Youth shelter/seating/meeting area for teenagers. • Nearby toilets and facilities for refreshments <p>The site may also include additional/alternative youth facilities in line</p>

	with consultation with local young people.
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Family Outdoor Play Space (FOPS) cont'd

Area	<p>Activity zone minimum of 1500m².</p> <p>Buffer zone 30 m between the edge of the activity zone and residential property. The buffer zone should include footpaths and planted areas. Buffer zone landscaping to include child-friendly planting (e.g. natural scent, colour and texture).</p>
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Allotments

Provision per population	0.28ha per 1,000
Location	Within 15 minutes walking time from home – straight line distance 560m.
Target age group	Families - Unaccompanied and accompanied under 19 year-olds. Independent adults of all ages
Purpose	For allotment gardening / community farming
Equipment/Landscaping	Fencing, road/pathways and water supply to plots.
Area	Min size approx. 0.5ha

Neighbourhood Parks

Neighbourhood Parks cater for all age groups (young accompanied children to youth).

Provision per population	1:2,500 people
Location	Within 15 minutes walking time from home – straight line distance 560m.
Target age group	Families - Unaccompanied and accompanied under 19 year-olds. Independent adults of all ages
Purpose	Formal and informal recreational pursuits for all age groups, including sitting out and walking.
Equipment/Landscaping	Landscaped area with formal and informal planting, providing a range of activities that may include outdoor sports facilities and playing fields, children's play for different age groups.
Area	Between 1-6ha.

Appendix G

Indicative Thresholds for Transport Assessments

Thresholds based on size or scale of land use						
	Land Use	Use/ description of development	Size	No Assessment	Transport Statement	Transport Assessment / Travel Plan
1	Food retail (A1)	Retail sale of food goods to the public – food superstores, supermarkets, convenience food stores.	GFA	<250 sq. m	>250 <800 sq.m	>800 sq. m
2	Non-food retail (A1)	Retail sale of non-food goods to the public; but includes sandwich bars – sandwiches or other cold food purchased and consumed off the premises, internet cafés.	GFA	<800 sq. m	>800 <1500 sq.m	>1500 sq. m
3	A2 Financial and professional services	Financial services – banks, building societies and bureaux de change, professional services (other than health or medical services) – estate agents and employment agencies, other services – betting shops, principally where services are provided to visiting members of the public.	GFA	<1000 sq. m	>1000 <2500 sq. m	>2500 sq. m
4	A3 Restaurants and cafés	Restaurants and cafés – use for the sale of food for consumption on the premises, excludes internet cafés (now A1).	GFA	<300 sq. m	>300 <2500 sq.m	>2500 sq. m
5	A4 Drinking establishments	Use as a public house, wine-bar or other drinking establishment.	GFA	<300 sq. m	>300 <600 sq.m	>600 sq. m
6	A5 Hot food takeaway	Use for the sale of hot food for consumption on or off the premises.	GFA	<250 sq. m	>250 <500 sq.m	>500 sq. m
7	B1 Business	(a) Offices other than in use within Class A2 (financial and professional services) (b) research and development – laboratories, studios (c) light industry	GFA	<1500 sq. m	>1500 <2500sq.m	>2,500 sq. m
8	B2 General industrial	General industry (other than classified as in B1), The former 'special industrial' use classes,	GFA	<2500 sq. m	>2500 <4000 sq. m	>4000 sq. m

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		B3 – B7, are now all encompassed in the B2 use class.				
9	B8 Storage or distribution	Storage or distribution centres – wholesale warehouses, distribution centres and repositories.	GFA	<3000 sq. m	>3000 <5000 sq. m	>5000 sq. m
10	C1 Hotels	Hotels, boarding houses and guest houses, development falls within this class if 'no significant element of care is provided'.	Bedroom	<75 bedrooms	>75 <100 bedrooms	>100 bedrooms
11	C2 Residential institutions - hospitals, nursing homes	Used for the provision of residential accommodation and care to people in need of care.	Beds	<30 beds	>30 <50 beds	>50 beds
12	C2 Residential institutions – residential Education	Boarding schools and training centres.	Student	<50 students	>50 <150 students	>150 students
13	C2 Residential institutions – institutional hostels	Homeless shelters, accommodation for people with learning difficulties and people on probation.	Resident	<250 residents	>250 <400 residents	>400 residents
14	C3 Dwelling houses	Dwellings for individuals, families or not more than six people living together as a single household. Not more than six people living together includes – students or young people sharing a dwelling and small group homes for disabled or handicapped people living together in the community.	Dwelling Unit	<10 units	>9 <80 units	>80 units
15	D1 Non-residential Institutions	Medical and health services – clinics and health centres, crèches, day nurseries, day centres and consulting rooms (not attached to the consultant's or doctor's house), museums, public libraries, art galleries, exhibition halls, non-residential education and training centres, places of worship, religious instruction and church halls.	GFA	<500 sq. m	>500 <1000 sq.m	>1000 sq. m
16	D2 Assembly and leisure	Cinemas, dance and concert halls, sports halls, swimming baths, skating rinks, gymnasiums, bingo halls and casinos. other indoor and outdoor sports and	GFA	<500 sq. m	>500<1500 sq.m	>1500 sq. m

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		leisure uses not involving motorised vehicles or firearms.				
17	Others	For example: stadium, retail warehouse clubs, amusement arcades, laundrettes, petrol filling stations, taxi businesses, car/vehicle hire businesses and the selling and displaying of motor vehicles, nightclubs, theatres, hostels, builders' yards, garden centres, POs, travel and ticket agencies, hairdressers, funeral directors, hire shops, dry cleaners.	TBD	Discuss with appropriate highway authority	Discuss with appropriate highway authority	Discuss with appropriate highway authority

Thresholds based on other considerations				
	Other considerations	TS	TA	TA/TP
1	Any development that is not in conformity with the adopted development plan.			✓
2	Any development generating 30 or more two-way vehicle movements in any hour.		✓	
3	Any development generating 100 or more two-way vehicle movements per day.		✓	
4	Any development proposing 100 or more parking spaces.		✓	
5	Any development that is likely to increase accidents or conflicts among motorised users and non-motorised users, particularly vulnerable road users such as children, disabled and elderly people.			✓
6	Any development generating significant freight or HGV movements per day, or significant abnormal loads per year.		✓	
7	Any development proposed in a location where the local transport infrastructure is inadequate. – for example, substandard roads, poor pedestrian/cyclist facilities and inadequate public transport provisions.		✓	
8	Any development proposed in a location within or adjacent to an Air Quality Management Area (AQMA).		✓	

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CABINET	AGENDA ITEM No. 6
28 JULY 2014	PUBLIC REPORT

Cabinet Member(s) responsible:	Cllr David Seaton, Cabinet Member for Resources		
Contact Officer(s):	Phil McCourt, Interim Head of Governance	Tel. 452576	

PETITIONS SCHEME

R E C O M M E N D A T I O N S	
FROM: Director of Governance Constitution Review Working Group (all party)	Deadline date : 8 October 2014
<p>1. That Cabinet adopt and recommend to Council:</p> <p style="margin-left: 40px;">a. The draft petition Scheme set out as Appendix A:</p> <p style="margin-left: 40px;">b. The levels of valid signatures, as the Cabinet may determine, required in a petition to trigger the varying procedural responses within the Scheme; and</p> <p style="margin-left: 40px;">c. To authorise the Director of Governance to make such minor, technical and procedural changes as she considers it necessary to ensure the Scheme meets standards of best practice in public administration</p>	

1. ORIGIN OF REPORT

1.1 This report is submitted to Cabinet the adoption of revised Standing orders by Council and the withdrawal of the Authority's former petition scheme.

2. PURPOSE AND REASON FOR REPORT

2.1 A Constitution Review Group, a Member Working Group, (CRG) has been undergoing a process of updating the Council's Constitution. Following the CRG's first tranche of work to assess the standing orders applying to meetings of the Council and its Committees and Sub-Committees, it looked to the adoption of revised petition provisions, resulting in the recommendations contained within this report.

2.2 This report is for Cabinet to consider under its terms of reference no. 3.2.5 'to review and recommend to Council changes to the Council's Constitution, protocols and procedure rules'.

3. TIMESCALE (If this is not a Major Policy item, answer **NO** and delete second line of boxes).

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	n/a
Date for relevant Council meeting	Sep 14	Date for submission to Government Dept (please specify which Government Dept)	n/a

4. BACKGROUND AND CONSIDERATIONS

- 4.1 A Constitution Review Group, a Member Working Group, (CRG) has been undergoing a process of updating the Council's Constitution. The first tranche of work was to assess the standing orders applying to meetings of the Council and its Committees and Sub-Committees, resulting in the adoption of new Council Standing Orders.
- 4.2 In considering the new Standing Orders there was adopted a direct provision that a petition could be submitted to the meeting of full Council, with the lead petitioner or their ward councillor speaking for one minute in presenting it. The petition would then be referred on to the appropriate place without further discussion or comment.
- 4.3 CRG considered that, rather than having the petition scheme set out in the standing orders, submission of petitions to be referred on in a straightforward way and supported by a new petition scheme, which would be produced to bring to Cabinet and for recommendation on to Council.
- 4.4 The previous petition scheme was a statutory construct, which was introduced in 2009 and then later withdrawn on recognition of the comments from councils. The Government stated that it had recognised the disproportionate level of prescription and bureaucracy that it placed on local authorities.
- 4.5 That previous scheme had at its heart a right for the public to call officers to account before a scrutiny committee and, more particularly, a right for the subject of the petition to be debated by full Council where the petition was made up of more than 500 valid signatures.
- 4.6 The principles discussed by the CRG included whether or not to keep the trigger for a full Council debate on the petition. The CRG agreed that it should be kept and similarly triggered by receipt of a set number of valid signatures.
- 4.7 Also discussed was the ability of a petitioner to address the Cabinet, on either a stand-alone subject or where the petition related to an item of business being considered by the Cabinet or a Cabinet Member. Likewise, the ability of a petitioner to address an overview and scrutiny committee or commission where the petition is on an item of their business or on a matter that is not a function of the Council but is relevant to the area of the City.
- 4.8 The CRG considered that the ability to address Cabinet or a scrutiny committee/commission should not be automatic, as it is at a number of authorities, but should similarly be triggered by a certain level of support for a petition. CRG considered that it would be easier for petitioners and the Council if the level of support required were the same for Cabinet and a scrutiny committee/commission.
- 4.9 The CRG felt that the petition scheme should otherwise remain the same where the provisions were thought to be simple, straightforward and assisted transparency. These were namely that
- The scope of a petition to be valid should remain
 - The minimum number to form a petition should be twenty
 - The petitioners could deliver the petition directly to officers if they wished
 - That e-petitions would be noted but could not otherwise be actioned in the same way as a written petition
 - That the outcome of petitions would be recorded and the outcome presented to Cabinet
- 4.10 The CRG therefore asked that a new petition scheme be drawn up and presented to Cabinet for recommendation to Council. The framework of the petition scheme should be:

- a) All petitions as accepted as valid for the Council to consider could be presented at full Council if the leading petitioner wishes and may speak for 1 minute (as now adopted in Standing Orders)
- b) Over a certain number of valid signatures will result in a report and/or the ability to speak on the topic concerned for 4 minutes at the Cabinet if an executive function, Regulatory Committee for those functions and relevant Scrutiny for all else
- c) Over a certain number of valid signatures will result in a debate at full Council
- d) Other petitions will be referred to the relevant officer and the outcome will be recorded in a regular petitions report to Cabinet.

A draft Petition Scheme of that nature is attached as Appendix A

- 4.11 The only difference of opinion between the CRG members was over the numbers needed to trigger a process. As a result, discussion was had between the officers and each political group in turn, the outcome of which was reported to the CRG. Nonetheless, this issue has not been able to be resolved.
- 4.12 The views ranged between 2,500 to trigger a cabinet or committee presentation and 5,000 for a Council debate to no trigger (beyond the minimum 20 for a petition) and 500.
- 4.13 By comparison, other authorities that have consciously moved away from the old statutory scheme introduced limits to trigger a full council debate at the following levels:
 - Cornwall 5,000
 - Bristol 3,500
 - Lambeth 3,000
 - Bath 1,000
- 4.14 Triggers for a similar right to speak at Cabinet or Committee is harder to find as these tend either not to exist, are part of separate public participation provisions or are part of individualistic schemes.
- 4.15 Cabinet is therefore asked to determine appropriate levels of valid petition signatures and consider the proposed scheme to adopt and recommend to Council.

5. ANTICIPATED OUTCOMES

- 5.1 A petition Scheme may be adopted by the September 2014 meeting of Council following Cabinet's decision.

6. REASONS FOR RECOMMENDATIONS

- 6.1 Petitions are recognised by the Council, through its Standing Orders and current practice, as a valid and helpful means of communicating the concerns of those who live or work within the City to the Council. An adopted Scheme will assist the petitioners and the Council alike in determining how best to make, receive and respond to a petition.

7. ALTERNATIVE OPTIONS CONSIDERED

- 7.1 The likeliest alternative was to adopt separate provisions in the standing orders or terms of reference to each committee or the cabinet. This will not be as easy to understand or navigate.

8. IMPLICATIONS

- 8.1 It is no longer a legal requirement to adopt a petition scheme but is considered best practice. Not having a scheme can create confusion and frustration.

8.2 There are financial implications in administering a scheme and responding to a petition in the form of officer and Member time.

9. BACKGROUND DOCUMENTS

No relevant documents not otherwise published were used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

Peterborough City Council Petitions Scheme

1. Introduction

1.1. The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the council will receive an acknowledgement from the Council within 15 working days of receipt.

1.2. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

1.3. Paper petitions can be sent to: [...]

A petition template is available at Appendix 1 and this will help you to see what information we need in order to consider your petition under the terms of the council scheme.

1.4. Petitions can also be presented to a meeting of the council. These meetings take place approximately every 6 weeks, dates and times can be found here

1.5. If you would like to present your petition to the council, or would like your councillor or someone else to present it on your behalf, please contact Governance Services on (01733) ... at least 10 working days before the meeting and they will talk you through the process.

1.6. Any written petition can be submitted at a meeting of the full Council. The lead petitioner will have one minute to present the petition, which will be received by the Council without comment.

1.7. If your petition has received NNNN signatories or more from people who live, work or study in Peterborough it can then trigger submission of the petition to the Cabinet or Scrutiny Committee or Commission alongside or in advance of the business your petition is seeking to affect. If this is the case we will discuss with the lead petitioner the options for enabling this to take place.

1.8. If your petition has received NNNN signatories or more from people who live, work or study in Peterborough a full Council debate and if this is the case we will discuss with the lead petitioner the options for enabling this to take place.

1.9. The outcome of all petitions submitted in writing are published in a report for the Council's Cabinet to consider.

2. Petitions that cannot be dealt with through this Scheme – Planning and licensing decisions

2.1 The following matters are excluded from this petitions scheme

- Any matter relating to a planning decision, including about a development plan document or community infrastructure levy (a new local levy that authorities can choose to introduce to help fund infrastructure in their area.)
- Any matter relating to an alcohol, gambling or sex establishment licensing decision.*
- Any matter where there is an appeals procedure in place

A 'Licensing Decision' is:

- Any decision in relation to an application for the grant, variation or review of any authorisation under Part 3 or 4 of the Licensing Act 2003 (premises licences and club premises licences) or any hearing or appeal in respect of any such application.
- Any decision in relation to the application for the grant, renewal or transfer of a licence under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (control of sex establishments), a request for the variation of any term, condition or restriction contained in such a licence or the revocation of such a licence.
- Any decision in relation to any application for a licence, permit or registration under the Gambling Act 2005, a request for a variation of any term, condition or restriction associated with any such licence, permit or registration or the revocation of any such licence, permit or registration.

in the above areas is within the scope of this scheme (e.g. while a petition on an individual planning application could not be taken, a petition about the council's failure to deliver an effective service for planning applications would be within the scope of this scheme).

2.2 If you wish to submit a petition on a planning or licensing matter, the arrangements are as follows :

- Petitions relating to licensing decisions should be e-mailed to [...] Further information on how to submit a review to a licenced premises is available through [...]
- Petitions relating to planning decisions should be e-mailed to [...@Peterborough.gov.uk] or sent to the following address [...] Further information on how to have your say on planning applications is available through following this link [...]

3. What are the guidelines for submitting a petition

3.1. Petitions may be submitted to the full Council, the Cabinet or Committees and Sub-Committees of the Council. Under the terms of this scheme they must include:

- A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take

- The name and address and signature of any person supporting the petition (you are deemed to have 'signed' the petition if you have added your name and address to it.)
 - A minimum of 20 signatures of people who live, work or study in the Peterborough local authority area
- 3.2. Petitions should be accompanied by contact details, including an address, for the petition organiser who must also live, work or study in the Peterborough local authority area. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.
 - 3.3. If your petition does not reach the minimum requirement of 20 signatures, particularly where the issue relates to a small locality, we will seek to advise you of other ways in which your views could be considered. A petition with fewer than 20 names will be considered if the signatories comprise a majority of the residents and/or stakeholders affected by the issue raised.
 - 3.4. A short form is available to download here (see Appendix 2), which enables you to easily set out the main summary information we require when you submit your petition.
 - 3.5. If you want to submit a petition to a specific meeting of the Council, Cabinet or any committee meeting (including scrutiny commissions) then you need to ensure that we receive a completed petitions submission form or at the very least, provide us with details of the petition subject matter, number of signatures and your contact details by no later than 12.00 noon on the working day before that meeting to enable it to be submitted there.
 - 3.6. Please note petitions submitted by the petitioner to meetings of the council will not be discussed in detail at that point, unless there is an agenda item specifically relating to that issue. Petitions received in this way will be passed to the appropriate councillor, officer or forum for proper consideration.
 - 3.7. Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. We will explain the reasons for this in our acknowledgement of the petition.
 - 3.8. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply.
 - 3.9. If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

4. What will the Council do when it receives my petition?

- 4.1. An acknowledgement will be sent to the petition organiser within 15 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website and on our e-petitions site where all petitions received will be registered.
- 4.2. If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If some other action is proposed or intended, the acknowledgement will explain this. If the petition has enough signatories to trigger a Council debate, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.
- 4.3. We reserve the right to verify signatories as required. Please ensure you include a valid address and postcode that relates to your home address (if you live or study in Peterborough) or work address (if you work or run a business in Peterborough). These details will be taken into account when identifying if there are enough signatories from people who live, work or study in Peterborough to trigger a full Council debate.
- 4.4. Any petition that is a duplicate or near duplicate of another petition that the Council has already received will not normally be considered within a 12 month period although officers will exercise their discretion in individual cases. You are advised to check the details of previous petitions on our e-petitions site or contact us for advice at the start of your petition.
- 4.5. To ensure that people know what we are doing in response to the petitions we receive, the details of all the petitions submitted to us including those pending action will be published on our website, except in cases where this would be inappropriate.

5. Full council debates

- 5.1. If a petition contains more than NNNN signatures from people who live, work or study in the city, it will trigger the right to be debated by a meeting of the full Council. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend.
- 5.2. If the petition organiser wishes to take up this opportunity, they will be given five minutes to present the petition at the next available meeting of the full Council. The petition will then be discussed by councillors. Full Council will decide how to respond to the petition at this meeting.

- 5.3. The petition organiser will receive written confirmation of the outcome of the full Council debate, of the Council's decision and any explanation in the event of Council not being able to take the action which has been requested.

6. E-petitions

- 6.1. The council welcomes e-petitions which are created and submitted through our website [...] E-petitions must follow the same guidelines as paper petitions. E-petitions will not trigger the same submission or reporting steps as a petition in made in writing but the response will be published on the E-petition pages.
- 6.2. The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatories. Most petitions run for six months, but you can choose a shorter or longer timeframe. You may wish to time the ending of the petition to coincide with a relevant meeting or decision. It may be helpful to discuss this with our petition administrator. If so, please contact us via email at nnn@Peterborough.gov.uk
- 6.3. When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.
- 6.4. If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.
- 6.5. When an e-petition has closed for signature, it will automatically be submitted to Governance Services. In the same way as a paper petition, you will receive an acknowledgement within 15 working days.
- 6.6. A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.

7. How do I 'sign' an e-petition?

- 7.1. You can see all the e-petitions currently available for signature here [[http:// ...](#)]
- 7.2. When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted

this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete you will have been added as a signatory to the petition. People visiting the e-petition will be able to see your name and the ward to where your postcode relates in the list of those who have signed it, but your contact details will not be visible.

8. What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, please contact the Senior Governance Officer who will review your complaint and will advise you of the action which is intended. Please provide a short explanation of the reasons in your communication with us.

9. Other ways to have your say

9.1 Peterborough City Council is always interested in your feedback on our services or how we can work together better with our partners to improve things in our city.

9.2 There are a wide range of ways you can get involved and have your say, from submitting individual comments on specific issues to participating in consultations that regularly input to shaping our local services.

9.3 You can get involved by writing to us, attending meetings and events or participating online.

9.4 To find out more visit our website www.Peterborough.gov.uk

9.5 If you have a complaint about the Council, we would like to ensure this is sorted out as soon as possible. If you have a problem with a Council service please try and talk to a member of staff, as they may be able to resolve it straight away.

9.6 If it is not possible for you to talk to a member of staff or you prefer to contact us in a different way, please see the details below.

9.7 Contact us:

By phone

.

By e-mail.

By letter. You can write to the department or service concerned.

Appendix A1

**Peterborough City Council
Petition Template**

Guidance notes:

Please use this suggested template alongside the petitions submission form (appendix 2 of the petitions scheme) for any paper petitions you wish to submit to the Council. Additional pages should also include the petition subject at the top of the page.

The Petition organiser must live, work/own a business or study in the City.

If you wish to 'sign' this petition, please put down your Peterborough address if you live, work (or own a business) or study in the City as this will count towards any threshold for debate at full Council meetings (where all Peterborough City Councillors attend).

Other signatories will be taken into consideration in respect of the issue being raised, but will not count towards the numbers required for formal debates under the scheme.

Please also refer to the petitions scheme available on our council website www.Peterborough.gov.uk for further information about how we deal with petitions at the Council.

Petition subject:		
By adding our contact details below we ask that:		
Name	Address (incl. postcode if possible)	Email address (if possible)

**Peterborough City Council
Petitions Submission Form**

Please complete the summary details on this form to assist us in directing your petition to the right place and include it with your petition.

Please note contact details for the petition organiser will not be made public other than name and postcode.

DRAFT

Petition subject	
Action requested by the petitioners	
Number of signatures (please give overall number if combination of paper and e-petition)	
Any eligible petition with 20 signatures or over will be automatically be considered by the Council. However if you prefer the petition can be presented for submission at a relevant public meeting of the council, prior to consideration of the issue raised. Please advise if you wish to submit your petition in this way. Yes/No (please circle)	
Name of Councillor submitting petition on behalf of petitioners (if appropriate)	
Contact details of petition organiser	Name:
	Address:
	Tel:
	Email:

Council use only
Date petition received:

Appendix A2

APPENDIX B

Peterborough City Council Petitions Scheme

Guidance for councillors

Introduction and background

This guidance has been produced to help councillors and officers understand the revised petitions scheme and their role in supporting it.

This could be through:

- Representing your Ward by:
 - Presenting a Petition at a Public Meeting on behalf of a Ward Member (an individual may not be confident enough to present the issue themselves)
 - Acting as Lead Petitioner on a topic that you know your community is concerned about.
- Being asked to consider the topic of petition at a meeting, gather evidence and views on the issue and then draw your conclusions and make recommendations (or make a decision if the issue is referred to you as the relevant Executive Member).

The Scheme gives local people a right to a public response if they sign an eligible petition (provided the petition is not of a vexatious, abusive or otherwise inappropriate nature).

What do I need to do?

Governance Services are responsible for the management of the Petitions Scheme overall and so if you have any queries that cannot be answered by reading this guidance or the Petitions scheme itself, please contact them for assistance.

Currently support to the petitions process is provided by officers in Governance Services

Representing your Ward

Setting up a Petition yourself

If you decide to set up a petition on behalf of your Ward (as Lead Petitioner) or are advising someone else about it there are a few things you will need to consider first, such as whether the issue has already been considered in the last 12 months, is the wording factually accurate etc?

Please see the scheme for help in the first instance.

Receiving a Petition & submitting it on behalf of your ward member or group Governance Services need to be aware of all petitions we receive as an organisation.

Therefore, if you receive one directly this needs to be registered with Governance Services along with some key basic information.

All new petitions received now need to have a summary sheet (submission form) attached (see Appendix 2 on the scheme) to assist with management and tracking of the petition. If you are handed/receive a petition by the public please ensure some basic contact information is taken in order that we can follow up on these details.

Under the scheme, a petition can be directly submitted to Governance Services and officers will register the petition and get agreement about how it should be considered/actioned and then process it accordingly. This is helpful in ensuring the issue is addressed promptly without the delay of waiting for a meeting to present it.

However, the Lead Petitioner may prefer to submit a petition to a public meeting of the Council, which can have more Governance value placed upon the action.

The Lead Petitioner themselves can submit the petition or (if not you), you can be asked to submit and present the petition on their behalf if they are unable to attend the meeting or feel uncomfortable with public speaking.

If you are asked to undertake this, please ensure the petition is submitted to Governance Services no later than 12.00 noon on the working day before that meeting.

The process for dealing with the petition once submitted

When a petition is first received, the council needs to respond within 15 working days to advise the Lead Petitioner (and others online through the e-petition system) what we plan to do with the petition.

Depending on the nature of the issue raised, a Governance Services Officer may ask for information about any related forthcoming forums/meetings/work activity where the issue could be considered.

Once this dialogue has taken place with all relevant Officers and Members an approach will be agreed and the Lead Petitioner notified.

Next steps

The Governance Services Officer will then put in place any arrangements for consideration at a meeting etc and normal reporting timescales will apply where a relevant Officer may be asked to provide a report on the issue in question.

If the issue can be considered by an Executive Member or Officer in the normal course of their duty, then the Governance Services Officer will make that request and they will have 1 month to respond.

Following the conclusion of these activities, the outcome will be passed to the Lead Petitioner and published on our website to enable others to see the Council response as laid out within our petitions scheme unless an exception is explicitly made by Council.

We are keen to ensure that even where the Council cannot do what the petitioner asks for, that the response given explains the reasoning behind it to aid understanding and where feasible suggests other options for support in getting the issue resolved.

Who do I contact if I have a query?

If the Petitions Scheme itself doesn't have the answer, please contact Governance Services on [(01733) ...]. Email: [@Peterborough.gov.uk]

To see our Petitions scheme information up on our Council website please follow this link:

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